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ACT

of 9 June 2011

Geological and Mining Law¹⁾

SECTION I

General provisions

Article 1 1. This Act sets out the rules and conditions for undertaking, carrying out, and discontinuing the activity in the field of:

1) Within the scope of its regulation, this Act implements the following legal instruments of the European Communities:

- 1) Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (OJ L 348, 28.11.1992, p. 9, as amended; OJ EU, the Polish Special Edition, Chap. 5, vol. 2, p. 118);
- 2) Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (twelfth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (OJ L 404, 31.12.1992, p. 10, as amended; OJ EU, the Polish Special Edition, Chap. 5, vol. 2, p. 134, as amended);
- 3) Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons (OJ L 164, 30.6.1994, p. 3; OJ EU, the Polish Special Edition, Chap. 6, vol. 2, p. 262);
- 4) Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1, as amended; OJ EU, the Polish Special Edition, Chap. 15, vol. 4, p. 228, as amended);
- 5) Council Decision 2003/33/EC of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC (OJ L 11, 16.1.2003, p. 27, as amended; OJ EU, the Polish Special Edition, Chap. 15, vol. 7, p. 314, as amended);
- 6) Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No. 1013/2006 (OJ L 140, 5.6.2009, p. 114, as amended).
- 7) Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC (OJ L 178, 28.6.2013, p. 66).

- 1) geological development works;
- 2) extraction of minerals from deposits;
- 3) underground tankless storage of substances;
- 4) underground landfilling of waste;
- 5) underground carbon dioxide storage for the purpose of carrying out a demonstration project of carbon dioxide capture and storage.

2. This Act also sets out:

- 1) the requirements regarding protection of mineral deposits, underground waters and other environmental elements in connection with the pursuit of the activity referred to in paragraph 1;
- 2) the principles of exercising supervision and control over the activity regulated by the Act.

3. A demonstration project of carbon dioxide capture and storage shall be taken to mean a project consisting in capture, conveyance and underground carbon dioxide storage, meeting the criteria for demonstration projects as laid down in Commission Decision No. 2010/670/EU of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council (OJ L 290, 6.11.2010, p. 39), which is implemented for the purpose of verifying:

- 1) effectiveness and usefulness of application of the technology of carbon dioxide capture and storage in the scope of carbon dioxide emission limitation;
- 2) safety of application of the technology of carbon dioxide capture and storage for human health and life and for the environment;
- 3) the need and grounds for admitting to application the technology of carbon dioxide capture and storage on an industrial scale.

4. The conditions for carrying on and controlling the activity consisting in the conveyance of carbon dioxide for the purpose of its underground storage aimed at implementing a demonstration project of carbon dioxide capture and storage are laid down in the Act of 10 April 1997 – Energy Law (Journal of Laws [Dz.U.] of 2017, items 220, 791, 1089, 1387 and 1566).

Article 2 1. The provisions of this Act, except for Chapter III, shall apply accordingly to:

- 1) the construction, extension and maintenance of dewatering systems in liquidated mining plants;
- 2) works conducted in workings in liquidated underground mining plants for purposes other than those set out herein, in particular for tourist, therapeutical and recreational purposes;
- 3) underground works conducted for scientific, research, experimental and training purposes for the needs of geology and mining;
- 4) tunnelling with the use of mining technique;
- 5) liquidation of structures, facilities and equipment referred to in subparagraphs 1 to 4.

2. (repealed);

3. The provisions of the Act regarding entrepreneurs shall apply accordingly to entities that have obtained decisions, other than concessions, that provide the basis for pursuing the activities regulated by this Act.

Article 2a Provisions concerning hydrocarbons shall apply to noble gases.

Article 3 This Act shall not apply to:

- 1) the use of water within the scope regulated by separate provisions;
- 2) execution of excavations and boreholes up to 30 meters deep in order to use the Earth's heat, outside mining areas;
- 2a) execution of excavations and boreholes of up to 30 meters deep in order to construct underground water extractions for the purposes of underground waters intake in an amount not exceeding 5 m³ per day outside the mining districts created to carry out activities with the method of borehole drilling;
- 3) scientific research and teaching activity carried out without performing geological development works;
- 4) the acquisition of specimen minerals, rock and fossils samples for research, collection and teaching purposes without performing mining works;
- 5) the performance of works relating to the artificial supplying of shoreline with sand derived from sea bottom sediments of the maritime territories of the Republic of Poland;
- 6) the extraction of aggregate insofar as necessary to perform urgent flood-prevention works during a state of natural disaster;
- 7) the determination of geological and technical conditions for the foundations

of building structures without executing geological development works.

Article 4 1. The provisions of Divisions III to VIII and Articles 168 to 174 shall not apply to the extraction of sands and gravels intended to satisfy a natural person's own needs, from the immovable property forming the object of such person's ownership right (perpetual usufruct), without the right to dispose of the extracted mineral, provided that at the same time such extraction:

- 1) will be executed without the use of blasting agents;
- 2) will not exceed 10 m³ in a calendar year;
- 3) will not infringe the intended use of the immovable property.

2. Whoever intends to undertake the extraction referred to in paragraph 1 shall notify the competent mining supervision authority thereof in writing, 7 days in advance, specifying the location and duration of the intended works.

3. Where the requirements referred to in paragraphs 1 and 2 are contravened, the competent mining supervisory authority shall, by way of a decision, specify an increased fee for the person conducting such activity, as referred to in Article 140(3)(3).

Article 5 1. Waters, except for brine, curative and thermal waters, shall not be considered minerals.

2. Water:

- 1) of curative properties means underground water containing no chemical or microbiological pollutants and having naturally changeable physical and chemical properties, and:
 - a) dissolved solid mineral components – not less than 1000 mg/dm³ or
 - b) ferrous ions – not less than 10 mg/dm³ (ferruginous water), or
 - c) fluoride ions – not less than 2 mg/dm³ (fluoride-containing water), or
 - d) iodide ions – not less than 1 mg/dm³ (iodide-containing water), or
 - e) bivalent sulphur – not less than 1mg/dm³ (sulphur-containing water), or
 - f) metasilicic acid – not less than 70 mg/dm³ (silica-containing water), or
 - g) radon – not less than 74 Bq/dm³ (radon-containing water), or
 - h) free carbon dioxide – not less than 250 mg/dm³, provided that from 250 to 1000 mg/dm³ means carbonic acid-containing water and above 1000 mg/dm³ acidulous water;
- 2) of thermal properties means underground water, which is at least 20°C warm at the outlet of the intake.

3. Brine means underground water containing at least 35 g/dm³ of dissolved solid mineral components.

4. Waters from dewatering of mine workings shall not be considered brine, curative or thermal waters.

Article 6 1. Within the meaning of this Act:

- 1) geological data – means the results of direct observations and measurements obtained in the course of carrying out geological development works;
- 1a) corrective actions – means actions undertaken in order to:
 - a) remedy or remove irregularities in the process of carbon dioxide injection or storage or in a underground carbon dioxide storage complex, which carry risks of carbon dioxide leakage or threat to health and life of people and the environment,
 - b) stop carbon dioxide leakage to prevent or stop carbon dioxide from escaping outside the underground carbon dioxide storage complex;
- 1b) geological formation – means basic lithostratigraphical subdivision as part of which rock strata can be isolated and presented on a map;
- 1c) geophysical research aimed at the examination of geological structures connected with the presence of hydrocarbon deposits – means the performance of geological development works with an application of geophysical methods, including the works combined with geological development works, excluding works consisting in borehole drilling deeper than 100 m or operations with the use of blasting agents;
- 2) geological information – means geological data and samples along with the results of their processing and interpretation, including but not limited to those revealed in geological studies and recorded on data carriers;
- 2a) underground carbon dioxide storage complex – means a underground carbon dioxide storage site along with geological formations surrounding it which can impact stability and safety of underground carbon dioxide storage;
- 3) extracted mineral – means the whole of the mineral separated from the deposit;
- 4) a building structure of a mining plant – means a structure of a mining plant, situated outside an underground mine working, being a building structure within the meaning of the Act of 7 July 1994 – Construction Law (Journal of Laws of 2017, items 1332 and 1529), serving directly to carry out the activity regulated by this Act in the scope of:

- a) extracting minerals from deposits and, in underground mining plants extracting hard coal, along with preparing the extracted mineral for sale, which is technologically associated with mineral extraction; or
 - b) underground tankless storage of substances; or
 - c) underground landfilling of waste; or
 - d) underground carbon dioxide storage;
- 5) mining area – means the space within the boundaries of which an entrepreneur is entitled to extract minerals and execute underground tankless storage of substances, underground landfilling of waste, underground carbon dioxide storage and perform mining works necessary for the exercise of the concession;
- 5a) underground carbon dioxide storage site – means part of rock mass of specific volume used for the purpose of permanent carbon dioxide storage, connected with the surface injection facility;
- 6) underground landfill of waste – means part of a rock mass, including underground mine working, used for purposes of rendering waste harmless through its landfilling;
- 7) prospecting – means performing of geological development works with a view to establishing and preliminarily documenting the existence of a mineral or water deposit, or underground carbon dioxide storage complex;
- 8) geological development work – means the planning and conducting of research and other acts aimed at determining the geological structure of the country, and, in particular, prospecting and exploring of mineral and underground water deposits, and of an underground carbon dioxide storage complex, as well as aimed at determining the hydro-geological and geological and engineering conditions, as well as drawing up geological maps and documentation and the planning and conducting of research for the purpose of using the Earth's heat or underground waters;
- 9) entrepreneur – means any holder of a concession for pursuing the activities regulated by this Act;
- 10) restoration of the previous condition – means the restoration of the condition which had existed before the damage occurred, in particular by maintaining the same durability, heat-consumption rate, tightness, and technical and functional usability of works, equipment and installations;

- 11) geological development work – means the performance of any activities underground, as part of geological development works, including the activities performed with the use of blasting agents, as well as the liquidation of workings left after such activities;
- 12) mining works – means conducting, maintaining, securing or liquidating mine workings and overburden dumping in strip mining plants in connection with the activity regulated by this Act;
- 13) exploring – means the carrying out of geological development works in the area of preliminarily documented mineral or underground water deposits, or underground carbon dioxide storage complex;
- 13a) accounting of emission – means the accounting of emission volume referred to in *the Act of 28 April 2011 on the greenhouse gas emission allowance trading scheme (Journal of Laws, item 695; and of 2013, item 1238)2*;
- 14) blasting agents – means explosives as defined in the Act of 21 June 2002 on explosives intended for civil use (Journal of Laws of 2017, item 283);
- 15) mining land – means the area expected to become subject to the adverse effects of mining works carried out in a mining plant;
- 16) hydrocarbons – means crude oil, natural gas, and their natural derivatives, as well as methane embedded in hard coal deposits, except for methane appearing as an associated mineral;
- 16a) carbon dioxide leakage – means each release of carbon dioxide out of the underground carbon dioxide storage site;
- 16b) injection of water to rock mass – means the removal of water originating from the drainage of mining excavations, the usage of therapeutic waters, thermal waters, brine, and reservoir waters including waters from geological hydrocarbon repositories, excluding technological waters used in hydrocarbon repositories located in rock salt deposits, consisting in their introduction via boreholes into geological formations isolated from useful aquifers;
- 16c) extraction of hydrocarbons from deposits – means the conducting of extraction of hydrocarbons, including the preparation of extracted hydrocarbons for transport and their transport within the area of a mining plant;
- 17) mine working – means a space in the land immovable property or in a rock mass created as a result of mining works;
- 17a) plant – means a technically and organizationally separated set of resources

serving directly to carry out the activity specified in Article 2(1) or Article 86, including mine workings, building structures, facilities and equipment;

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- 2) The Act expired under Article 151 of the Act of 12 June 2015 on the greenhouse gas emission allowance trading scheme (Journal of Laws, item 1223), which entered into force on 9 September 2015.

- 18) mining plant – means a technically and organizationally separated set of resources serving directly to carry out the activity regulated by this Act in the scope of extracting minerals from deposits and, in underground mining plants extracting hard coal, along with preparing the extracted mineral for sale, which is technologically associated with mineral extraction, as well as in the scope of underground tankless storage of substances, underground landfilling of waste or underground carbon dioxide storage, including workings, construction works, equipment and installations;
- 18a) closure of an underground carbon dioxide storage site – means permanent discontinuation of carbon dioxide injection to an underground carbon dioxide storage site;
- 19) mineral deposit – means a natural accumulation of minerals, rocks, and other substances, the extraction of which may be economically profitable;
- 20) overburden dumping – means a set of acts performed in strip mining plants which are inextricably connected, in technical and organizational terms, with the movement and landfilling of soil and rock masses which are removed from above deposits in order to enable the extraction of a useful mineral.

2. Whenever this Act refers to:

- 1) district executive (starosta) – this shall also mean mayors of metropolitan districts;
- 2) districts – this shall also mean metropolitan districts;

Article 7 1. The undertaking and carrying out of the activity defined herein shall be permitted only if the activity does not infringe the intended use of the immovable property as set out in the zoning plan and in separate provisions.

2. In the absence of a zoning plan, the undertaking and carrying out of the activity defined herein shall be admissible only if it does not infringe the manner of use of the immovable property as set out in the land use plan of a commune/municipality and in separate provisions.

Article 8 1. Decisions issued hereunder, which refer to inland seawater and territorial sea, and a coastal zone, shall be agreed upon with the director of the competent maritime office.

2. Decisions issued hereunder, which refer to the exclusive economic zone, shall be agreed upon with the minister in charge of maritime affairs.

3. Copies of decisions concerning the prospection and exploration of hydrocarbon deposits and the extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland or the extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland, issued hereunder, shall be delivered to the Chief Commandant of the Border Guard without delay.

Article 9 1. If the Act makes the decision of an administrative authority conditional on cooperation (agreement or opinion) with another administrative authority, the authority shall take its stance no later than within 14 days of the draft decision being served.

2. Where the cooperating authority fails to take its stance within the time limit prescribed in paragraph 1, it shall be deemed to approve said draft decision.

3. The time limit for taking a stance shall be observed where, the cooperating authority serves or sends the decision given in the case within 14 days after the application to take a stance in the case has been served.

SECTION II

Mineral Rights, Mining Usufruct and Other Mining Entitlements

Article 10. 1. The deposits of hydrocarbons, hard coal, methane existing as an associated mineral, lignite, metal ores excluding bog iron ores, native metals, radioactive ores, native sulphur, rock salt, sylvinite, potassium-magnesium salts, gypsum and anhydrite, precious stones, rare-earth elements, noble gases shall be covered by mineral right wherever they occur.

2. Mineral rights shall also cover deposits of curative water, thermal water and brine.

3. Deposits of minerals not listed in paragraphs 1 and 2 shall be subject to the ownership right to the land property.

4. Mineral rights shall also cover parts of the rock mass located beyond the boundaries of the land property, in particular those located within the maritime

territories of the Republic of Poland.

5. Mineral rights may be exercised by the State Treasury.

Article 11 The provisions of the Civil Code and the Land Surveying and Cartography Law regarding land properties, including demarcation thereof, shall apply accordingly in matters not regulated herein to the mineral rights and resolution of disputes between the State Treasury and the landowner.

Article 12 1. As permitted by legal acts, the State Treasury may, to the exclusion of other persons, use the object of the mineral rights or dispose of its rights solely by establishing a mining usufruct.

2. The entitlements of the State Treasury provided by mineral rights with respect to the activities:

- 1) which require a concession, are exercised by competent concession-granting authorities;
- 2) referred to in Article 2(1), shall be exercised by province executive boards.

3. Where the object of mineral rights is located within maritime territories of the Republic of Poland, the exercise of the owner's entitlements shall require an approval of the minister in charge of maritime affairs.

4. The provisions on mining usufruct shall not apply to geological works whose performance does not require a concession to be obtained.

Article 13 1. Mining usufruct shall be established by way of an agreement which must be concluded in writing to be valid.

1a. A mining usufruct agreement shall become effective on the date the concession is obtained.

2. (repealed);

3. The agreement referred to in paragraph 1 shall specify the remuneration for the establishment of mining usufruct and the method of its payment.

4. The remuneration for the establishment of mining usufruct shall be the income of the State budget.

5. The agreement referred to in paragraph 1 in relation to the establishment of mining usufruct for geological storage of radioactive waste shall be concluded for an indefinite period of time.

6. If the concession is not obtained within one year from the conclusion of the mining usufruct agreement, the latter shall expire.

7. Mining usufruct shall expire if the concession expires, is revoked, or loses its binding force for any reason whatsoever.

Article 14 1. Other than the activities referred to in Article 21(1)(1) and in Section III, Chapter 3, the establishment of mining usufruct may be preceded by a tender, in particular where more than one entity competes for the mining usufruct.

2. Whenever the concession-granting authority intends to establish mining usufruct by tender, it shall communicate said intention to the public by announcement.

3. The terms and conditions of the tender shall not discriminate against any party and shall be based on the following criteria:

- 1) technical and financial capability of the tenderer;
- 2) proposed technology of works;
- 3) proposed remuneration for the establishment of mining usufruct.

4. The Council of Ministers shall prescribe, by regulation, the manner of making announcements about tenders for establishing mining usufruct, information included in the announcement, requirements for tenders, time limits for submitting tenders and the tender end date, the procedure for organising and conducting the tender, including the appointment and work of the tender committee, according to the need to provide comprehensive information on the tender in said announcement and to provide transparent and non-discriminatory terms and conditions of the procedure, and competition protection, including fair evaluation of submitted tenders.

Article 15 1. Whoever, as a result of carrying out geological works:

- 1) explored an underground carbon dioxide storage site and documented it to a degree that makes it possible to draft an underground carbon dioxide storage site development plan, and obtained a decision approving the geological report for the said site,
- 2) documented a mineral deposit that is the object of mineral right, with the exclusion of a hydrocarbon deposit, to a degree that makes it possible to draft a deposit development plan, and obtained a decision approving the geological report for the said deposit on the basis of a concession to:
 - a) prospect for mineral deposits to the extent covering the entire newly-documented deposit,
 - b) prospect for and explore mineral deposits, to the extent of:

- the entire deposit documented as a result of prospecting work,
 - a part of the deposit documented as a result of exploration work, where the specified exploration category has been elevated to a degree that makes it possible to draft a deposit development plan,
 - c) explore mineral deposits, only in the part of the deposit for which the specified exploration category has been elevated to a degree that makes it possible to draft a deposit development plan,
- is entitled to apply for a mineral right to be granted to them with priority to others.

2 The entitlement referred to in paragraph 1 shall expire after 3 years from the date on which the decision approving the geological report for the underground carbon dioxide storage site or the geological report for the mineral deposit has been served.

3 If the application referred to in paragraph 1 is filed, the concession-granting authority shall conclude a mining usufruct agreement within the time limit referred to in paragraph 2.

4 Failure to sign a mining usufruct agreement for reasons attributable to the entity entitled to conclude the same within the time limit referred to in paragraph 2 shall result in the loss of the right to conclude the agreement.

Article 16 1. As prescribed by legal acts and a mining usufruct agreement, the mining usufructuary may use the space covered by said usufruct, to the exclusion of others, with a view to pursuing the activities regulated by this Act. In particular, he may carry out geological works, extract a mineral from a deposit, carry out the activity in the field of underground tankless storage of substances, underground landfilling of waste or underground carbon dioxide storage, and carry out the activity specified in Article 2(1), as the case may be.

2. The facilities, equipment, and installations erected in the space covered by the mining usufruct shall remain the property of the mining usufructuary. The property is the right attached to the mining usufruct.

3. Unless a mining usufruct agreement provides otherwise, prior to the lapse of said right, a mining usufructuary shall secure or remove the structures, equipment and installations referred to in paragraph 2.

Article 17 In matters not regulated herein, the provisions of the Civil Code regarding lease shall apply to mining usufruct.

Article 18 1. If someone else's immovable property or part thereof is necessary to carry out the activity regulated by this Act, an entrepreneur may demand that it be given the possibility to use such immovable property or part thereof for a specified period, for consideration.

2. The use referred to in paragraph 1 may not include the right to collect fruits from the immovable property.

3. Where, because of the restriction of right, the immovable property or its part may not be used for previous purposes, the owner (perpetual usufructuary) may demand the entrepreneur to purchase said immovable property.

4. Disputes shall be settled by ordinary courts.

Article 19 1. The entrepreneur who has obtained a concession for:

- 1) extraction of hydrocarbons from a deposit, and in the case of concessions for prospecting and exploration of hydrocarbon deposits as well as extraction of hydrocarbons from a deposit – has obtained an investment decision;
- 2) extraction of hard coal;
- 3) extraction of lignite;
- 4) underground tankless storage of hydrocarbons;
- 5) underground storage of carbon dioxide

– may demand purchase of the immovable property or part thereof located in the mining district, insofar as is necessary to carry out the intended activities.

2. Disputes shall be settled by ordinary courts.

Article 20 The use of mine waters to satisfy the needs of a mining plant shall be free of charge.

SECTION III

Concessions

Chapter 1

Rules for granting concessions

Article 21. 1. The activity in the scope of:

- 1) prospecting or exploring of mineral deposits referred to in Article 10(1), excluding hydrocarbon deposits;
 - 1a) prospecting or exploring of an underground carbon dioxide storage complex;
 - 2) the extraction of minerals from deposits,
 - 2a) prospecting and exploring of hydrocarbon deposits and extracting of

- hydrocarbons from deposits;
 - 3) underground tankless storage of substances;
 - 4) underground landfilling of waste;
 - 5) underground carbon dioxide storage
- may be carried out after a concession has been obtained.

1a. It shall be prohibited to pursue an activity consisting in prospecting or exploring of an underground carbon dioxide storage complex or in underground carbon dioxide storage for purposes other than carrying out a demonstration project of carbon dioxide capture and storage.

2. In matters not regulated herein, the provisions of the Entrepreneur Law Act of 6 March 2018 (Journal of Laws of 2018, item 646), except for Article 32 thereof, shall apply to the grant of concessions for the activities referred to in paragraph 1.

3. The provisions of this Chapter, subject to the provisions of Chapter 3, shall apply to the grant of concessions for the prospecting for or exploration of hydrocarbon deposits and the extraction of hydrocarbons from the said deposits.

4. A concession shall be granted for a fixed period no shorter than three years and no longer than 50 years, unless the entrepreneur has applied for a concession to be granted for a shorter period.

4a. A concession for underground carbon dioxide storage shall be granted for a period taking into consideration the obligation to carry out the monitoring of an underground carbon dioxide storage complex for a period no shorter than 20 years following the closure of an underground carbon dioxide storage site.

5. A concession shall authorise its holder to pursue economic activities in the designated space.

6. If it is necessary to supplement the application for the procedures referred to in this Section, the time limit for processing the application shall start running on the date such supplemented application is filed.

Article 22 1. Concessions for:

- 1) prospecting or exploring of mineral deposits referred to in Article 10(1), excluding hydrocarbon deposits;
- 1a) prospecting or exploring of an underground carbon dioxide storage complex;
- 2) extraction of minerals referred to in Article 10(1), from deposits;
- 2a) prospecting and exploring of hydrocarbon deposits and extracting of hydrocarbons from deposits;

- 3) extraction of minerals from deposits located within the boundaries of the maritime territories of the Republic of Poland;
 - 4) underground tankless storage of substances;
 - 5) underground landfilling of waste;
 - 6) underground storage of carbon dioxide
- shall be granted by the minister in charge of the environment.

2. Concessions for the extraction of minerals from deposits if the following requirements are concurrently met:

- 1) the area of a documented deposit not covered by the mineral rights does not exceed 2 ha,
- 2) the extraction of the mineral from a deposit in a calendar year will not exceed 20 000 m³,
- 3) the activities will be pursued with the use of an opencast method and without using blasting agents

– shall be granted by the district executive.

3. The entrepreneur who has obtained from the district executive a concession for the extraction of a mineral from the deposit adjacent to the deposit with respect to which a concession has already been granted to the same entrepreneur for the same type of activities may proceed to extract the mineral on the date the decision on the lapse of the earlier concession becomes final at the earliest.

4. To the extent not specified in paragraphs 1 and 2, concessions for the extraction of minerals from deposits shall be granted by the province executive [marszałek województwa].

Article 23 1. The grant of a concession for:

- 1) the prospecting for or exploration of radioactive element ores and extraction of the said ores from deposits requires the opinion of the President of the National Atomic Energy Agency;
- 1a) the prospecting for and exploration of hydrocarbon deposits and the extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland or the extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland shall require an opinion of the President of the State Mining Authority on the technical capabilities to carry out such activity and to ensure its security;
- 1b) the prospecting for and exploration of hydrocarbon deposits and the extraction

of hydrocarbons from deposits within the maritime territories of the Republic of Poland or the extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland shall require an opinion of the Minister of National Defence and the minister in charge of fishing concerning the location of the area where such activity is to be carried out;

- 2) extraction from ground located under inland water and from the areas referred to in Article 169(2) of the Water Law Act of 20 July 2017 (Journal of Laws of 2017, item 1566) shall be agreed upon with the authority responsible for the retention of water and an opinion of the authority competent to issue a hydraulic project approval;
- 3) extraction of the minerals referred to in Article 10(1) from deposits, underground tankless storage of substances, and underground carbon dioxide storage shall be agreed upon with the minister responsible for the management of mineral deposits;
- 4) underground carbon dioxide storage shall require an opinion from the European Commission.

1a. The granting of a concession to prospect for and explore hydrocarbon deposits and to extract hydrocarbons from deposits as well as the issuing of the investment decision referred to in Article 49z(1) shall be agreed upon with the minister responsible for the management of mineral deposits.

2. With respect to the activities pursued outside the borders of maritime territories of the Republic of Poland, the grant of a concession for:

- 1) the prospecting for or exploration of mineral deposits, except for hydrocarbon deposits, or the prospecting for or exploration of a underground carbon dioxide storage complex,
- 2) the prospecting for or exploration of hydrocarbon deposits and extraction of hydrocarbons from deposits

– shall require an opinion of the mayor (of a commune, municipality or town/city) having jurisdiction over the location of the intended activities.

2a. With respect to the activities pursued outside the borders of maritime territories of the Republic of Poland:

- 1) the grant of a concession for extraction of minerals from deposits, underground tankless storage of substances, underground landfilling of waste or underground carbon dioxide storage,

2) the issue of the investment decision referred to in Article 49z(1),
– shall be agreed upon with the mayor (of a commune, municipality or town/city) having jurisdiction over the location of the intended activities; the criterion for the agreement is the compliance of the intended activities with the purpose or use of the immovable property as defined in Article 7.

3. The grant of a concession by the district executive shall require an opinion of the province executive.

4. In the case referred to in paragraph 1 subparagraph 4, the concession-granting authority shall send to the European Commission a copy of the application for a concession for underground storage of carbon dioxide along with annexes and a draft decision, within one month after receipt of the application.

5. In the case referred to in paragraph 1, subparagraph 4, the concession-granting authority shall issue a decision:

- 1) upon receiving the European Commission's opinion, or
- 2) upon being informed by the European Commission about its decision not to issue an opinion.

Article 24 1. An application for a concession shall specify, in addition to the requirements provided for in environmental protection regulations, the following:

- 1) owners (perpetual usufructuaries) of the immovable properties within which the intended activities are to be pursued, and designation of these immovable properties in accordance with land and building records; this requirement does not apply to the prospecting for and exploration of hydrocarbon deposits;
- 2) rights of the applicant to the immovable property (area) within which the intended activities are to be carried out or the right which the applicant seeks;
- 3) the time for which a concession is to be granted and the activities commencement date;
- 4) the resources the applicant has to properly pursue the intended activities;
- 5) a list of areas covered by special forms of environmental protection; this requirement does not apply to projects for which an environmental approval is required;
- 6) method to prevent the negative impact of intended activities on the environment;
- 7) the business name of the entrepreneur, the entrepreneur's registered office and address or place of residence and address, and the address of the principal

place of business;

- 8) the number in the register of entrepreneurs of the National Court Register, if the entrepreneur has such a number assigned, and the tax identification number (NIP);
- 9) the type and scope of the intended activities.

2. An application for a concession shall be accompanied by evidence of facts described therein, and in the case of confirmation of the data referred to in paragraph 1 subparagraph 1 – an excerpt from the land and building records.

3. Graphic annexes shall be prepared in compliance with the requirements regarding mining maps, with the country territorial division borders demarcated.

4. In justified cases the concession-granting authority may request that a copy of an application for a concession be filed with annexes.

5. Where for the space to which the application refers a geological report has already been prepared, the concession-granting authority may request that it be submitted.

Article 24a An entrepreneur shall be required to report to the concession-granting authority any changes of the data contained in the application for a concession, within 14 days from the date of their occurrence.

Article 25 1. An application for a concession for the prospecting for or exploration of a mineral deposit and for the prospecting for and exploration of an underground carbon dioxide storage complex shall also specify the purpose, scope and type of geological development works, including geological development works, and contain information on works to be performed in order to achieve the intended purpose, including technologies of said works, and in the case of an application for a concession for the prospecting for or exploration of a mineral deposit, also the minimum exploration category of the deposit shall be specified.

2. For intended performance of geological works, the application referred to in paragraph 1 shall be accompanied by two copies of a geological works plan.

Article 26 1. In an application for a concession for the extraction of minerals from deposits, the following issues shall be specified:

- 1) the mineral deposit or part thereof to be extracted;
- 2) the volume and method of the intended mineral extraction;
- 3) the degree of the intended use of the mineral deposit reserves, including the associated minerals and useful trace elements, as well as the means allowing

said aim to be achieved, and for curative water, thermal water, and brine – extractable reserves of an intake;

- 4) planned location of a mining area and mining land presented in compliance with the requirements applicable to mining maps, with demarcation of borders of the country's territorial division;
- 5) geological and hydro-geological conditions for extraction, and the conditions for injection of water into the rock mass, if necessary.

2. The application referred to in paragraph 1 shall be accompanied by the evidence of:

- 1) the right to use geological information which is vested in the applicant insofar as necessary to pursue the intended activities, and a copy of a decision approving a geological report;
- 2) the applicant's right to the land property within which the intended opencast extraction of minerals is to be pursued, or evidence of promise to establish said right. This obligation does not apply to lignite.

3. The application referred to in paragraph 1 shall be accompanied by a deposit development plan specifying the requirements for mineral deposit rational management, in particular through comprehensive and rational use of the essential mineral and accessory minerals, and a working technology restricting adverse effects on the environment. This obligation does not apply to the concessions granted by the district executive.

3a. The deposit development plan relating to mineral deposits defined in Article 10(1), except for hydrocarbon deposits, shall be subject to an opinion by the competent mining supervision authority. The mining supervision authority shall issue an opinion to the applicant within 14 days of the deposit development plan being delivered. If no opinion is issued within the aforesaid time limit, the authority shall be deemed not to submit any comments.

3b. The application referred to in paragraph 1 shall be accompanied by the opinion referred to in paragraph 3a or information about the absence thereof, and if comments are submitted – also by a statement concerning the manner of taking them into account or reasons for not taking them into account.

4. An application for a concession to be granted by the district executive shall also specify the envisaged method of performing mining plant operations, subject to the requirements prescribed in Article 108(2) and the forecast method of

decommissioning the mining plant, subject to the obligations prescribed in Article 129(1).

5. The minister in charge of the environment shall specify, by regulation, detailed requirements for deposit development plans, having regard to the need to ensure rational deposit management, environmental protection and to protect human life and health.

Article 27 1. An application for a concession for underground tankless storage of substances or underground landfilling of waste shall also specify:

- 1) the type, quantity, and properties of the substances or waste;
- 2) the existing and expected geological, hydro-geological, as well as geological and engineering conditions; as regards the activity consisting in landfilling of radioactive waste, said conditions concern the location, construction, mining, closure of a radioactive waste landfill, as well as the period following the closure thereof;
- 3) storage or landfilling technology;
- 4) planned location of a mining area and mining land presented in compliance with the requirements regarding mining maps, with the country territorial division borders demarcated.

2. The application referred to in paragraph 1 shall be accompanied by evidence of the right to use geological information which is vested in the applicant insofar as necessary to pursue the intended activities, and copies of decisions approving geological reports.

3. The application for a concession for underground landfilling of radioactive waste shall be accompanied by the permit of the President of the National Atomic Energy Agency for the construction of the radioactive waste landfill.

Article 27a 1. The application for a concession for underground carbon dioxide storage shall also specify:

- 1) the quantity and characteristics, including source of origin, of carbon dioxide to be injected to the underground carbon dioxide storage site;
- 2) the existing and forecast geological, hydro-geological, and geological and engineering conditions of the underground carbon dioxide storage complex;
- 3) the technology of storage and conveyance of carbon dioxide and the location of carbon dioxide injection facility;
- 4) assessment of long-term safety of carbon dioxide storage;

- 5) injection efficiency and pressure for carbon dioxide to be injected into the underground carbon dioxide storage site;
- 6) pressure limit in an underground carbon dioxide storage complex;
- 7) planned location of a mining area and mining land presented in compliance with the requirements applicable to mining maps, with the borders of the country's territorial division demarcated;
- 8) proposed form and amount of the security deposit for the fulfilment of the individual obligations referred to in Articles 28a(3) and 28a(4), and the tasks referred to in Article 28e(2).

2. The application referred to in paragraph 1 shall be accompanied by:

- 1) evidence of the right to use geological information which is vested in the applicant insofar as necessary to pursue the intended activities, and copies of decisions approving geological reports;
- 2) development plan of the underground carbon dioxide storage site along with a copy of the decision approving the same;
- 3) the applicant's statement to the effect that they consent to the transfer, for the benefit of the State Treasury, by virtue of law and without any right to compensation, the right to the immovable property referred to in paragraph 4 (4) and the ownership right to the mining plant in the event of takeover, by the National Administrator of Underground Carbon Dioxide Storage Sites, of liability for the underground carbon dioxide storage site pursuant to Article 39a.

3. The development plan of the underground carbon dioxide storage site shall be drawn up on the basis of a geological report, with account taken of the requirements in the scope of underground carbon dioxide storage management, detailed characteristics of technical and economic conditions connected with underground storage of carbon dioxide, and an underground carbon dioxide storage risk assessment.

4. The development plan of the underground carbon dioxide storage site shall include, in particular:

- 1) monitoring plan for the underground carbon dioxide storage complex;
- 2) plan of corrective measures;
- 3) temporary plan of actions after the closure of the underground carbon dioxide storage site;
- 4) designation of the immovable property on which the mining plant is to be located and, in particular, the injection facility and the installation serving the purpose of monitoring the underground carbon dioxide storage complex.

5. The development plan of the underground carbon dioxide storage site shall be subject to approval, by way of a decision, by the competent authority of mining supervision.

6. The minister responsible for the environment shall specify, by way of a regulation, detailed requirements to be met by the development plan of the underground carbon dioxide storage site, including the monitoring plan of the underground carbon dioxide storage complex, plan of corrective measures, and temporary plan of actions after the closure of the underground carbon dioxide repository, with a view to ensuring safety of the activities conducted, consisting in underground carbon dioxide storage, including the protection of human health and life and the environment, as well as ensuring public safety.

Article 28 1. Concessions for underground landfilling storage of waste shall be granted provided that the claims likely to arise because of said activities are secured.

2. If there is an overriding state or public interest regarding, in particular, the environmental protection or state economy, the concession for activities other than those specified in paragraph 1, except for the concession for a underground carbon dioxide storage, may be granted provided that a security deposit for the claims that are likely to arise as a result of the activities covered by the concession is established.

3. The security may be established, in particular, as an entrepreneur's civil liability insurance, bank guarantee or bank surety.

4. The form, scope, and method of providing security, and in the case of activities other than those prescribed in paragraph 1 – as well as the need to establish a security, shall be prescribed by the concession-granting authority acting under an

appealable administrative ruling.

5. Where a security is established, a concession may be granted only after evidence of said security is produced.

6. Each year, by the end of January, an entrepreneur shall submit to the concession-granting authority valid evidence of security.

Article 28a 1. A concession for underground carbon dioxide storage shall be granted provided that:

- 1) the applicant demonstrates their ownership or perpetual usufruct right to the immovable property referred to in Article 27a(4)(4);
- 2) a financial security is established.

2. The entrepreneur is obliged to establish a financial security securing due performance of the obligations resulting from:

- 1) operation of an underground carbon dioxide storage site;
- 2) decommissioning of a mining plant.

3. The financial security securing due performance of the obligations connected with the operation of an underground carbon dioxide storage site shall be established in order to meet the conditions specified in the concession for underground carbon dioxide storage, including financing of the costs of monitoring of the underground carbon dioxide storage complex, costs of corrective measures, emission accounting in the case of carbon dioxide escape from the underground carbon dioxide storage complex, costs of corrective and preventive measures within the meaning of the provisions of the Act of 13 April 2007 on the prevention and remedying of environmental damage (Journal of Laws of 2014, item 1789, Journal of Laws of 2015, items 277 and 1926 and Journal of Laws of 2017, items 1215 and 1566), as well as payment of compensations for the losses that emerged until the underground carbon dioxide storage site has been closed.

4. The financial security securing due performance of the obligations connected with the decommissioning of a mining plant shall be established in order to finance the costs of removal of the mining plant facilities, decommissioning of wells and other installations connected with underground carbon dioxide storage site, including pipelines, cables, and power lines, costs of monitoring of the closed underground carbon dioxide storage site for a period not shorter than 20 years as of the day of its closure, costs of corrective measures, emission accounting in the case of carbon dioxide escape from the underground carbon dioxide storage complex,

costs of corrective and preventive measures within the meaning of the provisions of the Act of 13 April 2007 on the prevention and remedying of environmental damage, as well as payment of compensations for the losses that emerged after the underground carbon dioxide storage site has been closed.

5. The financial security may take the form of cash, bank guarantee, insurance guarantee, or civil liability insurance agreement, and may be established in one or more forms.

6. A financial security established in cash shall be transferred to a separate bank account of the National Fund for Environmental Protection and Water Management. Proof of payment, bank guarantee, insurance guarantee, or insurance policy confirming the conclusion of the civil liability insurance agreement shall be submitted to the concession-granting authority and constitute evidence that the financial security has been established.

7. The bank guarantee, insurance guarantee, or insurance policy confirming the conclusion of the civil liability insurance agreement shall specify that the bank or insurance company will, should the entrepreneur fail to fulfil the obligations referred to in paragraphs 3 and 4, upon request of the concession-granting authority sent after the decision referred to in Article 28c(1) has been issued, disburse the funds to the entities referred to in that provision, in the amount defined in the request.

8. In the course of the concession granting procedure related to a concession for underground carbon dioxide storage, the concession-granting authority shall specify, by way of a decision, the form and amount of the financial security securing the performance of individual obligations referred to in paragraphs 3 and 4, and the time limit for delivering to the concession-granting authority evidence that the financial security has been established, and in the case of a cash financial security – also the date of payment. The decision may be appealed.

9. The amount of the financial security specified in the decision referred to in paragraph 8 shall constitute the minimum amount of financial security specified in the concession for underground carbon dioxide storage.

10. The entrepreneur is obliged to maintain the established financial security in the amount specified by the concession-granting authority and shall immediately restore it up to the said amount throughout the period of validity of the concession for underground carbon dioxide storage.

11. The financial security established in cash shall not form part of the

bankruptcy estate.

Article 28b 1. Where it results from:

- 1) the statement of operations referred to in Article 127m(1),
- 2) the appendix to the development plan of underground carbon dioxide storage site, referred to in Article 107a,
- 3) findings from the inspection referred to in Article 127n(1) and Article 158(2) – that the risk associated with the operation of the underground carbon dioxide storage site or decommissioning of the mining plant, as appropriate, has increased, the concession-granting authority may decide to increase the amount of the financial security referred to in Article 28a(2). The provision of Article 28a(8) shall apply accordingly.

2. The entrepreneur is obliged to increase the amount of the financial security referred to in Article 28a(2) within the time limit specified in the decision referred to in paragraph 1.

Article 28c 1. The concession-granting authority shall decide on disbursement of funds from the financial security referred to in Article 28a(2), established to secure due performance of the obligations relating to:

- 1) the operation of an underground carbon dioxide storage site:
 - a) for the benefit of the entrepreneur – to finance the costs of monitoring of the underground carbon dioxide storage complex, costs of corrective measures, emission accounting in the case of carbon dioxide escape from the underground carbon dioxide storage complex, and costs of corrective and preventive measures within the meaning of the provisions of the Act of 13 April 2007 on the prevention and remedying of environmental damage,
 - b) for the benefit of the National Administrator of Underground Carbon Dioxide Storage Sites, should the latter take over liability for the underground carbon dioxide storage site pursuant to Article 39a – to finance the costs and accounting listed in point (a),
 - c) for the benefit of the entity which has been awarded, under a final court judgement, compensation for losses that emerged until the underground carbon dioxide storage site has been closed;
- 2) decommissioning of a mining plant:
 - a) for the benefit of the entrepreneur – to finance the costs of removal of the

mining plant facilities, decommissioning of wells and other installations connected with underground carbon dioxide storage site, including pipelines, cables, and power lines, costs of monitoring of the closed underground carbon dioxide storage site, costs of corrective measures, emission accounting in the case of carbon dioxide escape from the underground carbon dioxide storage complex, and costs of corrective and preventive measures within the meaning of the provisions of the Act of 13 April 2007 on the prevention and remedying of environmental damage,

- b) for the benefit of the National Administrator of Underground Carbon Dioxide Storage Sites, should the latter take over liability for the underground carbon dioxide storage site pursuant to Article 39a – to finance the costs and accounting listed in point (a),
- c) for the benefit of the entity which has been awarded, under a final court judgement, compensation for losses that emerged after the underground carbon dioxide storage site has been closed.

2. The concession-granting authority shall issue a decision on disbursement of the funds from the financial security referred to in Article 28a(2):

- 1) if the entrepreneur is unable to cover the performance of the obligations referred to in Articles 28a(3) and 28a(4) from the entrepreneur's own funds – upon the latter's request;
- 2) upon request of the other entities referred to in paragraph 1.

3. The entrepreneur and the National Administrator of Underground Carbon Dioxide Storage Sites shall submit to the concession-granting authority, after completing the expenditure of funds from the financial security referred to in Article 28a(2), the expenditure statement in the form, within the time limit and to the extent specified in the regulations issued pursuant to Article 28h(2).

Article 28d 1. The financial security referred to in Article 28a(2) shall be released by the concession-granting authority, by way of a decision, within 2 months as of issuing the decision transferring liability for the closed underground carbon dioxide storage site to the National Administrator of Underground Carbon Dioxide Storage Sites, upon request of the entrepreneur who has established the financial security.

2. The concession-granting authority shall serve the decision referred to in

paragraph 1 also on the entity providing the financial security referred to in Article 28a(2).

Article 28e 1. The entrepreneur who has been granted a concession for underground carbon dioxide storage is obliged to establish a performance deposit within the time limit specified in the decision referred to in paragraph 5.

2. The performance deposit shall be established to finance the performance of the tasks of the National Administrator of Underground Carbon Dioxide Storage Sites after liability for the closed underground carbon dioxide storage sites has been transferred to it, connected with conducting, for a period not shorter than 30 years, the monitoring of the underground carbon dioxide storage complex and with financing the hedging of risk connected with undertaking corrective measures, emission accounting in the case of carbon dioxide escape from the underground carbon dioxide storage complex, costs of corrective and preventive measures within the meaning of the provisions of the Act of 13 April 2007 on the prevention and remedying of environmental damage, as well as other activities aimed at ensuring a long-term stability of the underground carbon dioxide storage site, and also to finance the payment of compensations for the losses that can occur after liability for the closed underground carbon dioxide storage site has been transferred to the National Administrator of Underground Carbon Dioxide Storage Sites.

3. The performance deposit may be provided as a guarantee fee, bank guarantee, insurance guarantee, or civil liability insurance agreement, and may be established in one or more forms.

4. The performance deposit established in the form of a guarantee fee shall be transferred to the bank account of the National Fund for Environmental Protection and Water Management. Proof of payment, bank guarantee, insurance guarantee, or insurance policy confirming the conclusion of the civil liability insurance agreement shall be submitted to the concession-granting authority and shall constitute evidence that the performance deposit has been established. The provision of Article 28a(7) shall apply accordingly.

5. In the course of the concession granting procedure for granting a concession for underground carbon dioxide storage, the concession-granting authority shall specify, by way of a decision, the form and amount of the performance deposit securing the performance of individual tasks referred to in paragraph 2, and the time limit for delivering to the concession-granting authority evidence that the

performance deposit has been established, and in the case of a guarantee fee – also the date of payment. The decision may be appealed.

6. The amount of the performance deposit specified in the decision referred to in paragraph 5 shall constitute the minimum amount of performance deposit specified in the concession for underground carbon dioxide storage.

7. The concession-granting authority shall decide on the disbursement of funds from the performance deposit established in a form other than the guarantee fee:

- 1) for the benefit of the National Administrator of Underground Carbon Dioxide Storage Sites;
- 2) for the benefit of the entity which has been awarded, under a final court judgment, compensation for losses that emerged after liability for the closed underground carbon dioxide storage site has been transferred to the National Administrator of Underground Carbon Dioxide Storage Sites.

8. The concession-granting authority shall issue a decision on disbursement of the funds from the performance deposit upon request of the entities referred to in paragraph 7.

9. The National Administrator of Underground Carbon Dioxide Storage Sites shall submit to the concession-granting authority an annual expenditure statement for the funds originating from the performance deposit established in a form other than the guarantee fee, within the time limit and to the extent specified in the regulations issued pursuant to Article 28h(2).

Article 28f 1. Where it results from:

- 1) the statement of operations referred to in Article 127m(1),
- 2) the appendix to the development plan of underground carbon dioxide storage site, referred to in Article 107a,
- 3) findings from the inspection referred to in Article 127n(1) and Article 158(2) – that the risk associated with the underground carbon dioxide storage after liability for the closed underground carbon dioxide storage site was transferred to the National Administrator of Underground Carbon Dioxide Storage Sites has increased, the concession-granting authority may decide to increase the amount of the performance deposit referred to in Article 28e(1). In the case of a guarantee fee, the increase of the performance deposit amount shall take place by way of a supplementary guarantee fee.

2. The entrepreneur is obliged to increase the amount of the performance deposit referred to in Article 28e(1), including to pay the supplementary guarantee fee, within the time limit specified in the decision referred to in paragraph 1. The provision of Article 28e(5) shall apply accordingly.

Article 28g 1. The entrepreneur is obliged to maintain the established performance deposit referred to in Article 28e(1) in the amount specified by the concession-granting authority throughout the period of validity of the concession for underground carbon dioxide storage.

2 The performance deposit referred to in Article 28e(1) shall not expire as of the moment the concession for underground carbon dioxide storage loses its binding force, is revoked or declared expired.

3 The performance deposit referred to in Article 28e(1), established in the form of a guarantee fee, including a supplementary guarantee fee, shall not constitute part of the bankruptcy estate.

Article 28h The minister responsible for the environment shall specify, by way of a regulation:

- 1) the manner of determining the amount of the financial security referred to in Article 28a(2), the amount of the performance deposit referred to in Article 28e(1), and the bond/deposit form selection criteria,
- 2) the form, time limits for submission and the scope of the statements referred to in Articles 28c(3) and 28e(9)

– having regard to the need to ensure appropriate and effective security for the achievement of the objectives for which the security is established, a solid source of financing of the performance of tasks of the National Administrator of Underground Carbon Dioxide Storage Sites after transferring to him liability for a closed underground carbon dioxide storage site, the efficiency and prudence of spending the funds and having regard to the need to ensure protection of human health and life and the environmental protection.

Article 28ha 1. An entrepreneur that provides, in the course of a concession granting procedure, information constituting a business secret within the meaning of regulations on combating unfair competition may file an application for classifying that information as confidential.

2 Information shall be classified as confidential on condition that the entrepreneur:

- 1) justifies their request when providing the information;
- 2) prepares a summary of the information provided, which summary may be made available to other participants in the procedure.

3 Information that has been classified as confidential shall not be made available to other participants in the procedure without the consent of the entrepreneur providing the information.

Article 28i 1. If an application is submitted for a concession for the activities referred to in Article 21(1)(1), the concession-granting authority shall promptly publish in the Public Information Bulletin [Biuletyn Informacji Publicznej], on the website of the office providing services to the authority, a notice informing members of the public about the possibility of submitting other applications for a concession for the same activities in the area covered with the application submitted.

2 If in the period between the date of submission of the application referred to in paragraph 1 and the date of publication of the notice an application is submitted for a concession covering in whole or in part the same area and type of activity or mineral type, the notice shall be published on the basis of the application referred to in paragraph 1.

3 The notice shall contain the following:

- 1) information about the submission of the application referred to in paragraph 1;
- 2) boundaries of the area covered with the application referred to in paragraph 1, along with planar Cartesian coordinates of the breaking points of these boundaries in the national spacial reference system;
- 3) the time limit for submission of the applications for a concession by other entities interested in pursuing the activities to which the procedure relates, not longer than 90 days of the notice being published in the Public Information Bulletin.

4 As of the date of publishing in the Public Information Bulletin, no other procedures shall be commenced with regard to the area and activity type or mineral type covered with the notice, and any commenced procedure shall be discontinued.

Article 28j If within the time limit referred to in paragraph 28i(3)(3) no applications of other entities for a concession for the activity covered with the procedure are submitted, the concession-granting authority shall conduct the procedure with regard to the entity who has submitted the application referred to in

Article 28i(1).

Article 28k 1. If within the time limit referred to in paragraph 28i(3)(3) an application for a concession for the activity covered with the procedure is submitted, the concession-granting authority shall examine the applications submitted in accordance with the following criteria:

- 1) proposed scope of geological development works, including geological works;
- 2) proposed period of time for which the concession is to be granted, including the date of commencement of the intended activities;
- 3) the applicant's financial capability, and in particular the manner of funding the intended activities, with account taken of the applicant's own funds and funds originating from third party capital;
- 4) proposed technology of conducting geological development works, including geological works.

2. The applications submitted shall not be subject to changes likely to affect the assessment of the criteria referred to in paragraph 1.

Article 28l The concession-granting authority shall grant a concession for the activities covered by the procedure to the entity whose application achieved the highest score, while refusing to grant the concession to other entities.

Article 29 1. The concession-granting authority shall refuse to grant the concession if the intended activity is contrary to public interest, in particular interest related to national security including state interest in raw materials or environmental protection, including rational management of mineral deposits, or prevents the use of immovable properties or maritime territories of the Republic of Poland in accordance with their intended use as specified in the zoning plan, spatial development plans for inland maritime waters, territorial waters and exclusive economic zone or separate provisions, and in the absence of such plans – prevents the use of immovable properties or maritime territories of the Republic of Poland as stipulated in the communal/municipal land use plan or in separate provisions.

1a. The concession-granting authority shall refuse to grant a concession if the application for a concession covers the same area and activity type, and in the case of an application for a concession for the prospecting for or exploration of a mineral deposit or a concession for the extraction of a mineral from a deposit also the type of mineral, already covered by a concession granted to another entity.

2 The grant of a concession for underground landfilling of waste shall also be

refused if there is a technically, environmentally, or economically justified possibility to recover or dispose of waste otherwise than through storage.

3 The concession-granting authority may refuse to grant a concession if a decision has been issued that prohibits the exercise of the rights attached to the entrepreneur's shares, pursuant to the provisions of the Act of 24 July 2015 on the control of certain investments (Journal of Laws of 2017, item 1857), if this serves the public interest, in particular in connection with the national security or the protection of environment, rational management of mineral deposits included.

Article 30 1. A concession shall specify:

- 1) the type and manner of performance of the indented activity;
- 2) the area within which the intended activity is to be pursued;
- 3) period of validity of the concession;
- 4) the date of commencement of the activities covered by the concession and, if necessary, the conditions whose satisfaction is tantamount to the commencement of the activities.

2. A concession may specify other requirements for pursuing the activities covered by the concession, in particular those pertaining to public safety and environmental protection.

3. A concession shall not release from the obligations prescribed by separate regulations, including from obtaining decisions prescribed by them.

Article 31 1. A concession for the prospecting for or exploration of a mineral deposit, except for hydrocarbon deposits, or prospecting for or exploring of a underground carbon dioxide storage complex, shall also specify:

- 1) the purpose, scope and type of the intended geological development works, including geological works, and in the case of concessions for prospecting for or exploration of a mineral deposit, except for hydrocarbon deposits – the minimum exploration category of the deposit;
- 2) the scope and schedule of providing geological information and samples obtained in the performance of geological works;

3) the amount of a fee for the activities covered by the concession.

2. The area of land covered with the concession for the prospecting for or exploration of a mineral deposit or the prospecting for or exploration of an underground carbon dioxide storage complex shall not exceed 1,200 km².

Article 32 1. A concession for extracting a mineral from a deposit, underground tankless storage of substances, underground landfilling of waste or underground carbon dioxide storage shall also specify the limits of the mining district and mining area.

2. The demarcation of the boundaries of the mining district shall be based on a geological report and a deposit development plan or development plan for an underground carbon dioxide storage site, respectively.

3. Unless it jeopardises proper use of the deposit, a mining district specified in a concession for extraction of a mineral from a deposit may cover part of the deposit.

4. A concession for extraction of a mineral from a deposit may specify:

- 1) the minimum degree of exploiting the deposit reserves and projects that are required for rational deposit management;
- 2) the conditions of injection of water to rock mass; in such case the provisions on water usage and charges for the use of the environment shall not apply.

5. A concession granted by the district executive shall also specify the method of performing mining plant operations, subject to the requirements prescribed in Article 108(2), and the method of decommissioning the mining plant, subject to the obligations set forth in Article 129(1).

6. A concession for underground landfilling of waste shall also specify the type of the underground landfill, the type and quantity of waste admitted to storage and the scope and method of the facility monitoring.

7. A concession for underground carbon dioxide storage shall also specify:

- 1) quantity and characteristics, including source of origin, of carbon dioxide to be injected to the underground carbon dioxide storage site;
- 2) allowed composition of the carbon dioxide stream to be injected to the underground carbon dioxide storage site;
- 3) information about the hydro-geological unit understood as part of a lithosphere constituting a spatial and dynamic groundwater circulation system which can be described with hydro-geological parameters of aquifers and

- semi-permeable formations separating them;
- 4) pressure limit in an underground carbon dioxide storage complex;
 - 5) maximum injection efficiency and pressure of carbon dioxide to be injected to the underground carbon dioxide storage site;
 - 6) scope and manner of monitoring the underground carbon dioxide storage complex;
 - 7) the minimum amount of the financial security referred to in Article 28a(2) and the performance deposit referred to in Article 28e(1).

8. A concession for underground carbon dioxide storage shall contain information that in the event of takeover, by the National Administrator of Underground Carbon Dioxide Storage Sites, of liability for the underground carbon dioxide storage sites pursuant to Article 39a, the right to the immovable property referred to in Article 27a(4)(4) and the ownership right to the mining plant shall be transferred, by virtue of law and without any right to compensation, for the benefit of the State Treasury.

9. A concession for underground carbon dioxide storage shall be granted after evidence of the financial security referred to in Article 28a(2) is delivered to the concession-granting authority.

Article 33 Where a concession is preceded by an environmental approval issued in the procedure participated by the public, the regulations on the participation of social organisations shall not apply to the concession-granting procedure.

Article 34 1. The concession-granting authority may modify the concession also upon request of the entrepreneur to whom the concession was granted.

1a. Any modification of the concession shall be accordingly governed by the provisions on its granting. In such case cooperation with the authorities specified in the Act shall only apply to those matters which are subject to the intended modification, in particular as regards compliance with the intended use or the use of the immovable property in the manner stipulated in Article 7. The provision of Article 155 of the Code of Administrative Procedure shall not apply.

2. An entrepreneur shall promptly file an application to modify the concession if actual harmful effects of mining works of a mining plant go beyond the limits of the mining impact area provided in the concession.

3. Where the obligation referred to in paragraph 2 is not complied with, the

concession-granting authority shall commence the procedure of its own motion. The costs of modifying the concession shall be charged to the entrepreneur.

Article 35 1. The mining district shall be entered in the registry of mining districts and closed underground carbon dioxide repositories referred to in Article 152a(1).

2. (repealed);

3. (repealed);

4. (repealed);

5. (repealed);

6. The limits of the mining district and mining impact area provided in the concession shall be announced as is customary in the commune/municipality.

Article 36 1. So long as this does not contradict public interest, in particular that pertaining to state security or environmental protection, including rational mineral deposit management, with the consent of the entrepreneur to whom a concession has been granted, the concession-granting authority shall transfer the concession, by way of a decision, to the entity which:

- 1) complies with the requirements prescribed by the regulations on undertaking economic activities;
- 2) consents to the acceptance of all the conditions set out in the concession;
- 3) insofar as is necessary to pursue the intended activities, proves the right to use the land property, mining usufruct, or a promise to obtain said rights;
- 4) insofar as is necessary to pursue the intended activities, proves the right to use geological information;
- 5) demonstrates that it is able to comply with the requirements connected with the pursuit of the intended activities.

2. The requirement to prove the right to use the land property or the promise to obtain said right shall not apply to the concession for extraction of lignite.

3. A concession shall be transferred on application of the entity applying for the transfer.

3a. When transferring the concession for underground carbon dioxide storage onto an entity applying for the transfer of the concession, the proposed form and amount of the financial security for the fulfilment of the individual obligations referred to in Articles 28a(3) and 28a(4) shall be specified, as well as the form and amount of the performance deposit for the performance of the individual tasks

referred to in Article 28e(2), unless the existing bond/deposit is transferred onto the entrepreneur applying for the transfer of the concession for underground carbon dioxide storage. The provisions of Articles 28a(8) and 28e(5) shall apply accordingly.

3b. If the transfer of a concession for underground carbon dioxide storage does not result in the transfer of the existing financial security referred to in Article 28a(2) and the performance deposit referred to in Article 28e(1), the concession-granting authority shall, by way of a decision, release the bond/deposit.

3c. The concession-granting authority shall serve the decision referred to in paragraph 3b also on the entity who has provided the financial security referred to in Article 28a(2), and the performance deposit referred to in Article 28e(1).

4. The entrepreneur and the entity applying for the transfer of the concession shall be parties to the concession transfer procedure.

5. Prior to the transfer of the concession, the concession-granting authority may amend the form, scope or method of providing security. The provisions of Article 28 shall apply accordingly.

6. A concession shall be transferred provided that the entity to which the concession is transferred produces evidence of opening a bank account of a mining plant-decommissioning fund and gathering in said account funds corresponding to the amount of funds gathered by the previous entrepreneur.

7. The transfer of a concession shall also result in the transfer of rights and obligations under other decisions issued hereunder.

8. The provisions of paragraphs 1 to 7 shall not apply if separate regulations provide for legal succession in respect of the decisions.

9. Whoever, under separate regulations succeeds to the rights under the decisions adopted hereunder, shall provide the authority responsible for adopting the decision with evidence of said succession within 30 days of succeeding to the rights.

10. Where the time limit referred to in paragraph 9 is not observed, the concession-granting authority shall request that evidence of legal succession be submitted.

11. The concessions relating to the minerals referred to in paragraph 10(1) shall not be transferred onto:

1) the companies referred to in Articles 494 and 531 of the Commercial

Companies Code, except where the composition of the shareholders of the acquiring or newly incorporated company is identical to the composition of the shareholders of the merging companies;

- 2) the purchaser of a bankrupt enterprise pursuant to Article 317 of the Act of 28 February 2003 – Bankruptcy and Reorganisation Law³⁾ (Journal of Laws of 2016, items 2171, 2260 and 2261, and Journal of Laws of 2017, item 791);
- 3) purchaser of an enterprise pursuant to Article 55² of the Civil Code.

Article 37 1. Where an entrepreneur violates the requirements provided for in the Act, in particular those pertaining to environmental protection or rational deposit management, or fails to comply with the conditions provided for in the concession by, *inter alia*, failing to undertake the activities provided for by the concession or permanently discontinuing the said activities, or performs geological works in breach of the schedule defined in the geological development works plan, or fails to perform the obligations referred to in Article 82(2), or performs them in a manner incompliant with the conditions defined in the provisions issued pursuant to Article 82a(1), the concession-granting authority shall, by way of a decision, call upon the entrepreneur to remedy the breaches and shall specify a relevant time limit. The concession-granting authority may also specify the manner in which the breaches are to be remedied.

3) The current name of the Act is the Bankruptcy Law pursuant to Article 428(1) of the Act of 15 May 2015 – Restructuring Law (Journal of Laws, item 978), which entered into force on 1 January 2016.

2. Where an entrepreneur fails to comply with the decision referred to in paragraph 1, the concession-granting authority may, without compensation:

- 1) revoke the concession;
- 2) if the entrepreneur is found to perform the geological works in breach of the schedule defined in the geological works plan – revoke or limit the scope of the concession.

3. The concession-granting authority shall discontinue the proceedings if it finds that the entrepreneur:

- 1) does not violate the requirements referred to in paragraph 1;
- 2) has violated the requirements referred to in paragraph 1 by reason of force majeure;
- 3) has complied with the decision referred to in paragraph 1.

4. The concession-granting authority may revoke a concession without compensation if a decision has been issued that declares the exercise of the rights attached to the shares of an entrepreneur impermissible, pursuant to the provisions of the Act of 24 July 2015 on the control of certain investments, if this serves the public interest, in particular in connection with the national security or the protection of environment, rational management of mineral deposits included.

5. The concession-granting authority may also revoke or change the scope of a concession by reason of any threat to the defence or security of the State or to the safety of citizens, as well as if the entrepreneur has been declared bankrupt.

6. The concession-granting authority shall revoke a concession if a final and non-appealable ruling prohibiting the entrepreneur from conducting the economic activity covered by the concession has been issued.

7. The concession-granting authority may revoke a concession without compensation if mining usufruct is lost, regardless of the reason for such loss.

Article 37a 1. The concession-granting authority shall revoke a concession for underground carbon dioxide storage also where:

- 1) evidence of establishing the performance deposit is not delivered to the concession-granting authority within the time limit defined in the decision referred to in Article 28e(5);
- 2) the amount of the financial security or the performance deposit is not increased within the time limit defined in the decision referred to, in Article 28b(1) and Article 28f(1), respectively;

- 3) the financial security is not restored as specified in Article 28a(10);
- 4) the financial security referred to in Article 28a(2), established in a form other than cash, or the performance deposit referred to in Article 28e(1), established in a form other than a guarantee fee, expires.

2. The concession-granting authority may, with a view to ensuring protection of human health and life and the environmental protection as well as to ensuring public safety, change or revoke, without compensation, the concession for underground carbon dioxide storage:

- 1) in the case of significant changes in the development plan for the underground carbon dioxide storage site, having direct influence on the conditions defined in the concession;
- 2) in the case of obtaining information about a carbon dioxide leakage, carbon dioxide escape from the underground carbon dioxide storage complex, or obtaining information about irregularities in the process of carbon dioxide injection or storage, or in the underground carbon dioxide storage complex;
- 3) where it results from:
 - a) the statement of operations referred to in Article 127m(1), or
 - b) findings from the inspection referred to in Article 127n(1) and Article 158(2)
 - that the operations conducted do not comply with the conditions defined in the concession, development plan for the underground carbon dioxide storage site, or mining plant operation plan, or where there is a risk of carbon dioxide leakage;
- 4) due to the hazard resulting from the usage of carbon capture and storage technology for the safety of health and life of people and the environment, as well as low efficiency and usefulness of this technology in the scope of reduction of carbon dioxide emissions;
- 5) where this proves necessary in the light of the most recent scientific developments and technological progress.

3. The costs of changes in the concession shall be borne by the entrepreneur.

Article 37b An entrepreneur who has had a concession revoked for the reasons referred to in Article 37(2) may file an application for the concession to be re-granted to the same extent not earlier than after the lapse of 3 years from the date on which the decision on the revocation of the concession is issued.

Article 38 1. The concession shall lapse:

- 1) on the expiry of the term for which it has been granted;
- 2) if it has become irrelevant;
- 3) (repealed);
- 4) if the entrepreneur undergoes liquidation;
- 5) if it is renounced.

2. In the cases referred to in paragraph 1, the concession-granting authority shall declare the lapse of the concession by way of a decision.

3. The cases referred to in paragraph 1 shall not extinguish the security obligation referred to in Article 28. The time limit for the obligation to extinguish shall be specified in the decision referred to in paragraph 2.

Article 39 1. Revocation of a concession, its expiry or loss of its effect, regardless of the reason, shall not release the entrepreneur from fulfilling the obligations in the scope of environmental protection and decommissioning of the mining plant, subject to Article 39a(1).

2. The scope and method of discharging the obligations referred to in paragraph 1 shall be provided for in the operations plan of a decommissioned mining plant. If the provisions on the mining plant operations plans are not applied, the scope and method of discharging the obligations referred to in paragraph 1 shall be prescribed by the concession-granting authority in a decision declaring the concession expired, upon agreement with the mayor (of a commune, municipality or town/city).

3. In the absence of the entrepreneur, the obligations referred to in paragraph 1 shall be discharged by his legal successor, and in the absence of the entrepreneur and his legal successor

– the obligations referred to in paragraph 1 shall be discharged by the owner or other person holding a legal title other than ownership to the immovable property.

If necessary, the obliged person and the scope and method of discharging the obligations referred to in paragraph 1 shall be determined by the concession-granting authority by way of a decision.

4. The provisions pertaining to entrepreneurs shall apply accordingly to the entity on which the obligations referred to in paragraphs 1 and 3 have been imposed.

5. An entity on which the obligations referred to in paragraphs 1 and 3 have been imposed shall be entitled to use the object of mineral right for the purpose and

to the extent necessary to discharge these obligations.

Article 39a 1. Should a concession for underground carbon dioxide storage be revoked or expire for the reasons referred to in Article 38(1)(4) and 38(1)(5), the National Administrator of Underground Carbon Dioxide Storage Sites shall assume liability for the underground carbon dioxide storage site.

2. The National Administrator of Underground Carbon Dioxide Storage Sites shall assume liability for the underground carbon dioxide storage site as of the day indicated in the decision revoking the concession for underground carbon dioxide storage or declaring the concession expired.

3. As of the day on which the National Administrator of Underground Carbon Dioxide Storage Sites assumes liability for the underground carbon dioxide storage site, the right to the immovable property referred to in Article 27a(4)(4) and the ownership right to the mining plant shall be transferred, by virtue of law and without any right to compensation, for the benefit of the State Treasury.

4. As of the day on which the National Administrator of Underground Carbon Dioxide Storage Sites assumes liability for the underground carbon dioxide storage site, the National Administrator of Underground Carbon Dioxide Storage Sites shall assume the rights and obligations of the entrepreneur resulting from the decision on the operation of the mining plant.

5. As of the day on which the National Administrator of Underground Carbon Dioxide Storage Sites assumes liability for the underground carbon dioxide storage site, the entrepreneur is obliged to promptly forward to the National Administrator of Underground Carbon Dioxide Storage Sites the documentation relating to the conducted activities of underground carbon dioxide storage.

6. In the case referred to in paragraph 3, the concession-granting authority shall confirm, by way of a decision, the acquisition of right to the immovable property referred to in Article 27a(4)(4), and the ownership right to the mining plant. A final decision shall provide the basis for making entries in the land and mortgage registers and the land and building records.

Article 39b Should a concession for underground carbon dioxide storage be revoked or expire, subject to Article 39c, the National Administrator of Underground Carbon Dioxide Storage Sites shall close the underground carbon dioxide storage sites. The provisions of Articles 107a(2), 127i(2) and 129(1) to

129(4) shall apply accordingly.

Article 39c 1. If it results from the geological report, development plan for the underground carbon dioxide storage site, mining plant operation plan, and the statement of operations referred to in Article 127m(1) that further injection of carbon dioxide to the underground carbon dioxide storage site is technically possible and economically viable, the National Administrator of Underground Carbon Dioxide Storage Sites shall maintain the operational availability of the mining plant until a new concession for underground carbon dioxide storage in a given underground carbon dioxide storage site is granted, however for a period no longer than 3 years as of the assumption by the Administrator of liability for the underground carbon dioxide storage site pursuant to Article 39a. The provision of Article 127i(2) shall apply accordingly.

2. If a new concession is granted for underground carbon dioxide storage, the transfer of the right to the immovable property referred to in Article 27a(4)(4) and the ownership right to the mining plant onto a new entrepreneur shall be effected at the market prices, under a sale agreement.

3. The funds obtained from the sale of the immovable property referred to in Article 27a(4)(4), mining plant, or perpetual usufruct right, after deducting the costs incurred by the National Administrator of Underground Carbon Dioxide Storage Sites in connection with the assumption of liability for the underground carbon dioxide storage site pursuant to Article 39a, shall be transferred to the entity which, upon assumption of liability, was the owner or perpetual usufructuary of the immovable property or the mining plant, respectively.

4. If it is impossible to transfer the funds referred to in paragraph 3 to the entities referred to in that provision, the funds shall be deposited with the court for a period of 10 years.

5. The costs incurred by the National Administrator of Underground Carbon Dioxide Storage Sites in connection with the assumption of liability for a underground carbon dioxide storage site pursuant to Article 39a shall include:

- 1) in the case of the immovable property referred to in Article 27a(4)(4) – real property tax and perpetual usufruct fees;
- 2) in the case of the mining plant – costs of maintaining the operational availability of the mining plant, including the costs of:
 - a) securing wells and installations by closing the valves on well-heads,

- except for emergency valves, and disconnecting pipelines from wells or replacing carbon dioxide in the pipelines with an inert gas,
- b) securing wells and installations against access of unauthorised persons and ensuring permanent supervision over wells and installations,
 - c) checking well-heads and installations,
 - d) performing maintenance works and possible ongoing repairs of heads, wells, pipelines, and installations,
 - e) removing possible breakdowns,
 - f) monitoring the underground carbon dioxide storage site,
 - g) keeping ongoing documentation of the activities undertaken and conducting continuous analysis of the results of surveys and observations, including those performed as part of the monitoring,
 - h) amounts due to the employees of the mining plant.

Article 40 1. Copies of the decisions issued under this Section shall be promptly served on concession-granting authorities of relevant territorial jurisdiction, mining supervision authorities, mayors (of a commune, municipality or town/city) and the President of the State Mining Authority, the National Fund for Environmental Protection and Water Management, hereinafter referred to as “NFEPWM”, and to the state geological service. Copies of the decisions pertaining to maritime territories of the Republic of Poland shall promptly be served on a competent local maritime administration authority.

2. The concession-granting authority shall promptly serve copies of the decisions issued pursuant to this Section and concerning underground carbon dioxide storage also on the National Administrator of Underground Carbon Dioxide Storage Sites, and shall communicate them to the European Commission.

Article 41 1. Unless otherwise provided herein, the parties to procedures conducted under this section with respect to activities pursued within the boundaries of land properties shall include their owners (perpetual usufructuaries).

2. Parties to procedures implemented under this Section shall not include owners (perpetual usufructuaries) of immovable properties situated outside the planned or existing mining districts or geological development work sites.

2a. The decisions and letters issued during the procedures conducted on the basis of this Section shall be served on the parties to these procedures to the address indicated in the land and building records, unless a party provides another address.

3. If the number of parties to the procedure exceeds 20, administrative authorities shall communicate their decisions and other actions by announcements placed in the Bulletin of Public Information on their websites and as is customarily done in a given locality.

4. Giving notifications as specified in paragraph 3 shall not release the authorities from the obligation to serve decisions and documents on the applicant, entrepreneur and entities burdened with the obligations prescribed in the Act or agreed in pursuance of the provisions of this Act.

5. Irrespective of the number of parties to the procedure conducted under this Section, the provision of paragraph 3 shall apply to the procedure for declaring the concession expired due to the death or winding up of the entrepreneur.

6. The announcement placed in the Bulletin of Public Information referred to in paragraph 3 shall be deleted after one year following the day on which the decision became final.

Article 42 1. In matters governed by this Section:

- 1) the commencement of the activities covered by the concession shall be considered as the occurrence of irrevocable legal effects;
- 2) the revocation (modification) of the concession due to the procedure being reopened may not take place within a year after the commencement of the activities covered by the concession.

2. The provision of paragraph 1 shall be without prejudice to the obligation to redress damage.

Chapter 2

(repealed);

Chapter 3

Concession for the Prospecting for or Exploration of Hydrocarbon Deposits and Extraction of Hydrocarbons from Deposits, and Concessions for the Extraction of Hydrocarbons from Deposits

Article 49a 1. In order to assess the ability of the interested entity to carry out the activities in the scope of the prospecting for and exploration of hydrocarbon deposits and extraction of hydrocarbons from deposits, the minister responsible for the environment shall conduct an eligibility procedure.

2. In the course of the eligibility procedure it is ascertained whether the entity intending to apply for a concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit or a concession for the extraction of hydrocarbons from a deposit:

- 1) remains under corporate control of a third-party state, entity or citizen of a third party state, and if so – if such control can pose a threat to national security, and
- 2) (repealed);
3. (repealed);

4. Corporate control shall be construed as all forms of obtaining – directly or indirectly – entitlements by the entity, which – separately or jointly, given all legal and factual circumstances – make it possible for the entity to exert decisive influence on another entity or entities, in the case where:

- 1) the said entity holds – directly or indirectly – a majority of votes at the general meeting, also as a pledgee or usufructuary, or in the management board of another entity (subsidiary undertaking), also on the basis of agreements with other persons;
- 2) the said entity is entitled to appoint or dismiss a majority of the members of the management board or supervisory board of another entity (subsidiary undertaking), also on the basis of agreements with other persons;
- 3) members of its management board or supervisory board represent more than half of the members of the management board of another entity (subsidiary undertaking);
- 4) the said entity holds – directly or indirectly – a majority of votes in a subsidiary partnership or at the general meeting of a subsidiary cooperative, also on the basis of agreements with other persons;
- 5) the said entity holds the right to the whole or part of the property of another entity (subsidiary undertaking);
- 6) agreements were concluded, providing for management of another entity (subsidiary undertaking) or transfer of profit by such entity.

5. A third-party state shall mean any state other than a Member State of the European Union, member state of the European Free Trade Agreement (EFTA), or member state of the North Atlantic Treaty Organisation.

6. An entity interested in participating in the tender procedure shall submit to the minister responsible for the environment an application for eligibility procedure to be conducted, and shall pay to the bank account of the office providing services to the minister a fee for conducting such procedure.

7. The application for conducting the eligibility procedure shall contain:

- 1) data identifying the entity, including designation of its legal status;
- 2) data relating to the capital structure and capital links of the entity;
- 3) data relating to the sources of origin of the financial resources, and relating to the financial condition of the entity;
- 4) data relating to the organisational structure of the entity;
- 5) data of all persons who are members of managing and supervising bodies as well as data of persons acting under the authority of the same, including, in the case of:
 - a) Polish citizens or foreigners with PESEL number assigned – first and last name, PESEL number, and position or function performed in a given entity,
 - b) foreigners without PESEL number – first and last name, date and place of birth, first names of parents, nationality, current residence address, passport number or number of another document confirming their identity, as well as position or function performed in a given entity;
- 6) (repealed);
- 7) signature of a person authorised to submit statements of will on behalf of the entity.

8. The application for the conduct of the eligibility procedure shall be accompanied by evidence confirming the circumstances described in the application, in particular excerpts from relevant registers. The application shall be submitted in 5 copies.

9. The fee for the conduct of the eligibility procedure shall amount to one-fourth of the average salary in the national economy in the calendar year, announced most recently by the President of the Central Statistical Office in the Official Gazette of the Republic of Poland “Monitor Polski” on the basis of the provisions on retirement and disability pensions from the Social Insurance Fund, determined

as at the day of submitting the application for the conduct of the eligibility procedure. The fee shall constitute the State budget income.

10. The minister responsible for the environment shall promptly forward to the Polish Financial Supervision Authority, the Head of the Internal Security Agency, and the Head of the Foreign Intelligence Agency applications for the conduct of the eligibility procedure in order to obtain their opinion to the extent referred to in paragraph 2(1).

11. The bodies referred to in paragraph 10, within their jurisdiction, shall issue positive opinions where the entity referred to in paragraph 2:

- 1) does not remain under corporate control of a third-party state, entity or citizen of a third party state, or
- 2) remains under corporate control of a third-party state, entity or citizen of a third party state, but that control does not threaten the national security.

12. The bodies referred to in paragraph 10, within their jurisdiction, shall issue negative opinions where the entity referred to in paragraph 2 fails to fulfil the conditions referred to in paragraph 11.

13. The bodies referred to in paragraph 10 shall present to the minister responsible for the environment, by way of a decision, the opinions referred to in paragraphs 11 and 12, within 30 days as of receiving the applications for the conduct of the eligibility procedure.

14. The bodies referred to in paragraph 10 may refrain from presenting reasons for an opinion due to national security interest or public order.

15. (repealed);

16. A positive assessment in the eligibility procedure shall be awarded to an entity which:

- 1) has received positive opinions from all the bodies referred to in paragraph 10;
- 2) (repealed);

17. A positive assessment in the eligibility procedure or a refusal to issue such an assessment shall take place by way of a decision. The decision on the positive assessment in the eligibility procedure shall, subject to Article 49b(5), be valid for 5 years.

18. The Council of Ministers shall define, by way of a regulation:

- 1) template of the application for the conduct of the eligibility procedure,
- 2) requirements concerning documents enclosed with the application for the

conduct of the eligibility procedure

– considering the status of the entity submitting the application for the conduct of the eligibility procedure and the need to ensure completeness of the information included in the application.

Article 49b 1. If data referred to in Article 49a(7)(1) to 49a(7)(5) have changed, the entity to which a decision on the positive assessment in the eligibility procedure has been issued is obliged to notify the minister responsible for the environment of such change within 14 days as of the day on which the event resulting in the changes in data occurred. The notification must be accompanied by 5 copies of evidence confirming the existence of the circumstances described in the notification, in particular excerpts from relevant registers.

2. No later than within 4 months before the expiry of the decision on the positive assessment in the eligibility procedure, the entity to which the decision has been issued may submit an application for repeated eligibility procedure.

3. If the minister responsible for the environment becomes aware of a change in data referred to in Article 49a(7)(1) to 49a(7)(5) concerning the entity to which a decision on the positive assessment in the eligibility procedure has been issued, then the minister shall initiate a repeated eligibility procedure *ex officio* with regard to the said entity within 30 days as of the day on which the minister became aware of the change in data, to the extent of the disclosed changes, unless the minister ascertains that the entity does not cease to meet the conditions referred to in Article 49a(11) as a result of the relevant changes.

4. The provisions of Articles 49a(1) to 49a(16) shall apply accordingly to the repeated eligibility procedure.

5. After the repeated eligibility procedure has been completed, the minister responsible for the environment, by way of a decision, shall:

- 1) if the entity to which a decision on the positive assessment in the eligibility procedure has been issued fulfils the conditions referred to in Article 49a(11)
– extend the validity of the decision for the next 5 years;
- 2) if the entity to which a decision on the positive assessment in the eligibility procedure has been issued no longer fulfils the conditions referred to in Article 49a(11):
 - a) refuse to extend the validity of the decision and set it aside – if the application referred to in paragraph 2 has been submitted,

b) set the decision aside – if the procedure has been initiated *ex officio*.

Article 49c 1. A list of eligible entities shall be created.

2. The list of eligible entities shall be kept by the minister responsible for the environment.

3. The list of eligible entities shall include, separately:

1) a list of the entities to which a decision on the positive assessment in the eligibility procedure has been issued to the extent referred to in Article 49a(16)(1);

2) (repealed);

4. The list of eligible entities shall include, separately for each entity entered on the list, the following data:

1) entry number;

2) name (business name) of the entity, its registered office and address, and legal form, and in the case of a natural person carrying out business activity – first and last name and the place in which the activity is carried out;

3) number in the register of entrepreneurs or in the business activity register, or another relevant register kept in a country other than the Republic of Poland;

4) date of obtaining the decision on the positive assessment in the eligibility procedure and date of obtaining the decision on the extension of the former decision's validity.

5. The minister responsible for the environment shall:

1) make entries on the list of eligible entities on the basis of final decisions on the positive assessment in the eligibility procedure as well as on the extension of validity of this decision;

2) delete an entity from the list of eligible entities if the decision on the positive assessment in the eligibility procedure has been repealed, has expired or lost its binding force, regardless of the reason.

6. The minister responsible for the environment shall make available the list of eligible entities in the Public Information Bulletin on the website of the office providing services to the minister.

Article 49d A decision on the positive assessment in the eligibility procedure shall entitle the entity to which it has been issued to submit a tender in the tender procedure for the award of a concession to prospect for and explore hydrocarbon deposits and extract hydrocarbons from deposits or a concession to extract

hydrocarbons from deposits and an application referred to in Article 49e.

Article 49e A concession to prospect for and explore hydrocarbon deposits and extract hydrocarbons from deposits or a concession to extract hydrocarbons from deposits shall be granted by way of a tender procedure or at the request of the interested entity.

Article 49ea A concession to prospect for and explore hydrocarbon deposits and extract hydrocarbons from deposits or a concession to extract hydrocarbons from deposits may be granted at the request of the interested entity, provided that the area to which their application pertains is not covered by a current notice referred to in Article 49f(1) or that a tender procedure concerning that area has not been initiated.

Article 49eb 1. An application for a concession shall specify, in addition to the requirements provided for in regulations on environmental protection and business activity, the following:

- 1) owners (perpetual usufructuaries) of immovable properties within the boundaries of which the intended activities are to be pursued, along with the designation of these immovable properties in accordance with land and building records;
- 2) rights of the applicant to the immovable property (area) within the boundaries of which the intended activities are to be pursued or the right for the establishment of which the applicant seeks;
- 3) period for which the concession is to be granted, with an indication of the date when activities are to commence, and in the case of an application for a concession to prospect for and explore hydrocarbon deposits and extract hydrocarbons from deposits – additionally the duration of the prospecting and exploration phase and exploration phase;
- 4) in the case of an application for a concession to prospect for and explore hydrocarbon deposits and extract hydrocarbons from deposits:
 - a) purpose, scope, and type of geological development works, including geological works, or mining operations as well as information about the works to be performed, including technologies to be used, with a view to achieving the intended purpose, and the minimum exploration category of a deposit,
 - b) the schedule, divided into years, for the performance of geological

- development works, including geological works, and their scope,
- c) scope and schedule of obligatory sampling resulting from geological works, including drilling cores;
- 5) in the case of an application for a concession to extract hydrocarbons from a deposit:
- a) a mineral deposit or its part that is to be subject to extraction,
 - b) volume and method of the intended extraction of minerals as well as the degree of intended utilisation of mineral deposit resources, including associated and accessory minerals of useful trace elements, and resources that make it possible to achieve that purpose,
 - c) planned location of the mining district and mining area, presented in accordance with the requirements applicable to mining maps, with borders of the country's territorial division demarcated,
 - d) geological and hydro-geological conditions of the extraction, and where necessary – conditions of water injection to the rock mass;
- 6) the list of areas covered by special forms of environmental protection; this requirement does not refer to projects for which an environmental approval is required;
- 7) method to prevent the negative impact of intended activities on the environment;
- 8) experience in the pursuit of activities to the extent of prospection and exploration of hydrocarbon deposits or extraction of hydrocarbons from deposits, ensuring safety of pursued activities, protection of human and animal life and health, and environmental protection;
- 9) technical capability to carry out the activity to the extent of prospection and exploration of hydrocarbon deposits and extraction of hydrocarbons from deposits or extraction of hydrocarbons from deposits, as the case may be, and in particular relevant technical, organisational, logistical, and staff resources;
- 10) financial capability providing due guarantee for the pursuit of activity to the extent of prospection and exploration of hydrocarbon deposits and extraction of hydrocarbons from deposits or extraction of hydrocarbons from deposits, as the case may be, and in particular sources and methods of financing the intended activities, including the share of own funds and funds originating from third party capital;
- 11) proposed technology of geological development works, including geological

works, or mining works;

- 12) proposed amount of remuneration for the establishment of mining usufruct;
- 13) if the application is filed jointly by several entities, the application must additionally specify the elements referred to in Article 49j(2).

2. The application for concession must be accompanied by the following:

- 1) evidence confirming the existence of circumstances described in the application, in particular excerpts from relevant registers;
- 2) a copy of the decision on the positive assessment in the eligibility procedure referred to in Article 49a(17);
- 3) graphic annexes prepared in accordance with the requirements applicable to mining maps, with borders of the country's territorial division demarcated, whereas in the case of an application for a concession to extract hydrocarbons from a deposit – graphic annexes specifying the planned location of the mining district and mining area, presented in accordance with the requirements applicable to mining maps, with borders of the country's territorial division demarcated;
- 4) in the case referred to in Article 49k(2) – a written obligation referred to in the said provision;
- 5) in the case of an application for a concession to prospect for and explore hydrocarbon deposits and extract hydrocarbons from deposits – two copies of the geological works plan referred to in Article 79;
- 6) in the case of an application for a concession to extract hydrocarbons from a deposit – evidence confirming the right to use geological information to which the applicant is entitled insofar as necessary to pursue the intended activities, and a copy of the decision approving geological reports.

3. Documents drawn up in a foreign language shall be submitted with their translation into Polish provided by a sworn translator.

Article 49ec 1. Information about the submission of the first application for concession by the interested entity referred to in Article 49ea shall be published by the concession-granting authority in the Official Journal of the European Union. The information that the notice has been published in the Official Journal of the European Union shall be published in the Public Information Bulletin on the website of the office providing services to the concession-granting authority.

2. The notice shall contain the following:

- 1) information that an application for concession has been filed;
- 2) information regarding the type of activity for which concession is to be granted;
- 3) specification of the area within the boundaries of which the activity is to be pursued;
- 4) time limit for the submission of applications for concession by other entities interested in the activity for which concession is to be granted, not shorter than 90 days from the date of publication of the notice in the Official Journal of the European Union;
- 5) criteria for the assessment of applications for concession, along with the specification of their weights determined pursuant to Article 49k(1), 49k(1a) and 49k(3).

3. If an application for a concession covering the same area, either in whole or in part, and type of activity is filed in the period from the day on which the application for concession referred to in Article 49ea has been filed until the date of publication of the notice, the basis for the publication of the notice shall be the first application filed.

4. From the date of publication of the notice in the Official Journal of the European Union, no other procedures concerning the same area, either in whole or in part, and type of activity covered by the notice shall be commenced, and any commenced procedures shall be discontinued.

5. If no applications for a concession to pursue the activity covered by the procedure are filed within the time limit referred to in paragraph 2(4), the concession-granting authority shall conduct the procedure with regard to the entity who filed the application for concession, as referred to in Article 49ea.

6. If an application for a concession to pursue the activity covered by the procedure is filed within the time limit referred to in paragraph 2(4), the concession-granting authority shall assess filed applications for concession in accordance with the criteria indicated in the notice referred to in paragraph 1.

7. Filed applications for concession shall not be subject to changes that may affect the assessment of the criteria referred to in paragraph 2(5).

8. The provisions of Articles 49m(1a) to 49m(4) shall apply accordingly to the comparison of applications for concession.

Article 49ed 1. If the highest score was awarded to an application for

concessions referred to in Article 49ea, filed jointly by several entities, the concession-granting authority shall promptly call upon the operator to provide the authority with a draft cooperation agreement within 30 days as of being called upon to do so.

2. If the concession-granting authority finds the draft cooperation agreement to be inconsistent with the filed application for concession or the Act, the concession-granting authority shall set an additional time limit of 14 days to enable the removal of inconsistencies.

3. If the concession-granting authority finds the draft cooperation agreement to be consistent with the filed application for concession and the Act, the concession-granting authority shall promptly notify the operator thereof.

4. Upon receiving the information referred to in paragraph 3, the operator shall immediately forward the cooperation agreement to the concession-granting authority.

5. The concession-granting authority shall discontinue the proceedings if:

- 1) the cooperation agreement is not provided to the concession-granting authority;
- 2) inconsistencies are not removed within the time limit referred to in paragraph 2.

Article 49ee 1. Upon obtaining opinions or agreements required by the Act, the concession-granting authority shall grant a concession to prospect for and explore a hydrocarbon deposit and extract hydrocarbons from a deposit or a concession to extract hydrocarbons from a deposit

- 1) to an entity whose application for concession was awarded the highest score, or
- 2) if the application for concession with the highest score was an application filed jointly by several entities, after the cooperation agreement is provided to the concession-granting authority – to the parties to the said agreement

– and shall refuse to grant a concession to other entities.

2. The concession-granting authority shall conclude a mining usufruct agreement with the entity whose application for concession was awarded the highest score, whereas in the case where the application for concession with the highest score was filed jointly by several entities – with all those entities.

3. The concession-granting authority shall refuse to grant the concession referred to in paragraph 1 in cases referred to in Article 29 as well as where the decision on the positive assessment in the eligibility procedure has been set aside,

expired or lost its binding force for any reason whatsoever before the concession has been granted to the entity or, when the application with the highest score has been filed by several entities, to at least one of the entities.

Article 49f 1. On an annual basis, the concession-granting authority shall announce, until 30 June, in the Public Information Bulletin on the website of the office providing services to the authority, information about areas, including their boundaries, for which it plans to commence the tender procedure in the next year.

2. If changes are made in the areas for which the commencement of the tender procedure is planned for the next year, the concession-granting authority shall promptly announce the changes in the manner defined in paragraph 1.

3. The spaces for which the initiation of the tender procedure is planned in the next year shall be established by the concession-granting authority on the basis of assessment of geological perspective done in cooperation with the state geological service. The assessment of geological perspective shall include, in particular, assessment of the ability to document hydrocarbon deposit reserves for the purpose of their extraction and the cost-effectiveness of extraction of hydrocarbons from deposits.

Article 49g 1. Prior to the initiation of the tender procedure the concession-granting authority shall do the following, where the subject matter of the procedure is that of granting of a concession for:

- 1) the prospection and exploration of hydrocarbon deposits and the extraction of hydrocarbons from deposits – shall make the arrangements referred to in Articles 8 and 23(1a) and shall obtain the opinion referred to in Article 23(1)(1b) or the opinion referred to in Article 23(2)(2);
- 2) mineral extraction from deposits;
 - a) shall make the arrangements referred to in Articles 8 and 23(1) (3) and shall obtain the opinion referred to in Article 23(1b) or shall make the arrangements referred to in Article 23(2a)(1),
 - b) obtain a decision approving the geological and investment report regarding the hydrocarbon deposit,
 - c) obtain an environmental approval;
- 3) the prospection and exploration of hydrocarbon deposits and the extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland or the extraction of hydrocarbons from deposits within the maritime

territories of the Republic of Poland – shall also obtain an opinion of the President of the State Mining Authority on the safety of such activity.

2. In the matters referred to in paragraph 1, the concession-granting authority shall have the rights of a party to the procedure.

Article 49h 1. The tender procedure shall consist of the following stages:

- 1) tendering process;
- 2) conclusion of a cooperation agreement where the tender procedure is won by a number of entities which submitted a tender jointly;
- 3) grant of the concession.

2. The concession-granting authority shall announce the commencement of the tender procedure for granting a concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit, or a concession for the extraction of hydrocarbons from a deposit by publishing a notice in the Official Journal of the European Union. The information that the notice has been published in the Official Journal of the European Union shall be published in the Public Information Bulletin on the website of the office providing services to the concession-granting authority.

3. The notice shall define in particular:

- 1) type of activity for which the concession is to be granted;
- 2) area within which the activity is to be pursued;
- 3) time limit for the submission of tenders not shorter than 90 days from the day of publication of the notice in the Official Journal of the European Union and the place where tenders are to be submitted;
- 4) detailed terms and conditions of the tender procedure, including tender evaluation criteria with their weights, ensuring that the conditions referred to in Article 49k(1) are fulfilled, and the scope of cooperation referred to in Article 49k(1a);
- 5) minimum scope of geological information;
- 6) date of commencement of the activity;
- 7) conditions for granting the concession, concerning in particular the amount, scope, and manner of and the time limit for providing the security referred to in Article 49x(2a), and where this is justified by particularly important interests of the State or particularly important public interest, relating in particular to environmental protection or national economy, also the amount,

- scope, and manner of providing the security referred to in Article 49x(2);
- 8) the minimum scope of geological development works, including geological works, or mining works;
 - 9) period of time for which the concession is to granted;
 - 10) detailed conditions of the activity to be pursued, including in the scope of ensuring public safety, public health, environmental protection, or rational deposit management;
 - 11) template of a mining usufruct agreement;
 - 12) information about the amount of fee for the establishment of mining usufruct;
 - 13) information about the requirements which should be met by the tender, and the documents required from the entity submitting the tender;
 - 14) information about the form of a tender guarantee to be submitted, its amount, and payment deadline.

Article 49i 1. Within 14 days from the date of publication of the notice referred to in Article 49h(2), the interested entity may submit an application for the clarification of conditions referred to in Article 49h(3)(4) to the concession-granting authority.

2. Within 14 days from the date of receipt of the application, the concession-granting authority shall publish the content of the clarification in the Public Information Bulletin on the website of the office providing services to that authority.

3. The clarification shall be binding on the concession-granting authority and the entities taking part in the tender procedure.

Article 49j 1. The tender shall be drawn up in accordance with the requirements defined in the provisions issued on the basis of Article 49o(1).

2 Where a tender is submitted jointly by several entities, it shall also include:

- 1) designation of the operator;
- 2) percentage shares in the costs of geological development works, including geological works, or mining operations, proposed in the cooperation agreement and calculated in such a way that the sum of the percentage shares of the tenderers amount to 100%.

3 An operator is an entrepreneur holding the decision on the positive assessment in the eligibility procedure, obliged to exercise the rights and obligations resulting from the granted concession referred to in this Chapter before the public

administration bodies, and liable to these bodies and third parties, as well as authorised to represent the other entrepreneurs who have been granted the concession, on the terms defined in the Act.

Article 49k 1. The conditions of the tender procedure should be objective and non-discriminatory, give priority to the best systems of prospecting for and exploration of hydrocarbon deposits or extraction of hydrocarbons from deposits, and be based on the following criteria:

- 1) experience in the activity in the scope of the prospecting for and exploration of hydrocarbon deposits or extraction of hydrocarbons from deposits, ensuring safety of the activities conducted, protection of life and health of people and animals, and of the environment;
- 2) technical capabilities to carry out the activity in the scope of prospecting for and exploration of hydrocarbon deposits and extraction of hydrocarbons from deposits, or extraction of hydrocarbons from deposits, respectively, and in particular having relevant technical, organisational, logistics, and staff resources;
- 3) financial capabilities providing due guarantee of performance of the activity in the scope of prospecting for and exploration of hydrocarbon deposits and extraction of hydrocarbons from deposits, or extraction of hydrocarbons from deposits, respectively, and in particular sources and manners of financing the intended activities, including the share of own funds and funds originating from third party capital;
- 4) proposed technology of performing geological development works, including geological works, or mining works;
- 5) scope and schedule of the proposed geological development works, including geological works, or mining works;
- 6) the scope and schedule of the obligatory sampling resulting from geological works, including drilling cores.

1a. The evaluation of the criterion referred to in paragraph 1(2) shall also include the scope of cooperation in the development and implementation of innovations in prospecting for, exploring and extracting hydrocarbons from deposits with scientific units within the meaning of Article 2 subparagraph 9 of the Act of 30 April 2010 on the principles of financing science (Journal of Laws of 2018, item 87), hereinafter referred to as “scientific units”, dealing with the

exploration of the geological structure of Poland as well as analytics, technology and methodology of prospecting for deposits that take into consideration the specificity of Polish geological conditions and apply to these conditions, entered on the list of scientific units referred to in Article 49ka(1).

2 The entity taking part in the tender procedure may rely on the technical capabilities referred to in paragraph 1(2) of other entities – regardless of the nature of legal relationships between the former and such entities. In such case, the entity participating in the tender procedure is obliged to demonstrate to the concession-granting authority that it will have technical resources necessary to perform the obligations resulting from the concession, in particular by presenting a written statement of other entities to that effect, in which they will undertake to make available to the participating entity necessary technical resources for the period of use in the performance of the concession.

3 If, as a result of the evaluation of tenders in accordance with the criteria referred to in paragraph 1, two or more tenders obtain the same score, the additional criterion in order to finally decide between these tenders will be the amount of fee for the establishment of the mining usufruct, due at the stage of prospecting and exploring.

Article 49ka 1. The minister responsible for the environment shall keep a list of scientific units.

2. The list referred to in paragraph 1 shall be published in the Public Information Bulletin on the website of the office providing services to the minister responsible for the environment.

3. The minister responsible for the environment shall enter a scientific unit on the list referred to in paragraph 1 at its request, taking into consideration the following criteria:

- 1) scientific achievements,
- 2) scientific potential,
- 3) the effects of scientific activity

– to the extent of exploring the geological structure of Poland as well as analytics, technology and methodology of prospecting for deposits that take into consideration the specificity of Polish geological conditions and apply to these conditions.

4. The application referred to in paragraph 3 shall contain the following:

- 1) basic information concerning the scientific unit, including its name, registered office and number of entry in the National Court Register;
- 2) information concerning scientific publications and monographs;
- 3) patents, international applications, technology deployments and invention projects;
- 4) information on scientific potential;
- 5) information on the most important achievements of the scientific unit to the extent of the remaining effects of its activities.

5. The minister responsible for the environment shall assess a scientific unit taking into consideration the criteria referred to in paragraph 3, based on information included in the filed application.

6. The minister responsible for the environment shall refuse to enter a scientific unit on the list referred to in paragraph 1 by way of a decision if the scientific unit does not meet the criteria referred to in paragraph 3.

7. A scientific unit entered on the list referred to in paragraph 1 is obliged to provide current information to the extent referred to in paragraph 4, as at 31 December of the previous year, to the minister responsible for the environment on an annual basis, by 31 January.

8. The minister responsible for the environment may remove a scientific unit from the list referred to in paragraph 1 by way of a decision if:

- 1) the scientific unit has requested to be removed from the list;
- 2) in the event of a liquidation or division of the scientific unit;
- 3) the scientific unit no longer meets the criteria referred to in paragraph 3.

9. Having regard to the need to efficiently carry out the procedure for the entry of scientific units on the list, the minister responsible for the environment shall define, by way of a regulation, a procedure for the assessment whether a scientific unit meets the criteria referred to in paragraph 3 and a template of application for entry on the list of scientific units.

Article 491 1. The concession-granting authority shall conduct the tender procedure through a tender committee.

2. The tender committee shall be comprised of three to five members, including chairman and deputy chairman, appointed by the concession-granting authority from among the employees of the office providing services to the authority and fulfilling the requirements defined in the provisions issued pursuant

to Article 49o subparagraph 2.

3. The following persons may not be members of the tender committee:

- 1) persons married to, directly related by blood or marriage, or related by affinity up to the second degree, or related by adoption, custody, or guardianship to the entity submitting the tender, its representative or members of the bodies of this entity;
- 2) persons who, before the lapse of three years as of the day of commencement of the tender procedure, remained in the employment or mandate-contract relationship with the entity submitting the tender, or were members of the bodies of the legal persons of this entity;
- 3) persons remaining with the entity submitting the tender in such legal or factual relationship that may raise justified doubts as regards their impartiality.

4. The tender committee shall work at meetings which are held on the date and at a place indicated by the chairman of the committee.

Article 49m 1. The tender committee shall assess whether the tenders fulfil the requirements referred to in Article 49h(3)(13), and shall evaluate the tenders on the basis of the criteria referred to in Article 49h(3)(4).

1a. In the case of activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland, the tender committee shall, when evaluating tenders on the basis of the criteria referred to in Article 49k(1)(2) and 49k(1)(3), take into account in particular:

- 1) the risks and dangers involved in the pursuit of such activity in the space within which it is to be pursued, in particular the costs of degradation of marine waters referred to in Article 61h(1)(3) of the Water Law Act of 18 July 2001;
- 2) the financial capacity of a given entity participating in the tender procedure to cover liabilities that may arise from the performance of that activity, including all types of financial security;
- 3) available information concerning activities of a given entity participating in the tender procedure related to the security and protection of the environment, including activities related to dangerous events, insofar as they are likely to affect the pursuit of the activity in question.

2. Where a tender is submitted jointly by several entities, the evaluation shall be carried out with regard to all such entities.

3. The entity or entities whose tender obtains the higher score shall win the tender procedure.

4. Where several entities that submitted a tender jointly win the tender procedure, the operator shall be the entity designated as such in the tender.

5. After conclusion of the tender procedure, the tender committee shall promptly submit minutes of the tender to the concession-granting authority.

6. The concession-granting authority shall forward the minutes of the tender to all participating entities.

Article 49n 1. An entity participating in the tender procedure shall have the right to raise objections with the concession-granting authority in relation to the activities undertaken in the tender procedure in violation of the provisions of the Act.

2. The objections should designate the said activity as well as contain a concise description of the allegations and factual and legal circumstances providing grounds for the objections.

3. The objections shall be raised within 14 days of the minutes of the tender being served.

4. The concession-granting authority shall reject objections raised out of time or raised by an entity other than a participant in the tender procedure.

5. The concession-granting authority shall promptly notify the entities participating in the tender procedure of the objections raised.

6. The objections shall be reviewed within 14 days as of their submission.

7. Should the objections be considered valid, the action objected against shall be repeated.

8. If the actions objected against are repeated, the time limits referred to in Articles 49p(1) to 49p(3) or 49s(1) shall be tolled.

9. In matters connected with the objections, the concession-granting authority shall issue decisions.

Article 49o The Council of Ministers shall define, by way of a regulation:

- 1) the requirements which should be met by the tender, and the documents required from the entity submitting the tender, with account taken of the activity type;
- 2) the requirements which should be met by the members of the tender committee, necessary to carry out the tender procedure, and the manner of

work of the committee, with account taken of the efficiency of the activities performed,

- 3) the manner of implementation of the tender procedure, including the manner of evaluating tenders, with account taken of the need to ensure fair evaluation of tenders in accordance with the transparency and non-discrimination principles

– having regard to the principles of competition protection, environmental protection, and rational deposit management.

Article 49p 1. If a tender selected in the tender procedure was submitted jointly by several entities, the concession-granting authority shall, after receiving the minutes of the tender, promptly call upon the operator to submit to the authority, within 30 days after receipt of the call, a draft cooperation agreement.

2. If the concession-granting authority finds the draft cooperation agreement to be incompliant with the submitted tender or the Act, the concession-granting authority shall set an additional time limit of 14 days to enable the removal of the inconsistencies.

3. If the concession-granting authority finds the draft cooperation agreement to be compliant with the submitted tender or the Act, the concession-granting authority shall promptly, no later than within 14 days after receipt of the draft agreement, notify the operator thereof.

4. Upon receiving the information referred to in paragraph 3, the operator shall promptly forward the cooperation agreement to the concession-granting authority.

Article 49q 1. Withdrawal of a tender in the course of the tender procedure shall result in the forfeiture of the tender guarantee.

2. A tender guarantee provided by an entity participating in the tender procedure, whose tender has not received the highest score in the procedure, shall be returned within 14 days after the concession-granting authority receives the minutes of the tender.

3. A tender guarantee provided by the winning tenderer shall be returned within 14 days of the concession being granted, and where the tender procedure is won by several entities jointly submitting the tender – as of the date on which the cooperation agreement is provided to the concession-granting authority. The tender guarantee shall not be returned if the conclusion of the cooperation agreement is abandoned for reasons attributable to the winning tenderer, unless it is

abandoned due to force majeure.

Article 49r The concession-granting authority shall discontinue the proceedings if:

- 1) no entity has submitted a tender within the time limit referred to in Article 49h(3)(3);
- 2) all tenders submitted in the tender procedure have been withdrawn or do not comply with the requirements defined in the notice referred to in Article 49h(2);
- 3) the tender procedure is won by several entities jointly submitting a tender, which have failed to submit the cooperation agreement to the concession-granting authority;
- 4) the inconsistencies in the draft cooperation agreement are not removed within the time limit referred to in Article 49p(2).

Article 49s 1. The concession-granting authority shall grant a concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit, or a concession for the extraction of hydrocarbons from a deposit promptly:

- 1) after receiving the minutes of the tender – to the winning tenderer, or
- 2) if the tender procedure is won by several entities jointly submitting a tender – after the cooperation agreement is provided to the concession-granting authority – to the parties to the agreement

– while refusing to grant the concession to the entities participating in the tender procedure, which are not winning tenderers.

2. The concession-granting authority shall conclude a mining usufruct agreement with the winning tenderer, and where several entities which submitted a tender jointly won the tender procedure – with all such entities.

3. The concession-granting authority shall refuse to grant the concession referred to in paragraph 1 in the cases referred to in Article 29(1), and also where:

- 1) none of the tenders fulfils the criteria referred to in Article 49h(3)(4);
- 2) before the concession is granted, the decision on the positive assessment in the eligibility procedure of the winning tenderer, and where entities that submitted a tender jointly won the tender procedure – of the operator or of all the entities, has been set aside, has expired or lost its binding force, for any reason whatsoever.

Article 49t 1. The concession to prospect for and explore hydrocarbon deposits and extract hydrocarbons from deposits as well as the concession to extract hydrocarbons from deposits shall be granted for a fixed period not shorter than 10 years and not longer than 30 years, subject to Articles 49y(2), 49y(5) and 49y(8).

2. An entrepreneur who has obtained a concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit, as well as a concession for the extraction of hydrocarbons from a deposit, after the tender procedure is concluded, shall assume, by virtue of law, the rights and obligations of the parties to the procedures ended with a decision as well as decisions obtained by the concession-granting authority before the commencement of the tender procedure.

3. The concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit, and the concession for the extraction of hydrocarbons from a deposit shall:

- 1) vest in the entrepreneur an exclusive right to carry out the activities covered with the concession in the area defined therein;
- 2) if it is granted to the parties to the cooperation agreement – be implemented in the manner and on the conditions defined in that agreement.

Article 49u 1. The concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit, and the concession for the extraction of hydrocarbons from a deposit shall define:

- 1) type and manner of pursuit of the intended activity;
- 2) the area within which the intended activity is to be pursued;
- 3) if it is granted to the parties to the cooperation agreement – the operator, along with indicating, in accordance with the cooperation agreement, the share of the parties to the agreement in the profit and costs of geological development works, including geological works, or mining works;
- 4) period of validity of the concession;
- 5) date of commencement of the intended activity, and if necessary – the grounds which, when satisfied, mean the commencement of the intended activity;
- 6) detailed conditions of the activity to be pursued, including in particular in the scope of ensuring public safety, public health, environmental protection, or rational deposit management;
- 7) conditions relating to the deposit referred to in Article 49x(2), if provided for

in the notice referred to in Article 49h(2), and in particular the amount, scope and manner of establishing the deposit;

- 8) the amount, scope, and manner of establishing the deposit referred to in Article 49x(2a), in the case of a concession for the prospecting for and exploration of hydrocarbon deposits and the extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland and a concession for the extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland.

2. The concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit and the concession for the extraction of hydrocarbons from a deposit may specify the conditions of water injection to the rock mass.

Article 49v The concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit shall also specify:

- 1) the purpose, scope, and type of intended geological development works, including geological works, and the minimum exploration category of the deposit;
- 2) the duration of:
 - a) the stage of prospecting and exploring understood as the implementation of the concession in the period from the date it was granted to the date of completing the documentation of the deposit in the area indicated in the concession or the date of submitting to the competent authority the documentation referred to in Article 88(2)(4); approval of the geological and investment report of the hydrocarbon deposit before the end of this stage shall not constitute its completion,
 - b) the stage of extraction understood as the implementation of this concession in the period from the date on which the investment decision referred to in Article 49z(1) was issued to the date the concession is revoked, expires or loses its binding force; the extraction stage may be commenced during the prospecting and exploration stage;
- 3) the schedule set out per years of the fulfilment of the obligations stemming from the concession, including those resulting from the schedule defined in the geological work plan;

- 4) the frequency, procedure and format in which information is to be provided to the concession-granting authority about the results of the fulfilment of the obligations specified in the schedules referred to in subparagraph (3);
- 5) the amount of fee for the activity in the scope of prospecting for and exploring a hydrocarbon deposit;
- 6) (repealed);
- 7) the scope and schedule of the obligatory sampling resulting from the geological works, including drilling cores.

Article 49w 1. The concession for the extraction of hydrocarbons from a deposit shall also specify:

- 1) the boundaries of the mining district and mining area;
- 2) the minimum degree of utilisation of the hydrocarbon deposit resources and the measures necessary for the purposes of rational deposit management.

2. The boundaries of the mining district shall be demarcated on the basis of the geological and investment report of the hydrocarbon deposit.

Article 49x 1. (repealed);

2. If there is an overriding state or public interest regarding, in particular, the environmental protection or state economy, the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit or the concession for the extraction of hydrocarbons from a deposit may be granted provided that a security deposit for the claims that are likely to arise as a result of the activities covered by the concession shall be established.

2a. An entrepreneur conducting activity consisting in the prospecting for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland shall also be required to establish a security deposit for claims that may arise as a result of the pursuit of that activity. A security deposit shall be established after the date of service of the decision approving the mining plant operation plan, as referred to in Article 108(11), not later than before the date of commencement of the operation of the mining plant.

3. (repealed);

4. The security referred to in paragraphs 2 and 2a shall be provided in the following forms:

- 1) cash;
- 2) bank sureties or sureties of a credit and savings union, with the liability of a

credit and savings union being always of a monetary nature;

- 3) bank guarantees;
- 4) insurance guarantees;
- 5) sureties granted by the entities referred to in Article 6b(5)(2) of the Act of 9 November 2000 on the establishment of the Polish Agency for Enterprise Development (Journal of Laws of 2016, items 359 and 2260, and Journal of Laws of 2017, items 1089 and 1475);
- 6) bills of exchange or promissory notes accompanied by a guarantee by aval provided by a bank or a credit and savings union;
- 7) pledge on securities issued by the State Treasury;
- 8) insurance against civil liability.

5. The security referred to in paragraph 2, lodged in cash, shall be paid by wire transfer to a separate bank account of the office providing services to the concession-granting authority within 30 days from the day of delivery or announcement of the concession.

5a. In the case referred to in paragraph 2a, a deposit provided in cash shall be paid by wire transfer into a separate bank account of the office serving the concession-granting authority within 30 days from the date of service of the decision approving the mining plant operation plan, not later than before the date of commencement of the operation of the mining plant.

6. If the security referred to in paragraphs 2 and 2a is lodged in cash, the concession-granting authority shall keep the same on an interest-bearing bank account. The concession-granting authority shall return the deposit provided in cash with interest resulting from the bank account agreement concerning the account in which the deposit was kept, decreased by the costs of maintenance of the account and bank fee for the cash transfer to the account of the entrepreneur, and if the concession was granted to the parties to the cooperation agreement – to the joint account referred to in Article 49zp(1).

7. Evidence of the establishment of the deposit referred to in:

- 1) (repealed);
- 2) paragraph 2 – shall be presented to the concession-granting authority within 30 days after the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit or the concession for the extraction of hydrocarbons from a deposit has been granted;
- 3) paragraph 2a – shall be presented to the concession-granting authority within

30 days after the decision approving the mining plant operation plan has been served.

8. Each year, valid evidence confirming the existence of the security referred to in paragraphs 2 and 2a shall be presented to the concession-granting authority by 31 January.

9. (repealed);

9a. An established deposit referred to in paragraph 2a shall be maintained in the amount specified in the concession for the prospecting for and exploration of hydrocarbon deposits and the extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland and in the concession for the extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland and shall be restored to that amount throughout the period for which the mining plant operation plan was prepared and approved.

10. The security referred to in paragraphs 2 and 2a, lodged in cash, shall not form part of the bankruptcy estate.

Article 49y 1. The prospecting and exploration stage shall not last longer than 5 years.

2. In cases justified by geological conditions and rational deposit management, the concession-granting authority may extend the duration of the prospecting and exploration stage on request. The extension of the prospecting and exploration stage is not equivalent to the extension of the period of validity of the concession to prospect for and explore hydrocarbon deposits and extract hydrocarbons from deposits.

3. The extension of the prospecting and exploration stage is conditioned on the pursuit of the activity in accordance with the conditions defined in the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit, and in particular with the schedules referred to in Article 49v(3).

4. A request for extension of the prospecting and exploration stage shall be submitted no later than 60 days prior to the completion of this stage. The request shall be accompanied by documents confirming satisfaction of the conditions referred to in paragraph 3.

5. If at the extraction phase the activity is pursued in accordance with the conditions defined in the concession to prospect for and explore hydrocarbon

deposits and extract hydrocarbons from deposits, the concession-granting authority may, upon request, extend the duration of the extraction stage for a period necessary to complete the extraction of hydrocarbons from deposits. Extension of the extraction stage shall be equivalent to extension of the period of validity of the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit.

6. A request for extension of the extraction stage shall be submitted no later than 120 days prior to the completion of this stage.

6a. The request to extend the extraction phase shall be submitted together with the application to change the investment decision referred to in Article 49z(1).

7. (repealed);

8. The provisions of paragraphs 5 and 6 shall apply accordingly to the extension of the period of validity of the concession to extract hydrocarbons from deposits.

9. The concession-granting authority, where the object of the procedure is the extension of:

- 1) the prospecting and exploration phase – shall make the arrangements referred to in Article 8 and shall obtain the opinion referred to in Article 23(1)(1a) and Article 23(1)(1b) or the opinion referred to in Article 23(2)(2);
- 2) the extraction phase – shall make the arrangements referred to in Article 8 and in Article 23(1)(3) and shall obtain the opinion referred to in Article 23(1)(1a) and Article 23(1)(1b) or shall make the arrangements referred to in Article 23(2a)(1).

Article 49z 1. The extraction stage may be commenced after an investment decision has been obtained.

2. The investment decision shall be issued by the concession-granting authority upon request.

3. A request for an investment decision shall specify:

- 1) rights to the immovable property within the boundaries of which the extraction of hydrocarbons from a deposit shall be carried out, or the right the applicant seeks;
- 2) the date of commencement of the extraction of hydrocarbons from the deposit;
- 3) hydrocarbon deposit or part thereof to be subject to the extraction;
- 4) volume and manner of the intended extraction of hydrocarbons from a deposit,

as well as the degree of intended utilisation of the resources, including associated and accessory minerals;

- 5) planned location of the mining district and mining area, determined on the basis of the geological and investment report of the hydrocarbon deposit and presented in accordance with the requirements applicable to mining maps, with the borders of the country's territorial division demarcated;
- 6) geological and hydro-geological conditions of the extraction of hydrocarbons from a deposit, and if necessary – conditions of water injection to the rock mass, defined in the hydro-geological report referred to in Article 90(1)(2)(b).

4. The application referred to in paragraph 3 shall be accompanied by evidence confirming the existence of the right to use geological information, which is vested in the applicant, insofar as necessary to pursue the intended activity.

Article 49za 1. An investment decision shall specify:

- 1) the manner of extraction of hydrocarbons from the deposit;
- 2) the boundaries of the mining district and mining area;
- 3) the date of commencement of the extraction of hydrocarbons from the deposit;
- 4) the minimum degree of utilisation of the hydrocarbon deposit resources and the measures necessary for the purposes of rational deposit management.

2. The investment decision may specify:

- 1) conditions of water injection into the rock mass;
- 2) other requirements relating to the intended extraction of hydrocarbons from a deposit, in particular in the scope of public safety, rational deposit management, or environmental protection.

3. In the period between the date the investment decision is obtained and the date of completion of the prospecting and exploration stage, an entrepreneur may prospect for and explore the hydrocarbon deposit within the area demarcated in the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit, not excluding the boundaries of the mining district demarcated in the decision.

4. If at the prospecting and exploration stage an entrepreneur obtained decisions approving the geological and investment reports of a hydrocarbon deposit for further hydrocarbon deposits, the commencement of exploration of hydrocarbons from those deposits shall require investment decisions to be obtained for them.

4a. The concession-granting authority may amend the investment decision for that deposit upon the entrepreneur's request. The provisions on granting the concession shall apply accordingly to the amendment to an investment decision. In such case cooperation with the authorities specified in the Act shall only apply to those matters which are subject to the intended amendment, in particular as regards compliance with the intended use or the use of immovable property specified in the manner stipulated in Article 7. The provision of Article 155 of the Code of Administrative Procedure shall not apply.

5. The boundaries of mining districts specified in investment decisions or amendments thereto after the completion of the prospecting and exploration phase shall replace the boundaries of the area demarcated in the concession to prospect for and explore hydrocarbon deposits and extraction of hydrocarbons from deposits.

6. Obtaining an investment decision or an amendment thereto shall give rise to an obligation to amend the mining usufruct agreement within 30 days after the investment decision or amendment thereto is obtained.

7. If a hydrocarbon deposit located within the area of at least two adjacent concessions to prospect for and explore hydrocarbon deposits and to extract hydrocarbons from deposits, granted to a single entrepreneur or parties to the cooperation agreement, is documented, the concession-granting authority shall issue a single investment decision for that deposit, which shall specify conditions for the extraction stage for all concessions within the area of which the documented deposit is located.

Article 49zb The entrepreneur, and if the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit or the concession for the extraction of hydrocarbons from a deposit is granted to the parties to the cooperation agreement – the operator shall, during the period of validity of the concession, operate a website ensuring free-of-charge access to the contact data of the parties to the cooperation agreement, copy of the concession and amending decisions, environmental approvals, investment decision, decisions approving the mining plant operation plan, and decision approving the geological and investment report for the hydrocarbon deposit. The website shall also ensure access to a map in a scale of at least 1:50,000, showing the boundaries of the area defined by the concession and locations of drilling carried out at the prospecting and exploration stage, and in the case of the extraction of hydrocarbons

from a deposit – showing the boundaries of the mining district and mining area, along with planar Cartesian coordinates of the breaking points of those boundaries in the national spacial reference system.

Article 49zc 1. As of the date a concession to extract hydrocarbons from deposits has been obtained, and in the case of a concession to prospect for and explore hydrocarbon deposits and to extract hydrocarbons from deposits – as of the date the investment decision is obtained, the entrepreneur shall communicate current parameters of extraction of hydrocarbons from the deposit to the state geological service and shall notify the concession-granting authority of such communication.

2. The parameters shall be communicated in paper and electronic form no later than 14 days of obtaining the same, to the extent, in the formats and in the manner specified in the provisions issued pursuant to Article 82a(1)(3).

Article 49zd 1. If it is not contrary to the public interest, relating in particular to national security, development of competitive and transparent energy market, ensuring energy safety or environmental protection, including the rational deposit management, then upon request of the entrepreneur who has theretofore been a party to the cooperation agreement, in the cases referred to in Article 49zr(2) and Articles 49zt(3) and 49zt(4), the concession-granting authority shall transfer, by way of a decision, the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit or the concession for the extraction of hydrocarbons from a deposit onto new parties to the cooperation agreement.

2. The concession-granting authority shall transfer the concession where the entity joining the cooperation agreement:

- 1) holds a decision on the positive assessment in the eligibility procedure referred to in Article 49a(17), accordingly in the scope referred to in Article 49a(16);
- 2) grants its consent to the assumption of all conditions defined in the concession and in the mining usufruct agreement;
- 3) demonstrates that it is able to comply with the requirements connected with the pursuit of the intended activity.

3. The request for concession transfer shall be accompanied by a new cooperation agreement.

4. The parties to the procedure relating to the transfer referred to in paragraph

1 shall be the parties to the existing cooperation agreement and the entity joining the cooperation agreement.

5. The provisions of paragraphs 1 and 2 shall apply accordingly to the transfer of the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit, or a concession for the extraction of hydrocarbons from a deposit, granted to a single entrepreneur. The parties to the procedure relating to the transfer of such concession shall be the entrepreneur and the entity applying for the transfer of the concession.

6. In a decision transferring a concession, the concession-granting authority shall re-determine the amount, scope or manner of lodging the security referred to in Articles 49x(2) or 49x(2a), and in the case of the security referred to in Article 49x(2a) – also the time limit for the delivery of evidence confirming that the security has been lodged to the concession-granting authority, not longer than 30 days from the date the decision transferring the concession has been served or announced.

7. In the case referred to in paragraph 6, evidence confirming that the security referred to in:

- 1) Article 49x(2) has been established shall be served on the concession-granting authority within 30 days from the date the decision transferring the concession has been served or announced;
- 2) Article 49x(2a) has been established shall be served on the concession-granting authority within the time limit specified in the decision transferring the concession.

8. The transfer of a concession shall require the mining usufruct agreement to be amended without delay.

9. The transfer of a concession also results in the transfer of the rights and obligations resulting from other decisions issued under the Act.

Article 49ze 1. The concession-granting authority may revoke a concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit as well as a concession for the extraction of hydrocarbons from a deposit in the cases specified in Article 37, and also where:

- 1) the circumstances referred to in Article 49zn(10) have occurred, and the concession was granted to a party to the cooperation agreement;
- 2) the entrepreneur does not comply with the obligations specified in Article 49zc.

2. In the cases referred to in paragraph 1, the concession-granting authority

may revoke a concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit as well as a concession for the extraction of hydrocarbons from a deposit, having conducted the procedure provided for in Article 37.

3. The concession-granting authority shall revoke a concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit as well as a concession for the extraction of hydrocarbons from a deposit where:

- 1) with regard to the entrepreneur who has been granted the concession individually, and if the concession has been granted to the parties to the cooperation agreement – with regard to the operator, the decision on the positive assessment in the eligibility procedure has been set aside, has expired or lost its binding force, for any reason whatsoever;
- 2) the circumstances referred to in Article 49zn(9) have occurred, and the concession was granted to the parties to the cooperation agreement.

Article 49zf 1. Until such time as the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit and the concession for the extraction of hydrocarbons from a deposit expire, Article 38 shall apply provided that the concession which has been granted to the parties to the cooperation agreement expire where the grounds specified in Article 38(1)(4) and 38(1)(5) apply to the operator.

2. The concession shall also expire if the entrepreneur fails to present evidence confirming that the security referred to in Article 49x(2) or 49x(2a) has been lodged to the concession-granting authority within the time limit specified in Article 49x(7)(2) and 49x(7)(3) or in Article 49zd(7)(1) or within the time limit specified in the decision referred to in Article 49zd(6).

Article 49zg 1. The procedures referred to in Article 49e shall not apply to amendments to the concessions to prospect for and explore hydrocarbon deposits and to extract hydrocarbons from deposits and the concessions to extract hydrocarbons from deposits, unless the amendment seeks to extend the area demarcated by the relevant concession. The concession may be amended where it is justified in particular by geological conditions and rational deposit management.

1a. Where justified by special geological conditions and rational deposit management, the procedures referred to in Article 49e shall also not apply to

amendments to the concession to prospect for and explore hydrocarbon deposits and to extract hydrocarbons from deposits and the concession to extract hydrocarbons from deposits if the mining district demarcated in the investment decision or in the concession to extract hydrocarbons from deposits, as the case may be, is extended in relation to the change of boundaries of the deposit subject to exploitation, as specified in the geological and investment report for the hydrocarbon deposit.

1b. In the case referred to in paragraph 1a, a concession to prospect for and explore hydrocarbon deposits and to extract hydrocarbons from deposits and a concession to extract hydrocarbons from deposits may be amended upon the entrepreneur's request, provided that the area to which their application relates is not covered by a valid notice referred to in Article 49f(1) or a tender procedure concerning that area has not been initiated, or provided that the application referred to in Article 49e has not been filed and the area is not covered by another concession to pursue activity consisting in prospecting for, exploring or extracting hydrocarbons.

1c. The application referred to in paragraph 1b may be filed with the concession-granting authority within 3 years after the decision approving the geological and investment report for a hydrocarbon deposit has been served or announced.

2. An application for amendment to the concession shall, in addition to the requirements provided for in the regulations on environmental protection and business activity, include a detailed substantiation of the amendments proposed. The application shall be accompanied by evidence of the circumstances described therein, and where the amendment to the concession affects the terms and conditions of the cooperation agreement, also a copy of this agreement shall be enclosed.

3. The concession-granting authority may require the entrepreneur to present, within a specified time limit, additional data and documents to substantiate that the entrepreneur will fulfil the conditions of pursuing the activity to be specified in the concession subject to amendment.

4. If the concession is amended as a result of a change in the shares of the parties to the cooperation agreement, the application for amendment to the concession shall be accompanied by the amendment to the cooperation agreement.

The agreement shall take effect provided that a decision amending the concession is obtained.

5. If the concession is granted to the parties to the cooperation agreement and the decision on the positive assessment in the eligibility procedure of an entrepreneur other than the operator has been set aside, has expired or lost its binding force, for any reason whatsoever, or if the grounds for expiration of the concession specified in Article 38(1)(4) and 38(1)(5) are satisfied with regard to that entrepreneur, the concession-granting authority shall amend the concession, specifying the shares of the other parties to the cooperation agreement anew.

6. The concession-granting authority shall set for the other parties to the cooperation agreement a time limit not longer than 30 days for submission of the amendment to the cooperation agreement specifying their shares anew.

7. If the amendment to the cooperation agreement is not submitted within the time limit referred to in paragraph 6, the concession-granting authority shall amend the concession, specifying the shares of the parties to the agreement in accordance with the principles referred to in Article 49zt(6)(2). The amendment to the concession shall give rise to the obligation of the parties to the cooperation agreement to promptly amend that agreement.

8. The amendment to the concession shall give rise to the obligation to promptly amend the mining usufruct agreement.

Article 49zh 1. If a concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit or a concession for the extraction of hydrocarbons from a deposit, granted to the parties to the cooperation agreement, is revoked, expires or loses its binding force, for any reason whatsoever, the obligations referred to in Article 39(1) shall be fulfilled by the operator.

2. If there is no operator or its legal successor, the obligations referred to in Article 39(1) shall be fulfilled by the parties to the cooperation agreement as stipulated by the concession-granting authority by way of a decision, in proportion to the percentage share of the parties in profits and costs specified in the cooperation agreement.

Cooperation Agreement

Article 49zi 1. Under the cooperation agreement, the parties undertake to carry out jointly the activities in the scope of prospecting for and exploration of hydrocarbon deposits and extraction of hydrocarbons from deposits, or in the scope of extraction of hydrocarbons from deposits, subject to obtaining the concession referred to in Chapter 3 and concluding the mining usufruct agreement.

2. The cooperation agreement shall be made in writing otherwise being invalid.

3. The cooperation agreement shall become effective provided that the concession referred to in Chapter 3 is granted.

Article 49zj 1. The share of each of the parties to the cooperation agreement in the profit and costs of geological development works, including geological works, or mining works, results from:

- 1) the tender submitted as part of the tender procedure referred to in Article 49e;
- 1a) the application for concession referred to in Article 49e;
- 2) amendments to the agreement made in the cases referred to in the Act.

2. The percentage share of the parties to the cooperation agreement in profit shall be equal to the percentage share in the costs of activity pursued under the agreement, unless the parties to the agreement decide otherwise.

Article 49zk The cooperation agreement shall contain in particular:

- 1) designation of the activity covered with the agreement;
- 2) designation of the operator;
- 3) designation of the percentage share of the parties thereto in the profit and costs of geological development works, including geological works, or mining works.

Article 49zl The extracted hydrocarbons shall become joint property of the parties to the agreement in fractional parts defined by the parties to the agreement. The parties may decide in the agreement that the assets acquired in connection with the business activities pursued by the parties will constitute their joint property in fractional parts.

Article 49zm 1. With regard to the activity covered with the cooperation agreement, the parties shall be represented by the operator.

2. The operator shall handle matters of the parties to the cooperation agreement on its own in the scope of ordinary management, including settlements

of public-law liabilities connected with the activities covered with the agreement and the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit, or the concession for the extraction of hydrocarbons from a deposit, as well as to the extent defined in accordance with separate powers of attorney.

3. Matters exceeding the scope of ordinary management shall include in particular the adoption of resolutions in the following matters:

- 1) approval and change of annual and multi-annual plans;
- 2) selection of a statutory auditor to audit the annual financial statements drawn up on the basis of the books referred to in Article 49zo(1);
- 3) approval of the annual financial statements;
- 4) termination of the cooperation agreement.

4. The cooperation agreement may provide for matters exceeding the scope of ordinary management other than those specified in paragraph 3.

5. In matters exceeding the scope of ordinary management, resolutions shall be adopted at a meeting in the presence of the parties to the cooperation agreement representing at least 75% of shares in the costs of geological development works, including geological works, or mining works, as at the date of adoption of the resolution, by the majority of 2/3 of votes, unless the parties to the agreement decide otherwise.

6. If a resolution is not adopted due to the absence of the quorum referred to in paragraph 5, the operator shall convene another meeting within a period not longer than 7 days. The agenda of this meeting shall include only matters which were not resolved at the preceding meeting. Resolutions shall be adopted in the presence of the parties to the cooperation agreement representing at least 50% of shares in the costs of geological development works, including geological works, or mining works, by the majority of 2/3 of votes, unless the parties to the agreement decide otherwise.

7. A resolution on termination of the cooperation agreement shall require unanimity of all the parties thereto.

Article 49zn 1. A meeting of the parties to the cooperation agreement shall be held at least once a year, within a period not shorter than 10 and not longer than 45 days from the date of presentation by a statutory auditor of a report on the audit of the annual financial statement for the preceding financial year.

2. The meeting shall be convened by the operator.

3. The meeting shall be held in the Republic of Poland.

4. The meeting may be held upon request of a party to the cooperation agreement. The request shall include at least a proposed agenda along with draft resolutions and their substantiation if resolutions are to be adopted. In such case the operator shall convene the meeting within a period not shorter than 10 and not longer than 45 days after receipt of the request.

5. The procedure of the meeting shall be determined in the cooperation agreement.

6. At the meeting, a party to the cooperation agreement shall be entitled to the number of votes in proportion to its share in the costs of geological development works, including geological works, or mining works, unless the parties to the agreement decide otherwise.

7. The first meeting shall be held within 14 days after the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit or the concession for the extraction of hydrocarbons from a deposit became final. At the meeting, the operator shall submit at least:

- 1) a motion to approve the annual and multi-annual plan specifying the material and financial scope of the implementation of obligations resulting from the concession, in particular a schedule of geological development works, including geological works, or mining works, along with the planned time frame of their execution;
- 2) number of the joint bank account;
- 3) proposed amendments to the cooperation agreement aimed at adjusting its content to the content of the concession, if necessary.

8. Unless, at the first meeting, the parties to the cooperation agreement adopt a resolution on the approval of the annual plan, then until its adoption the draft annual plan presented by the operator at that meeting shall be applicable.

9. Should the parties to the cooperation agreement fail to adopt, by the end of the first financial year, the resolution on the approval of the annual and multi-annual plan, as well as on the approval of the activities carried out on the basis of the draft annual plan, the operator shall inform the concession-granting authority thereof. The first financial year shall start on the date on which the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of

hydrocarbons from a deposit or the concession for the extraction of hydrocarbons from a deposit became final and shall last until the end of the next calendar year, unless the parties to the agreement decide otherwise.

10. If a resolution on the approval of the annual or multi-annual plan is not adopted by the parties to the cooperation agreement in the subsequent financial years, the operator shall inform the concession-granting authority thereof.

Article 49zo 1. In order to give a true and fair view of the property and financial condition as well as the financial result of the activities carried out by the parties to the cooperation agreement under that agreement and the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit, or the concession for the extraction of hydrocarbons from a deposit, the operator shall additionally keep accounting books for these activities and shall prepare annual financial statements to be audited by a statutory auditor.

2. In the cases referred to in Articles 49zr and 49zt, the value of the share of a party to the cooperation agreement in the profit and costs of geological development works, including geological works, or mining works, shall be calculated on the basis of a separate balance sheet. The date of issue of the decision referred to in Article 49zd(1) or the decision referred to in Article 49zg(5), which results in the agreement being brought to an end with regard to a given party, shall be deemed to be the balance-sheet date.

Article 49zp 1. For the activity covered with the cooperation agreement and the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit or the concession for the extraction of hydrocarbons from a deposit, the operator shall open, for all parties to the agreement, the joint account referred to in Article 51 of the Act of 29 August 1997 – Banking Law (Journal of Laws of 2017, item 1876).

2. All payments and settlements connected with the performance of the cooperation agreement and the concession may only be made through the joint account.

Article 49zq 1. Liabilities arising in connection with the activity covered by the cooperation agreement and the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit or the concession for the extraction of hydrocarbons from a deposit, including

payment of a fee under the mining usufruct agreement and the agreement on the use of mining information, to which the State Treasury is entitled, as well as charges referred to in Section VII, shall rest on the operator.

2. Liabilities to third parties arising in connection with the activity covered with the cooperation agreement and the concession, which do not result from the approved annual or multi-annual plans, shall rest on the operator.

3. If the operator pays the liabilities referred to in paragraph 2, it shall have, with regard to the other parties to the cooperation agreement, claim for reimbursement of paid liabilities, in proportion to the share of these parties in the costs of geological development works, including geological works, or mining works.

Article 49zr 1. Upon consent of all parties to the cooperation agreement, the operator may terminate its share in the agreement upon six-month's notice effective as of the date on which the decision referred to in Article 49zd(1) became final, provided that the operator presents a candidate for a new operator.

2 The new operator shall assume the rights and obligations of the operator that terminated its share in the cooperation agreement, upon consent of all parties to the agreement, as of the date on which the decision referred to in Article 49zd(1) became final.

3 The new operator and the operator who terminated its share in the cooperation agreement shall be jointly and severally liable to the other parties for the liabilities resulting from the agreement which arose prior to the date on which the decision referred to in Article 49zd(1) became final, for the period of subsequent 12 months.

Article 49zs If a concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit or a concession for the extraction of hydrocarbons from a deposit is revoked, expires, or loses its binding force, the existing operator may only undertake such activities as are necessary to perform the obligations relating to the environmental protection and decommissioning of a mining plant.

Article 49zt 1. A party to the cooperation agreement other than the operator may terminate its share in the agreement or part of this share for the benefit of another party to the agreement at any time, without having to obtain consent of the other parties to the agreement.

2. Upon consent of all parties to the cooperation agreement, a party other than the operator may terminate its share in the agreement or part of its share upon six-month's notice effective as of the date on which the decision referred to in Article 49zd(1) became final, provided that the party presents a new entity as a candidate assuming the rights and obligations of that party.

3. Upon consent of all parties to the cooperation agreement, the rights and obligations of the party terminating its share in the agreement or part of its share, to the extent agreed upon by the parties, may be assumed by the new entity, provided that the decision referred to in Article 49zd(1) has been obtained.

4. Upon consent of all parties to the cooperation agreement, the new party other than the operator shall assume the rights and obligations of the existing party other than the operator and terminating its share in the agreement, as of the date on which the decision referred to in Article 49zd(1) became final.

5. In the case referred to in Article 49zg(5), the cooperation agreement with the existing party shall be terminated provided that the necessary settlements between the parties are made. The other parties to the cooperation agreement shall take over the rights and obligations of that party to the agreement.

6. The rights and obligation of the existing party to the cooperation agreement shall be transferred onto the other parties to the agreement:

- 1) in proportions agreed upon by the parties;
- 2) if the agreement referred to in subparagraph (1) is not made within the time limit specified in Article 49zg(6) – in proportion to the shares in costs of geological development works, including geological works, or mining works.

7. The party other than the operator joining the cooperation agreement and the party terminating its share in the agreement or the party with which the agreement has been terminated, in accordance with the principles defined in paragraphs 1 to 3 and 5, shall be jointly and severally liable to the other parties to the agreement for the liabilities resulting from the agreement which arose prior to the date on which the decision referred to in Article 49zd(1) or Article 49zg(5) became final, for the period of subsequent 12 months.

8. The provisions of paragraphs 5 to 7 shall apply accordingly if the share in the cooperation agreement is terminated partially.

Article 49zu The settlement made between the parties to the cooperation agreement in the cases referred to in Article 49zr and Article 49zt shall be effective

only between these parties and shall not release them from any liabilities to third parties.

Article 49zv The cooperation agreement shall be terminated where:

- 1) the concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit or the concession for the extraction of hydrocarbons from a deposit is revoked, expires, or loses its binding force;
- 2) the parties to the agreement adopt a resolution on its termination.

Article 49zw Matters not regulated in the Act and relating to the cooperation agreement shall be governed by the provisions of the Civil Code.

SECTION IV

Qualifications, Experts and Professional Liability

Chapter 1

Geological Qualifications

Article 50 1. Persons who perform, supervise, and manage geological development works, with the exclusion of geophysical surveys other than seismic surveying and well logging, are obliged to have statutory qualifications as a geologist.

2. The following categories of qualifications as a geologist shall be defined in the scope of performing, supervising, and managing geological development works:

- 1) category I – prospecting for and exploration of hydrocarbon deposits;
- 2) category II – prospecting for and exploration of mineral deposits subject to mineral right, except for deposits of crude oil and natural gas, curative water, thermal water and brine and the prospecting for and exploration of mineral deposits subject to the ownership right to land property;
- 3) category III – prospecting for and exploration of mineral deposits subject to the ownership right to land property;
- 4) category IV – prospecting for and exploration of groundwater resources,

including medicinal water, thermal water and brine, establishment of hydro-geological conditions for the intended: dewatering of excavations with a view to extracting minerals, injection of water into rock mass, dewatering of construction excavations using boreholes, implementation of projects likely to have adverse effects on groundwater, including pollution of the said water, underground landfilling of waste or underground storage of waste, storage of waste on the ground, prospecting for and exploring a underground carbon dioxide storage complex, underground carbon dioxide storage, establishment of protection areas for reservoirs of groundwater, completion of dewatering activities or change of the dewatering level in decommissioned mining plants, and performance and documenting of geological development works with a view to using the Earth's heat, as well as the planning and drilling of piezometers;

- 5) category V – prospecting for and exploration of groundwater reserves, except for curative water, thermal water and brine, establishment of hydrogeological conditions for intended: dewatering of excavations using boreholes, implementation of projects likely to have adverse effects on groundwater, including pollution of said water, underground tankless storage of substances or underground storage of waste, storage of waste on the ground, establishment of protected areas for groundwater reservoirs, and performance and recording of geological development works with a view to using the Earth's heat, and the planning and drilling of piezometers;
- 6) category VI – determining the geological and engineering conditions for the needs of: spatial development, foundation of building structures, including the foundation of building structures of mining plants and hydro-construction facilities, underground tankless storage of substances or underground landfilling of waste, surface landfilling of waste, prospecting and exploring of an underground carbon dioxide storage complex, as well as underground storage of carbon dioxide;
- 7) category VII – determining the geological and engineering conditions for the needs of: spatial development, foundation of building structures, except for foundation of building structures of mining plants and hydro-construction facilities;
- 8) category VIII – performance of geological cartography works including the planning and recording of said works, except for maps made under other

categories;

- 9) category IX – management and performance of on-site seismic surveying and well logging, also by using blasting agents, along with the planning and documenting of the said surveys;
- 10) (repealed);
- 11) (repealed);
- 12) (repealed);
- 13) category XIII – activities of geological supervision over geological development works, with the exclusion of surveys and logging listed in subparagraph (9), and directing geological works on-site, carried out outside the mining district, without the use of blasting agents, or when the planned depth of the working does not exceed 100 m.

3. The qualifications referred to in paragraph 2(1) to (8) entitle their holders to perform and manage geological development works related to the regional surveys of geological structure of the country, as well as borehole drilling performed for the purposes of exploration of deep basement structure, not connected with surveying of mineral deposits.

Article 51 The holding of qualifications as a geologist, required to perform, supervise, and manage geological development works:

- 1) in categories I to IX shall be evidenced by a certificate issued by the minister responsible for the environment;
- 2) in category XIII shall be evidenced by a certificate issued by the province executive of:
 - a) Dolnośląskie Province – for persons residing or carrying out the activities referred to in Article 50(2)(13) in: Dolnośląskie, Lubuskie, Opolskie or Wielkopolskie Provinces,
 - b) Małopolskie Province – for persons residing or carrying out the activities referred to in Article 50(2)(13) in: Małopolskie, Podkarpackie, Śląskie or Świętokrzyskie Provinces,
 - c) Mazowieckie Province – for persons residing or carrying out the activities referred to in Article 50(2)(13) in: Lubelskie, Łódzkie, Mazowieckie or Podlaskie Provinces,
 - d) Pomorskie Province – for persons residing or carrying out the activities referred to in Article 50(2)(13) in: Kujawsko-Pomorskie, Pomorskie,

Warmińsko-Mazurskie or Zachodniopomorskie Provinces.

Article 52 1. An application to certify the holding of qualifications in categories I to IX, as a geologist, may be filed by a person who holds a diploma for the completion of first- or second-cycle degree programme or a diploma for the completion of long-cycle master's degree programme the curriculum of which makes it possible to obtain knowledge and skills in the field of geological sciences, and has underwent relevant professional practice corresponding to the level of education and the field of completed university education, hereinafter referred to as "practice", defined in the provisions issued pursuant to Article 69(1)(1)(a).

[2. An application to certify the holding of qualifications in category XIII, as a geologist, may be filed by a person who holds at least a secondary school-leaving certificate and a certificate of graduation from school that entitles to use a vocational title, or a diploma confirming the vocational title obtained or a diploma confirming professional qualifications in the professions defined in the provisions issued pursuant to Article 69.1 (1) (a), or a university diploma for the completion of first- or second-cycle degree programme or a diploma for the completion of a long-cycle master's degree programme the curriculum of which makes it possible to obtain knowledge and skills in the field of geological sciences, and has underwent the practice as defined in these provisions.]

<2. An application to certify the holding of qualifications in category XIII, as a geologist, may be filed by a person who holds at least a secondary school-leaving certificate and a certificate of graduation from school that entitles to use a vocational title, or a diploma confirming the vocational title obtained, a diploma confirming professional qualifications, or a vocational diploma in the professions defined in the provisions issued pursuant to Article 69(1)(1), or a university diploma for the completion of first- or second-cycle degree programme or a diploma for the completion of a long-cycle master's degree programme the curriculum of which makes it possible to obtain knowledge and skills in the field of geological sciences, and has underwent the practice as

defined in these provisions.>

The new wording of paragraph 2 of Article 52 will enter into force on 1 September 2019 (Journal of Laws of 2018, item 2245)

3. The scope of completed study programmes referred to in paragraphs 1 and 2 shall be confirmed on the basis of:

- 1) names of the fields of study, or
- 2) names of majors, or
- 3) the list of courses or education results, specified in particular in the supplement to the diploma, course record or certificate of academic record, provided that study programmes that allow to obtain knowledge and skills in the field of geological sciences shall be study programmes that cover at least two geological sciences in the scope of the applied-for category and allow to obtain at least 6 ECTS points or cover at least 60 hours of education.

4. The practice includes:

- 1) participating in supervision over geological development works or performance of geological cartography works, or on-site performance of geophysical surveys or on-site management of geological works;
- 2) participating in the preparation of geological work plans and geological reports or in the planning and recording of geological cartography works or geophysical surveys. In the case of persons applying for the recognition of qualifications as a geologist, the practice may be started:

- 1) in categories I to IX – after completion of the fourth semester of a first-cycle degree programme or long-cycle master's degree programme referred to in paragraph 1, or after starting the second-cycle degree programme referred to in paragraph 1;

[2) in category XIII – after obtaining a certificate of graduation that entitles to use a vocational title, or a diploma confirming the obtained vocational title, or a diploma confirming professional qualifications in the professions defined in the provisions issued pursuant to Article 69(1)(1) (a), or after completion of the fourth semester of first-cycle degree programme or long-cycle master's degree programme referred to in paragraph 2, or after starting the second-cycle degree programme referred to in paragraph 2.]

- <2) in category XIII – after obtaining a certificate of graduation that entitles to use a vocational title, or a diploma confirming the obtained vocational title, a diploma confirming professional qualifications, or a vocational diploma in the professions defined in the provisions issued pursuant to Article 69(1)(1), or after the completion of the fourth semester of**

The new wording of subparagraph 2 in paragraph 5 of Article 52 will enter into force on 1 September 2019 (Journal of Laws of 2018, item 2245).

first-cycle degree programme or long-cycle master's degree programme referred to in paragraph 2, or after starting the second-cycle degree programme referred to in paragraph 2.>

6. The practice period also includes work experience covered by the curriculum of study programmes referred to in paragraphs 1 and 2, provided that it is based on a professional practice agreement concluded between the university and a geological or mining enterprise.

7. The practice shall be done under the supervision of persons authorised to perform the activities covered by the qualifications which the person taking part in the practice seeks to confirm.

8. The practice is also participation of the persons employed at the office providing services to a geological administration authority in verification, assessment, acceptance, or approval of geological work plans and geological reports. The provision of paragraph 7 shall not apply with regard to these persons.

Chapter 2

Qualifications in Mining and Mine Rescue

Article 53 1. Persons acting:

- 1) as managers and deputy managers of a mining plant or plant operations, or managers and deputy managers of operations departments in a mining plant or plant in:
 - a) underground mining plants;
 - b) mining plants conducting underground tankless storage of substances by underground method;
 - c) mining plants conducting underground landfilling of waste by underground method;
 - d) plants carrying out the activities defined in Article 2(1),
 - e) strip mining plants;
 - f) mining plants extracting minerals through boreholes;
 - g) mining plants conducting underground tankless storage of substances with the use of the borehole method,
 - h) mining plants conducting underground landfilling of waste with the use of the borehole method,
 - i) mining plants carrying out underground carbon dioxide storage,

- j) plants carrying out geological works referred to in Article 86,
 - 2) in the higher-level supervision of a mining plant or plant operations in:
 - a) underground mining plants;
 - b) strip mining plants;
 - c) mining plants extracting minerals through boreholes;
 - d) mining plants carrying out underground carbon dioxide storage,
 - e) plants carrying out geological works referred to in Article 86,
 - 3) in the supervision of the operation of an underground mining plant,
 - 4) as mining surveyors,
 - 5) as mining geologists,
 - 6) as mining geophysicists in underground mining plants,
 - 7) in managerial positions in the entities providing professional mine rescue services,
 - 8) as specialists as part of the operation of a mining plant
- shall hold qualifications specified in the Act.

2 Persons carrying out activities which are not listed in paragraph 1 (2) and (3) within the higher-level supervision of operations as well as within the supervision of operations of a mining plant or a plant shall have professional training and professional experience defined by the employer for the purposes of performing these activities.

3 The provision of paragraph 2 shall not apply to persons carrying out activities within the higher-level supervision of operations in:

- 1) surveying specialisation in:
 - a) mining plants carrying out underground tankless storage of substances with the use of the underground method, or
 - b) mining plants carrying out underground landfilling of waste with the use of the underground method, or
 - c) plants carrying out the activities defined in Article 2(1)
 - who have obtained a confirmation of qualifications to carry out the activities referred to in Article 58(2)(3)(a);
- 2) surveying specialisation in:
 - a) mining plants carrying out underground tankless storage of substances with the use of the borehole method, or
 - b) mining plants carrying out underground landfilling of waste with the use of the borehole method

– who have obtained a confirmation of qualifications to carry out the activities referred to in Article 58(2)(3)(a) or (b);

3) geological specialisation in:

- a) mining plants carrying out underground tankless storage of substances with the use of the underground method, or
- b) mining plants carrying out underground landfilling of waste with the use of the underground method, or
- c) plants carrying out the activities defined in Article 2(1)

– who have obtained a confirmation of qualifications to carry out the activities referred to in Article 58(2)(4)(a);

4) geological specialisation in:

- a) mining plants carrying out underground tankless storage of substances with the use of the borehole method, or
- b) mining plants carrying out underground landfilling of waste with the use of the borehole method

– who have obtained a confirmation of qualifications to carry out the activities referred to in Article 58(2)(4)(a) or (b);

4 Persons in managerial positions of the entities professionally engaged in mine rescue shall include:

- 1) managers of mine rescue units and their deputies, managers of district mine rescue centres and their deputies, managers of on-duty professional rescue teams, and managers of professional specialist emergency services – in the entities carrying out activities for underground mining plants;
- 2) managers of mine rescue units and their deputies, managers of field mine rescue units, and managers of professional specialist emergency services – in the entities carrying out activities for mining plants other than underground mining plants.

5 Persons performing specialist activities in the operation of a mining plant are:

- 1) in underground mining plants:
 - a) a blaster;
 - b) a dispatcher of blasting agents;
 - c) a cager;
 - d) a hoisting machine operator;
 - e) a hoisting equipment inspector;

- f) an operator of blasting operations equipment and cars used to carry persons or blasting agents below ground;
 - g) an operator of: locomotives below ground, cable railway below ground, or floor-mounted railway systems below ground;
 - h) a revision specialist of equipment in communication, alarm and safety systems;
 - i) an electrical fitter of electric machinery and equipment with voltage of up to 1 kV underground;
 - j) an electrical fitter of electric machinery and equipment with voltage over 1 kV underground;
- 2) in strip mining plants:
- a) a blaster;
 - b) a dispatcher of blasting agents;
- 3) in mining plants extracting minerals through drilling, in plants carrying out geological works as part of the prospecting for and exploration of a underground carbon dioxide storage complex, and in mining plants carrying out underground carbon dioxide storage:
- a) a blaster;
 - b) a dispatcher of blasting agents;
 - c) an operator of cement paste pumping assembly, bunkers and equipment intensifying crude oil and natural gas extraction or carbon dioxide storage;
 - d) an electrical fitter of electric machinery and equipment with voltage up to 1 kV;
 - e) an electrical fitter of electric machinery and equipment with voltage over 1 kV;

Article 54 The performance of the activities referred to in Article 53(1)(1) to 53(1)(7) requires holding of the following qualifications in the scope of professional training:

- 1) in the case of the activities referred to in Article 53(1)(1) to 53(1)(6) – knowledge of, to the extent necessary to carry out these activities, geological and mining law provisions as well as other regulations applicable in the operation of a mining plant or a plant, and in the case of:
 - a) activities referred to in Article 53(1)(1) to 53(1)(3) – knowledge of the

issues connected with the operation of mining plants or plants of a specific type, and of threats occurring therein,

- b) activities referred to in Article 53(1)(4) – knowledge of the issues connected with the performance of activities of a mining surveyor, activities of the operations manager in strip mining plants extracting minerals without the use of blasting agents, activities of the surveying department manager in mining plants or plants, and activities within the higher-level supervision of operations in the surveying specialisation in mining plants or plants,
 - c) activities referred to in Article 53(1)(5) – knowledge of the issues connected with the performance of activities of a mining geologist, activities of the operations manager in strip mining plants extracting minerals without the use of blasting agents, activities of the operations manager in mining plants extracting medicinal water, thermal water, and brine, activities of the geological department manager in mining plants or plants, and activities within the higher-level supervision of operations in the geological specialisation in mining plants or plants,
 - d) activities referred to in Article 53(1)(6) – knowledge of the issues connected with the performance of activities of a mining geophysicist in underground mining plants, activities of the rock burst department manager in underground mining plants, and activities within the higher-level supervision of operations in the geophysics specialisation in underground mining plants, as well as activities of the blast technology and geophysics department manager in the plants carrying out geological works aimed at the prospecting for or exploration of hydrocarbon deposits, or aimed at the prospecting for or exploration of mineral deposits other than hydrocarbons and groundwater being minerals, as well as activities within the higher-level supervision of operations in blast technology and geophysics specialisation in the plants carrying out geological works aimed at the prospecting for or exploration of hydrocarbon deposits, or aimed at the prospecting for or exploration of mineral deposits other than hydrocarbons and groundwater being minerals;
- 2) in the case of the activities referred to in Article 53(1)(7), knowledge of:
- a) provisions determining the principles of operation of a mining plant and

- conducting rescue actions and preventive works in the mining plant,
 - b) organisation and tasks of mine rescue services,
 - c) equipment of mine rescue units,
 - d) methods of conducting rescue actions and preventive works,
 - e) methods of conducting rescue training and routines,
 - f) first aid principles,
 - g) activities of specialist emergency services;
- 3) holding a professional title or professional qualifications in the professions listed in the provisions issued under Article 69a(1)(1)(a), completion of university studies or post-graduate studies specified in these provisions;
- 4) in the cases specified in the provisions issued under Article 69a(1)(1)(a):
- a) having relevant professional qualifications or entitlements,
 - b) sitting supplementary exams specified in these provisions.

Article 55 1. The performance of the activities referred to in Article 53(1)(1) to 53(1)(7) requires holding of the qualifications in the scope of professional experience, which are equivalent to undergoing, also before obtaining qualifications in the scope of professional training, referred to in Article 54(3) or (4), the practice:

- 1) in the scope covering the activities referred to in Article 53(1)(1) to 53(1)(3) or in Article 53.2, or as part of operation of a mining plant or a plant,
- 2) in the field of surveying,
- 3) in the field of geology,
- 4) in the field of geophysics,
- 5) in the field of rescue services

– defined in the provisions issued pursuant to Article 69a(1)(1)(a), by its duration and type of activities conducted.

2 The practice in the scope covering the activities referred to in Article 53(1)(1) to 53(1)(3) or Article 53.2, or as part of operation of a mining plant or a plant, consists in the performance, under an employment contract or a civil-law contract, of activities in the operations department or in technological specialisation in:

- 1) mining plants conducting activities with the use of the same method, or
- 2) plants carrying out geological works referred to in Article 86, or
- 3) plants carrying out the activities defined in Article 2(1), or

4) entities performing, within the scope of their professional activities, tasks entrusted to them as part of the operation of a mining plant conducting activities with the use of the same method, or a plant.

3 Surveying practice consists in performing, under an employment contract or a civil-law contract, activities in the scope of mining surveys in:

- 1) a mining plant, or
- 2) an entity performing, within the scope of its professional activities, tasks entrusted to it as part of the operation of a mining plant.

4 Geological practice consists in performing, under an employment contract or a civil-law contract, activities in the field of mining geology in:

- 1) a mining plant, or
- 2) an entity performing, within the scope of its professional activities, tasks entrusted to it as part of the operation of a mining plant.

5 Geophysical practice consists in performing, under an employment contract or a civil-law contract, activities in the field of mining geophysics in:

- 1) a mining plant or a plant, or
- 2) an entity performing, within the scope of its professional activities, tasks entrusted to it as part of the operation of a mining plant or a plant.

6 Rescue practice consists in performing, under an employment contract or a civil-law contract, activities:

- 1) in mine rescue services of the entrepreneur, in the type of a mining plant specified in Article 53(4), or
- 2) in a position of mine rescuer, in the type of a mining plant specified in Article 53(4), or
- 3) in a position of professional mine rescuer in entities providing professional mine rescue services and carrying out mine rescue activities for the type of a mining plant specified in Article 53(4), or
- 4) in a managerial position in entities providing professional mine rescue service and carrying out mine rescue activities for the type of a mining plant specified in Article 53(4).

7. The practice as governed in this Chapter also includes the participation of persons employed in the office providing services for mining supervision authorities or other supervision and labour inspection authorities, in the supervision over and inspection of the activities specified in Article 53.

Article 56 The activities referred to in Article 53(5) may be carried out on the condition of:

- 1) completing one of the following schools:
 - a) an upper-primary or upper-secondary school ensuring secondary or industry secondary education, or
 - b) an upper-primary, and holding of a professional title, or
 - c) an upper-secondary or upper-primary school, and having qualifications in the profession;
- 2) undergoing practice defined in the provisions issued under Article 69a(1)(1)(b) by work experience or a period of practical training in the position, and the type of conducted activities;
- 3) holding a valid certificate of a completed specialist course or valid certificates of completed specialist courses defined in the provisions issued on the basis of Article 69a(1)(1)(b);
- 4) holding additional qualifications defined in the provisions issued pursuant to Article 69a(1)(1)(b) – in the case of persons carrying out the activities listed in Article 53(5):
 - a) subparagraph (1)(i) and (j),
 - b) subparagraph (3)(d) and (e);
- 5) holding a valid psychological certificate issued on the basis of the results of psychological tests carried out as part of occupational medicine services, covering issues defined in the provisions issued pursuant to Article 69a(1)(1)(b) – in the case of persons carrying out the activities listed in Article 53(5):
 - a) subparagraph (1)(c) to (j),
 - b) subparagraph (3)(c) to (e);
- 6) holding valid medical and psychological certificates stating the absence of the disorders referred to in Article 11(1)(1)(c) of the Act of 21 June 2002 on Civil Use Explosives – in the case of persons carrying out the activities referred to in Article 53(5):
 - a) subparagraph (1)(a) and (b),
 - b) subparagraph (2),
 - c) subparagraph (3)(a) and (b);

- 7) being of the minimum age defined in the provisions issued pursuant to Article 69a(1)(1)(b).

Article 57 1. The scope of completed study programmes shall be confirmed on the basis of:

- 1) names of the fields of study, or
- 2) names of majors, or
- 3) the list of courses or education results defined in the supplement to the diploma.

2. Sitting supplementary examinations shall be confirmed with a certificate issued by the university having in its curriculum a course in the scope defined in the provisions issued pursuant to Article 69a(1)(1)(a).

Article 58 1. Acting:

- 1) as managers of the following operations departments: mining, blasting techniques, rock burst, ventilation, power and mechanics, and basic facilities power and mechanics in:
 - a) underground mining plants extracting:
 - hard coal, or
 - metal ores, or
 - minerals other than hard coal and metal ores, or
 - b) mining plants carrying out underground tankless storage of substances with the use of the underground method, or
 - c) mining plants carrying out underground landfilling of waste with the use of the underground method, or
 - d) plants carrying out the activities defined in Article 2(1):
 - subparagraph (1) or (5), or
 - subparagraph (2) or (5), or
 - subparagraph (3) or (5), or
 - subparagraph (4) or (5),
- 2) in higher-level supervision of operations and in supervision of operations in the following specialist fields: mining, geophysics, shaft winding apparatus, mechanics – of underground machinery and equipment, electrical engineering – of underground machinery and equipment, electrical engineering – of telecommunication and automated technology, surveying, and geology in underground mining plants extracting:

- a) hard coal or
 - b) metal ores; or
 - c) minerals other than hard coal and metal ores;
- 3) as operations manager and managers of the following operations departments: mining department and power and mechanics department, and in higher-level supervision of operations in the following specialist fields: mining, surveying, and geology in strip mining plants extracting:
- a) lignite, or
 - b) minerals with the use of blasting agents, or
 - c) minerals without the use of blasting agents,
- 4) as operations manager in:
- a) mining plants extracting, with the use of boreholes:
 - hydrocarbons, or
 - minerals other than hydrocarbons, or
 - b) mining plants carrying out underground tankless storage of substances with the use of the borehole method, or
 - c) mining plants carrying out underground landfilling of waste with the use of the borehole method, or
 - d) plants carrying out geological works:
 - aimed at prospecting for or exploring hydrocarbon deposits, or
 - aimed at prospecting for or exploring mineral deposits other than hydrocarbons and groundwater being minerals, or
 - aimed at prospecting for or exploring groundwater or carried out to use the Earth's heat, or
 - as part of prospecting for and exploring a underground carbon dioxide storage complex,
- 5) as managers at the following operations departments: mining department and power and mechanics department in mining plants:
- a) extracting, with the use of boreholes:
 - hydrocarbons, or
 - minerals other than hydrocarbons, or
 - b) carrying out underground tankless storage of substances with the use of the borehole method, or
 - c) carrying out underground landfilling of waste with the use of the borehole method,
- 6) as managers at the following operations departments: drilling department and

- power and mechanics department, carrying out geological works:
- a) aimed at prospecting for or exploring hydrocarbon deposits, or
 - b) aimed at prospecting for or exploring mineral deposits other than hydrocarbons and groundwater being minerals, or
 - c) aimed at prospecting for or exploring groundwater or carried out to use the Earth's heat, or
 - d) as part of prospecting for and exploring a underground carbon dioxide storage complex,
- 7) in higher-level supervision of operations in the following specialist fields: mining, surveying, and geology in mining plants extracting, through boreholes:
- a) hydrocarbons, or
 - b) minerals other than hydrocarbons,
- 8) in higher-level supervision of operations in the following specialist fields: drilling, surveying, and geology in plants carrying out the following geological works:
- a) aimed at prospecting for or exploring hydrocarbon deposits, or
 - b) aimed at prospecting for or exploring mineral deposits other than hydrocarbons and groundwater being minerals, or
 - c) aimed at prospecting for or exploring groundwater or carried out to use the Earth's heat, or
 - d) as part of prospecting for and exploring a underground carbon dioxide storage complex,
- 9) as the geophysics and blasting technology department manager, as well as performing activities in the scope of higher-level supervision of operations in the specialist field of geophysics and blasting technology, in plants carrying out geological works:
- a) aimed at prospecting for or exploring hydrocarbon deposits, or
 - b) aimed at prospecting for or exploring mineral deposits other than hydrocarbons and groundwater being minerals, or
 - c) as part of prospecting for and exploring a underground carbon dioxide storage complex,
- 10) as the environmental protection department manager in:
- a) underground mining plants, or

- b) mining plants carrying out underground tankless storage of substances with the use of the underground method, or
 - c) mining plants carrying out underground landfilling of waste with the use of the underground method, or
 - d) plants carrying out the activities defined in Article 2(1), or
 - e) strip mining plants, or
 - f) mining plants extracting, with the use of boreholes:
 - hydrocarbons, or
 - minerals other than hydrocarbons, or
 - g) mining plants carrying out underground tankless storage of substances with the use of the borehole method, or
 - h) mining plants carrying out underground landfilling of waste with the use of the borehole method, or
 - i) plants carrying out geological works:
 - aimed at prospecting for or exploring hydrocarbon deposits, or
 - aimed at prospecting for or exploring mineral deposits other than hydrocarbons and groundwater being minerals, or
 - aimed at prospecting for or exploring groundwater or carried out to use the Earth's heat, or
 - as part of prospecting for and exploring a underground carbon dioxide storage complex,
- 11) in higher-level supervision of operations in the following specialist fields: construction and environmental protection, in:
- a) underground mining plants, or
 - b) strip mining plants, or
 - c) mining plants extracting, with the use of boreholes:
 - hydrocarbons, or
 - minerals other than hydrocarbons, or
 - d) plants carrying out geological works:
 - aimed at prospecting for or exploring hydrocarbon deposits, or
 - aimed at prospecting for or exploring mineral deposits other than hydrocarbons and groundwater being minerals, or
 - aimed at prospecting for or exploring groundwater or carried out to use the Earth's heat, or
 - as part of prospecting for and exploring a underground carbon

dioxide storage complex,

- 12) in supervision of operations in the following specialist fields: construction and environmental protection in underground mining plants

– requires a confirmation of qualifications to carry out these activities with a certificate issued by the head of a district mining office

2. Acting:

- 1) as an operations manager in:
 - a) underground mining plants extracting:
 - hard coal, or
 - metal ores, or
 - minerals other than hard coal and metal ores, or
 - b) mining plants carrying out underground tankless storage of substances with the use of the underground method, or
 - c) mining plants carrying out underground landfilling of waste with the use of the underground method, or
 - d) plants carrying out the activities defined in Article 2(1):
 - subparagraph (1) or (5), or
 - subparagraph (2) or (5), or
 - subparagraph (3) or (5), or
 - subparagraph (4) or (5),
- 2) as an operations manager and managers of the following operations departments: mining department, power and mechanics department, and environmental protection department, as well as performing activities in the scope of higher-level supervision of operations in the following specialist fields: mining, surveying, geology, construction, and environmental protection – in mining plants carrying out underground carbon dioxide storage,
- 3) as a mining surveyor in:
 - a) mining plants, plants carrying out the activities specified in Article 2(1), and plants carrying out geological works referred to in Article 86, or
 - b) mining plants other than underground mining plants, and plants carrying out geological works referred to in Article 86,
- 4) as a mining geologist in:
 - a) mining plants, plants carrying out the activities specified in Article 2(1), and plants carrying out geological works referred to in Article 86, or

- b) mining plants other than underground mining plants, and plants carrying out geological works referred to in Article 86,
 - 5) as mining geophysicists in underground mining plants,
 - 6) as a manager of a mine rescue unit or a manager of a district mine rescue centre – in the entities providing professional mine rescue services, carrying activities for underground mining plants,
 - 7) as a manager of a mine rescue unit – in the entities providing professional mine rescue services, carrying activities for mining plants other than underground mining plants
- requires a confirmation of qualifications to carry out these activities with a certificate issued by the President of the State Mining Authority.

3. Acting as a surveying department manager in:

- 1) underground mining plants, or
 - 2) mining plants carrying out underground tankless storage of substances with the use of the underground method, or
 - 3) mining plants carrying out underground landfilling of waste with the use of the underground method, or
 - 4) plants carrying out the activities defined in Article 2(1)
- requires a confirmation of qualifications to carry out the activities referred to in paragraph 2(3)(a).

4. Acting as a surveying department manager in:

- 1) strip mining plants, or
 - 2) mining plants extracting minerals through boreholes, or
 - 3) mining plants carrying out underground tankless storage of substances with the use of the borehole method, or
 - 4) mining plants carrying out underground landfilling of waste with the use of the borehole method, or
 - 5) mining plants carrying out underground carbon dioxide storage, or
 - 6) plants carrying out geological works referred to in Article 86
- requires a confirmation of qualifications to carry out the activities referred to in paragraph 2(3)(a) or (b).

5. Acting as a geological department manager in:

- 1) underground mining plants, or
- 2) mining plants carrying out underground tankless storage of substances with the use of the underground method, or

3) mining plants carrying out underground landfilling of waste with the use of the underground method, or

4) plants carrying out the activities defined in Article 2(1)

– requires a confirmation of qualifications to carry out the activities referred to in paragraph 2(4)(a).

6. Acting as a geological department manager in:

1) strip mining plants, or

2) mining plants extracting minerals through boreholes, or

3) mining plants carrying out underground tankless storage of substances with the use of the borehole method, or

4) mining plants carrying out underground landfilling of waste with the use of the borehole method, or

5) mining plants carrying out underground carbon dioxide storage, or

6) plants carrying out geological works referred to in Article 86

– requires a confirmation of qualifications to carry out the activities referred to in paragraph 2(4)(a) or (b).

7. The performance of the activities:

1) in management and supervision of operations of a mining plant or a plant not listed in paragraph 1 or 2 shall be entrusted after the employer has verified the fulfilment of the requirements referred to in:

a) in Articles 54 (1), (3) and (4), 55(1) (1) to (4), 55(2) to 55(5) and 55(7), or

b) on the basis of Article 53(2);

2) in higher-level supervision of operations in the following specialist fields:

a) surveying in mining plants carrying out underground tankless storage of substances with the use of the underground method, mining plants carrying out underground landfilling of waste with the use of the underground method, or plants carrying out the activities specified in Article 2(1) – to the persons who have obtained a confirmation of holding the qualifications to carry out the activities referred to in paragraph 2(3)(a),

b) surveying in mining plants carrying out underground tankless storage of substances with the use of the borehole method, or mining plants carrying out underground landfilling of waste with the use of the borehole method – to the persons who have obtained a confirmation of holding the

qualifications to carry out the activities referred to in paragraph 2(3)(a) or (b),

- c) surveying in mining plants carrying out underground tankless storage of substances with the use of the underground method, mining plants carrying out underground landfilling of waste with the use of the underground method, or plants carrying out the activities specified in Article 2(1) – to the persons who have obtained a confirmation of holding the qualifications to carry out the activities referred to in paragraph 2(4)(a),
- d) geology in mining plants carrying out underground tankless storage of substances with the use of the borehole method, or mining plants carrying out underground landfilling of waste with the use of the borehole method – to the persons who have obtained a confirmation of holding the qualifications to carry out the activities referred to in paragraph 2(4)(a) or (b),

– shall be entrusted on the basis of a certificate confirming the holding of such qualifications;

- 3) activities of specialist nature in the operation of a mining plant shall be entrusted after the employer has verified the fulfilment of the requirements referred to in Article 56.

8. In the cases specified in paragraphs 7(1) and 7(3), the employer shall issue a certificate of fulfilment of the requirements specified in these provisions and shall keep it in the employee's personal files.

Article 59 1. A certification of qualifications to act as:

- 1) an operations manager of a mining plant or a plant,
- 2) operations department managers of a mining plant or a plant,
- 3) a manager of a mine rescue unit and manager of a district mine rescue centre – in the entities providing professional mine rescue services, carrying out activities for underground mining plants,
- 4) a manager of a mine rescue unit – in the entities providing professional mine rescue services, carrying out activities for mining plants other than underground mining plants

– shall at the same time constitute a certification of qualifications to carry out the activities of deputies of the said persons.

2. A certification of qualifications to act as a mining surveyor in:

- 1) mining plants, plants carrying out the activities specified in Article 2(1), and plants carrying out geological works referred to in Article 86, shall at the same time constitute a certification of qualifications to act as:
 - a) a manager and deputy manager of operations in strip mining plants extracting minerals without the use of blasting agents,
 - b) a manager and deputy manager of a surveying department in mining plants, plants carrying out the activities specified in Article 2(1), and plants carrying out geological works referred to in Article 86,
 - c) in higher-level supervision of operations in the specialist field of surveying in mining plants, plants carrying out the activities specified in Article 2(1), and plants carrying out geological works referred to in Article 86;
- 2) mining plants other than underground mining plants, and in plants carrying out geological works referred to in Article 86, shall at the same time constitute a certification of qualifications to act as:
 - a) a manager and deputy manager of operations in strip mining plants extracting minerals without the use of blasting agents,
 - b) a manager and deputy manager of the surveying department in mining plants other than underground mining plants, and in plants carrying out geological works referred to in Article 86,
 - c) in higher-level supervision of operations in the specialist field of surveying in mining plants other than underground mining plants, and in plants carrying out geological works referred to in Article 86.

3. A certification of qualifications to act as a mining geologist in:

- 1) mining plants, plants carrying out the activities specified in Article 2(1), and plants carrying out geological works referred to in Article 86, shall at the same time constitute a certification of qualifications to act as:
 - a) a manager and deputy manager of operations in:
 - strip mining plants extracting minerals without the use of blasting agents,
 - mining plants extracting curative water, thermal water, and brine,
 - b) a manager and deputy manager of a geological department in mining plants, plants carrying out the activities specified in Article 2(1), and

- plants carrying out geological works referred to in Article 86,
- c) in higher-level supervision of operations in the specialist field of geology in mining plants, plants carrying out the activities specified in Article 2(1), and plants carrying out geological works referred to in Article 86;
- 2) mining plants other than underground mining plants, and in plants carrying out geological works referred to in Article 86, shall at the same time constitute a certification of qualifications to act as:
- a) a manager and deputy manager of operations in:
 - strip mining plants extracting minerals without the use of blasting agents,
 - mining plants extracting curative water, thermal water, and brine,
 - b) a manager and deputy manager of a geological department in mining plants other than underground mining plants, and in plants carrying out geological works referred to in Article 86,
 - c) in higher-level supervision of operations in the specialist field of geology in mining plants other than underground mining plants, and in plants carrying out geological works referred to in Article 86.

4. A certification of qualifications to act as a mining geophysicist in underground mining plants shall at the same time constitute a certification of qualifications to act in higher-level supervision of operations in the specialist field of geophysics in underground mining plants.

Article 60 1. A person holding certified qualifications to act as an operations manager in a mining plant or a plant as specified in Article 58(1)(3) and (4) and 58(2)(1) and (2), and qualifications as part of professional training referred to in Article 54(3) and (4), as well as qualifications in the scope of professional experience referred to in Article 55, as required of the manager specified in Article 58(1)(1), (3), (5), (6), (9), (10) and Article 58(2)(2), in a mining plant or a plant may act as the manager of said department.

2. A person holding certified qualifications to act as a manager of the operations department specified in Article 58(1)(1), (3), (5), (6), (9), (10) and Article 58(2)(2), in a specialist field defined in Article 58(1)(2), (3), (7) to (9), and (11) and Article 58(2)(2) in higher-level supervision of operations of a mining plant or a plant, or in a specialist field defined in Article 58(1)(2) and (12) in supervision of operations of an underground mining plant may carry out activities in a position

covering more than one of these types of activities.

3. A person holding certified qualifications to carry out the activities of an operations manager of a mining plant, of an operations department manager or the activities in higher-level supervision of operations of mining plants extracting hydrocarbons through boreholes or mining plants extracting other minerals than hydrocarbons through boreholes, may carry out these activities in strip mining plants extracting curative minerals.

4. A person holding certified qualifications to act as an operations department manager in strip mining plants extracting:

- 1) lignite, or
- 2) minerals with the use of blasting agents, or
- 3) minerals without the use of blasting agents

– may act as a manager and deputy manager of mining plant operations in strip mining plants extracting minerals on the basis of a concession granted by a district executive.

5. A person holding certified qualifications to act in higher-level supervision of operations in strip mining plants extracting:

- 1) lignite, or
- 2) minerals with the use of blasting agents, or
- 3) minerals without the use of blasting agents

– may act as a manager and deputy manager of operations in a mining plant and manager and deputy manager of the operations department of a mining plant in strip mining plants extracting minerals on the basis of a concession granted by a district executive.

6. A person holding certified qualifications to act as a mining geophysicist in underground mining plants may act as:

- 1) a manager and deputy manager of the rock burst department in underground mining plants, provided that such person has undergone a practical training course necessary to carry out these tasks;
- 2) a manager and deputy manager of the geophysics and blasting technology department in plants carrying out geological works aimed at the prospecting for or exploration of hydrocarbon deposits, or aimed at the prospecting for or exploration of mineral deposits other than hydrocarbons and groundwater being minerals, provided that such person has undergone a practical training course necessary to carry out these tasks;

- 3) in higher-level supervision of operations in the specialist field of geophysics and blasting technology in plants carrying out geological works aimed at the prospecting for or exploration of hydrocarbon deposits, or aimed at the prospecting for or exploration of mineral deposits other than hydrocarbons and groundwater being minerals, provided that such person has undergone a practical training course necessary to carry out these tasks.

Chapter 3

Qualifications Certification Procedure

Article 61 1. The qualifications referred to in Article 50 and Articles 58(1) and 58(2) shall be certified upon request of the person applying for the certification of qualifications, hereinafter referred to as a "candidate", after conducting a relevant exam.

2. An application to certify qualifications shall contain:

- 1) candidate's first name and surname;
- 2) PESEL number – if applicable;
- 3) the number of an identification card or other candidate's identification document;
- 4) candidate's address;
- 5) qualifications for the certification of which a candidate applies;
- 6) candidate's education;
- 6a) in the cases defined in the provisions of Chapter 1 or 2:
 - a) post-graduate studies completed by the candidate,
 - b) professional title or professional qualifications held by the candidate in the profession, or qualifications in the profession, or professional entitlements,
 - c) supplementary examinations sit by the candidate;
- 7) description of work experience, having particular regard to the qualifications for which the candidate applies.

2a. In the case of qualifications in the scope of mining and mine rescue, the qualifications for the certification of which the candidate applies shall be determined with account taken of Articles 58(1) or 58(2).

3. An application to certify qualifications shall be accompanied by:

- 1) a duplicate or a certified copy of any document evidencing the receiving of education required to certify qualifications;

- 1a) an excerpt or a certified copy of documents confirming the data specified in paragraph 2(6a);
- 2) evidence of gaining experience, including but not limited to certificates of previous and current employment, testimonials, and in the case of qualifications to perform, supervise, and manage geological development works – also a list of studies prepared with the participation of a candidate certified by the entity for which the studies have been prepared or the geological archive where said studies are kept.

4. If a candidate holds other qualifications required under the regulations adopted under Article 69(1)(2), he shall specify their type and date of acquiring in the application to certify qualifications.

Article 62 An authority in charge of certifying qualifications shall:

- 1) allow a candidate to sit an exam having established that the candidate complies with the requirements set out for the category of qualifications, specified in the application, to perform, supervise, and manage geological development works or that the candidate holds required qualifications in the scope of professional training referred to in Articles 54(3) and 54(4), and qualification in the scope of professional experience referred to in Article 55;
- 2) refuse, by way of a decision, to allow a candidate to sit an exam having established that the candidate does not comply with the requirements set out for the category of qualifications, specified in the application, to perform, supervise, and manage geological development works or that the candidate does not hold required qualifications in the scope of professional training referred to in Articles 54(3) and 54(4), and qualification in the scope of professional experience referred to in Article 55.

Article 63 1. Authorities in charge of certifying qualifications shall set up examination committees.

2. In the case of qualifications to perform, supervise, and manage geological development works time limits for filing applications to certify qualifications, dates, and locations of examinations shall be prescribed by the authorities in charge of certifying qualifications. Relevant notices shall be published on the website of the Bulletin of Public Information of the authority in charge of certifying qualifications at least 30 days prior to the scheduled examination date.

3. In the case of mining and mine rescue qualifications the date and location

of examination shall be communicated to the candidate, in writing, by the examination committee at least 14 days prior to the scheduled examination date.

4. Before sitting an examination, the candidate shall provide the examination committee with proof of payment of the examination fee.

Article 64 The examination shall be administered to evaluate:

- 1) in the case of qualifications to perform, supervise, and manage geological development works – the candidate's knowledge of provisions of geological and mining law in categories I to IX and XIII, water law in categories IV and V, construction law in categories VI and VII, and environmental protection law in categories I to IX, as well as the candidate's capability to put their knowledge into practice – insofar as necessary to undertake the activities subject to the qualifications;
- 2) in the case of mining qualifications – holding, by the candidate, of the qualifications required in the scope of professional training referred to in Article 54(1);
- 3) in the case of mine rescue qualifications – holding, by the candidate, of the qualifications required in the scope of professional training referred to in Article 54(2).

Article 65 1. An examination shall be conducted by an examination panel composed of members of the examination committee.

2. An examination shall be conducted separately for each type of qualifications.

3. An examination shall consist of a written and an oral stage.

4. An examination under the qualifications certification procedure shall be conducted orally by a director of a regional mining authority.

5. Persons who have answered correctly at least 75% of questions at the written stage shall qualify for the oral stage.

6. The examination result may be marked either "pass" or "fail".

7. The examination result shall be decided by the examination panel by a majority of votes. In the event of a voting deadlock, the chairman of the examination panel shall have the casting vote.

8. A candidate who has failed an examination may re-sit it:

- 1) in the case of mining and mine rescue qualifications – no earlier than after the lapse of 6 months as of the day on which the exam was conducted;
- 2) in the case of geological qualifications – on the closest possible date set by the geological administration authority.

9. An application to re-take the exam must be submitted not later than within one year from the day of the exam which the candidate failed. The application shall contain:

- 1) candidate's first name and surname;
- 2) candidate's address;
- 3) identification of the qualifications certification procedure under which the candidate was allowed to sit the examination.

10. Before re-sitting an examination, the candidate shall provide the examination committee with proof of payment of the examination fee.

11. For qualifications:

- 1) to perform, supervise, and manage geological development works, whoever has failed to sit an examination shall retain the right to sit the examination on the earliest date;
- 2) in mining and mine rescue, the examination committee notifies a candidate, in writing, who has failed to sit an examination of the date and location of the examination at least 14 days prior to the second scheduled examination date.

Article 66 1. An examination fee shall amount to PLN 250, and a fee for the qualifications certificate shall amount to PLN 30.

2. The fees referred to in paragraph 1 shall be credited to the bank account or paid by cash at the cashier's office of the authority running the examination committee.

3. The fees referred to in paragraph 1 shall be credited to the account of state budget income, pursuant to the regulations on detailed implementation of the state budget.

4. The fees referred to in paragraph 1 shall be annually revised on the basis of an annual average consumer price index planned in the budget act for a given calendar year.

5. Based on the index referred to in paragraph 4, the minister responsible for the environment and the minister responsible for the management of mineral deposits, each within their own scope of competence, shall announce, by way of a

notice in the Official Gazette of the Republic of Poland "Monitor Polski", the rates of fees referred to in paragraph 1 that will apply in the next calendar year, rounded up to full grosz.

Article 67 1. Members of the examination committee shall be remunerated for their participation in the examination.

2. Members of the examination board participating in the exam ascertaining qualifications in the field of geology, held outside their place of residence, shall be entitled to the reimbursement of travel and accommodation costs on the terms laid down in provisions concerning the value and conditions for the determination of amounts due to an employee employed in a state or local government budget unit for domestic business trips, issued on the basis of Article 775(2) of the Act of 26 June 1974 – Labour Code (Journal of Laws of 2018, items 917, 1000, 1076, 1608, and 1629). The employer's activities with regard to those persons, specified in these provisions, shall be performed by the minister responsible for the environment.

Article 68 Costs connected with the holding of exams, including the costs referred to in Article 67, shall be covered from funds planned in the state budget, in parts of relevant operators.

Article 69 1. The minister responsible for the environment shall define, by way of a regulation:

- 1) detailed requirements concerning the education, professional qualifications in individual professions and the corresponding scope and extent of the practice referred to in Article 52(4) for individual categories of qualifications to perform, supervise, and manage geological development works;
- 2) requirements concerning the compositions of examination boards and examination teams;
- 3) amount of remuneration to which members of examination boards are entitled;
- 4) template of a certificate confirming qualifications.

The amendment to paragraph 2 of Article 69 will enter into force on 1 September 2019 (Journal of Laws of 2018, item 2245).

2. When determining the requirements referred to in paragraph 1, the minister responsible for the management of mineral deposits shall take into account [*the classification of vocational education professions*]**<classification of industrial education professions>** and shall be concerned to ensure due performance of professional activities and to ensure that the composition of examination boards and examination teams is adequate to the scope of requirements subject to verification during the examination, to determine remuneration adequate to the work performed by members of examination boards, to ensure that the content and templates of certificates confirming qualifications are comprehensible.

Article 69a 1. The minister responsible for the management of mineral deposits shall define, by way of a regulation:

- 1) detailed requirements:
 - a) related to qualifications concerning professional training referred to in Article 54(3) and (4) and professional experience referred to in Article 55, which persons carrying out the activities referred to in Article 53(1)(1) to (7) are required to hold,
 - b) to the extent defined in Article 56(2) to (4) and (7), which persons carrying out the activities referred to in Article 53(5) are obliged to fulfil, including the periods of validity of certificates confirming completion of specialist training courses and issues covered by psychological tests referred to in Article 56(5);
- 2) requirements concerning the compositions of examination boards and examination teams;
- 3) amount of remuneration to which members of examination boards are entitled;
- 4) template of a certificate confirming qualifications.

2. When determining the requirements referred to in paragraph 1, the minister responsible for the management of mineral deposits shall take into account [*the classification of vocational education professions*]**<classification of industrial education professions>** and shall be concerned to ensure due performance of professional activities and a high level of safety in mining plants or in plants, and to ensure that professional training and professional experience is adequate for placement within the organisational chart of a mining plant, a plant,

The amendment to paragraph 2 of Article 69a will enter into force on 1 September 2019 (Journal of Laws of 2018, item 2245).

or an entity providing professional mine rescue services, and to ensure that the scope of issues covered by psychological tests and other requirements are adequate to specialist activities carried out and the type of threats related to the performance of mining and mine rescue activities, and to ensure that the composition of examination boards and examination teams is adequate to the scope of requirements subject to verification during the examination, to determine remuneration adequate to the work performed by members of examination boards, to ensure that the content and templates of certificates confirming qualifications are comprehensible.

Article 70 1. A list of persons whose qualifications referred to in Articles 50 and 58(1) and 58(2) were certified shall be published and revised on the websites of the Public Information Bulletin of the offices providing services to the authorities responsible for the certification of these qualifications.

2. The list referred to in paragraph 1 shall contain the first name and surname of the persons and the types of certified qualifications.

Chapter 4

Experts

Article 71 1. An application for a licence of an expert in mining plant operations may be filed by a natural person who:

- 1) enjoys his public rights in full;
- 2) holds:
 - a) a university diploma in technology,
 - b) within the scope of the activities for which expert work is to be done – certificate of qualifications of at least a member of higher supervision staff and, after certification, at least 5 years of service in the operations management or in higher supervision over the operations of the relevant type of a mining plant or at least a doctor's degree in a field of science and at least 5 years of scientific service.

2. An application for granting a licence of an expert in mining plant operations may be filed by a legal person who:

- 1) has a technology base and organisation that provide impartiality and diligence, and access to a laboratory equipped with devices necessary to carry out tests and prepare opinions on mining plant operations;
- 2) employs at least one natural person, complying with the requirements prescribed in paragraph 1, who is to carry out tests and prepare opinions on mining plant operations.

Article 72 A licence of an expert on mining plant operations shall be granted in the following groups:

- 1) group I – winding machinery:
 - a) mechanical part,
 - b) electrical part,
- 2) group II – cages and skips,
- 3) group III – suspension gear for cages, skips and hoist ropes,
- 4) group IV – hoist ropes,
- 5) group V – headgears,
- 6) group VI – pulley wheels,
- 7) group VII – shaft lining, including rigid guidance of cages and skips,
- 8) group VIII – equipment used in potentially explosive atmospheres,
- 9) group IX – electric devices and equipment:
 - a) cables and wires,
 - b) power tools,
 - c) power systems,
- 10) group X – technical equipment:
 - a) pressure equipment,
 - b) lifting equipment,
 - c) special transportation equipment,
- 11) group XI – powered roof supports,
- 12) group XII – blasting operations,
- 13) group XIII – anchor-bolt tunnel support systems,
- 14) group XIV – shaft lining,
- 15) group XV – methane and dust risk,
- 16) group XVI – fire risk,
- 17) group XVII – water risk,
- 18) group XVIII – gas and rock eruption risk,

- 19) group XIX – rockburst risk,
- 20) group XXI – climate-related risk,
- 21) group XXI – testing technology solutions prior to the implementation of new systems of working ores of copper, zinc, and lead or variants of said systems,
- 22) group XXII – investigation of technical and organisational solutions related to the prospection, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland

– identifying the scopes of activities within which the responsibilities of an expert in mining plant operations are to be fulfilled, in accordance with regulations issued on the basis of Article 118(4) and Articles 120(1) and 120(2), and in the case of group XXII – also in accordance with regulations issued on the basis of Article 110.

Article 73 1. An application for a licence of an expert in mining plant operations shall contain:

- 1) first name and surname of a natural person or the name of a legal person;
- 2) address of the natural person or registered office of the legal person;
- 3) identification of the scope of the license as prescribed in Article 72;
- 4) for a natural person:
 - a) declaration of enjoying public rights in full,
 - b) detailed description of work or scientific experience;
- 5) for a legal person:
 - a) detailed description of the technology base and organisation referred to in Article 71(2)(1),
 - b) identification of the laboratory equipped with devices required to carry out tests and prepare opinions on the operations of a mining plant, accessible by the legal person,
 - c) first name and surname of the employed natural person, complying with the requirements prescribed in Article 71.1, who is to carry out tests and prepare opinions on the mining plant operations, and a detailed description of his work and scientific experience.

2. The application for a licence of an expert in mining plant operations shall be accompanied by:

- 1) a duplicate or a certified copy of a university diploma in technology or a doctor's diploma in the field of science within which responsibilities of an expert in mining plant operations are to be fulfilled;

- 2) a certificate of current or previous employment evidencing work or scientific experience required to obtain a licence of an expert in mining plant operations;
- 3) for a legal person:
 - a) identification of its legal status and proof of its existence, including but not limited to an excerpt from a relevant register and identification of persons authorised to act on its behalf by listing their first names, surnames and positions,
 - b) organisation chart of said person,
 - c) a declaration of the employed natural person, complying with the requirements prescribed in Article 71(1), who is to carry out tests and prepare opinions on mining plant operations of enjoying his public rights in full.

Article 74 A licence of an expert in mining plant operations shall be granted by the President of the State Mining Authority by way of a decision. The decision shall define the scope of the licence as prescribed in Article 72 and its validity period, no longer than 5 years, and in the case of legal persons – the first name and surname of the employed person, complying with the requirements prescribed in Article 71(1), who is to carry out tests and prepare opinions on mining plant operations. The decision validity period shall be determined on the basis of the assessment of the capabilities of the expert in mining plant operations to properly fulfil his responsibilities.

Article 75 An expert in mining plant operations shall promptly notify the President of the State Mining Authority of any changes in the data included in the application for a licence.

Article 76 1. A list of persons granted licences as experts in mining plant operations shall be published and revised in the Bulletin of Public Information by the President of the State Mining Authority.

2. The list referred to in paragraph 1 shall contain the first name and surname of a natural person or the name of the legal person, the scope of the licence granted as prescribed in Article 72, the decision validity period, and for legal persons – also the first name and surname of the employed natural person, complying with the requirements prescribed in Article 71(1), who is to carry out tests and prepare opinions on mining plant operations.

Chapter 5

Professional Liability

Article 77 1. A person who pursues the activities provided for in Chapters 1 and 2 with gross negligence, in contravention of the Act or in direct contravention of the regulations adopted under the Act may be disqualified, by way of a decision, from pursuing said activities for a period not exceeding 2 years.

2. The proceedings in the case referred to in paragraph 1 must be instituted within one year following the occurrence of the event which provides the grounds for instituting the proceedings.

3. The disqualification referred to in paragraph 1 may not be ordered 5 years following the occurrence of the event referred to in paragraph 2.

4. Where an expert in mining plant operations pursues the activities for which he has been granted a licence with gross negligence, in direct contravention of the Act or the regulations adopted under said Act, or where he fails to comply with the requirements for granting the licence, the licence shall be revoked by way of a decision.

Article 78 1. The authorities in charge of matters referred to in Article 77 shall include:

- 1) the minister in charge of the environment with respect to persons holding licences for performing, supervising, and managing geological development works;
- 2) the President of the State Mining Authority in all other respects.

2. Information on persons disqualified from pursuing activities shall be published in the Bulletin of Public Information by the authority, which has ordered said disqualification. The information shall contain the first name and surname of the person, scope of activities and the period for which the disqualification has been ordered.

3. Upon expiry of the period for which the disqualification has been ordered, the competent authority shall delete the information referred to in paragraph 2.

4. Where the licence of an expert in mining plant operations is revoked, the entry from the list referred to in Article 76(1) shall be deleted without delay.

SECTION V

Geological Development Works

Chapter 1

Planning and Performance of Geological Development Works

Article 79 1. Geological development works comprising geological works may be based solely on a geological works plan.

1a. Geological development works involving the use of geophysical methods within the borders of maritime territories of the Republic of Poland may be based solely on a geological works plan.

2. A geological works plan shall specify in particular:

- 1) the purpose of the intended works and the method of its achievement;
- 2) the type of geological reports to be developed as a result of geological works;
- 3) geological works time schedule;
- 4) the space within the boundaries of which geological works are to be performed;
- 5) projects required for environmental protection, including groundwater, methods of liquidating workings and boreholes, reclaiming land and the measures aimed to prevent damage caused by the intended works.

3. The minister in charge of the environment shall, by regulation, specify detailed requirements to be met by geological work plans, including works the performance of which requires a concession, according to the needs of environmental protection, due geological exploration and safety requirements.

Article 80 1. A plan of geological works the performance of which does not require a concession shall be subject to approval by a decision issued by the geological administration authority.

2. An application for the approval of a geological works plan shall contain information on the applicant's rights to the immovable property within the boundaries of which the works are to be performed.

3. The parties to the procedure for the approval of a geological works plan shall include the owners (perpetual usufructuaries) of land properties within the boundaries of which geological works are to be performed. The provisions of Article 41 shall apply accordingly.

4. The geological works plan shall be submitted for approval in 2 copies. The geological administration authority may request the submission of a copy of the

geological works plan for the purpose of its submission for approval to the authorities referred to in paragraph 5 and consultation with authorities referred to in Article 8.

5. The approval of a geological works plan shall require an opinion of the mayor (of a commune, municipality or town/city) having jurisdiction over the place where the geological works are to be carried out, and where geological works are carried out within the maritime territories of the Republic of Poland in connection with prospecting for or exploration of hydrocarbon deposits – an opinion of the President of the State Mining Authority with regard to the technical capabilities to carry out such activity and to ensure its safety, as well as an opinion of the Minister of National Defence and the minister in charge of fishing on the location of geological works.

6. The plan shall be approved for a fixed term not exceeding five years, depending on the scope and time schedule of the intended geological works.

7. The geological administration authority shall refuse to approve the geological works plan if:

- 1) the planned geological works could infringe environmental protection requirements;
- 2) the geological works plan fails to comply with legal requirements;
- 3) the type and scope of planned geological works as well as the way in which they are to be carried out are inconsistent with the purpose of these works.

8. The geological administration authority that has approved the geological works plan shall promptly serve a copy of the decision on locally competent geological administration authorities and mining authorities.

Article 80a 1. Changes in the geological works plan shall be made by drawing up an appendix.

2. The appendix to the geological works plan providing for geological works which do not require a concession shall be approved, by way of a decision, by the competent geological administration authority.

2a. The appendix to the geological works plan providing for geological works performed with the aim to prospect for and explore mineral deposits referred to in Article 10(1) shall be attached to the application to amend the concession.

2b. The appendix to the geological works plan providing for geological works performed with the aim to prospect for and explore hydrocarbon deposits is

approved, by way of a decision, by the concession-granting authority only if the amendments to the plan do not directly affect the conditions specified in the concession.

3. The procedure of approval of the appendix to the geological works plan shall be governed accordingly by the provisions of Articles 80(2) to 80(5), 80(7) and 80(8).

4. (repealed);

Article 81 1. Whoever has obtained a concession for the prospecting for or exploration of a mineral deposit, with the exclusion of a hydrocarbon deposit, or a concession for the prospecting for or exploration of a underground carbon dioxide storage complex, or a concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit, or has obtained a decision approving the geological works plan, shall notify the intent to commence the performance of geological works to the competent:

- 1) geological administration authority;
- 2) mayor (of a commune, municipality or town/city), and in maritime territories of the Republic of Poland – to the local maritime administration authority;
- 3) mining supervision authority – if geological works are subject to the requirements regarding mining plant operations.

2 The notification shall be made in writing, at the latest 2 weeks prior to the planned date of commencing geological works, specifying the planned dates of commencing and completing geological works, the type and basic data on the geological works, and the first names and surnames of persons supervising and managing the operations as well as the numbers of their qualification certificates.

3 The entity referred to in paragraph 1 shall inform the competent geological administration authority and the state geological service in writing about the intended sampling resulting from geological works within 14 days prior to the intended sampling.

Article 82 1. Whoever performs geological works on the basis of:

- 1) a concession for the prospecting for or exploration of a mineral deposit, with the exclusion of a hydrocarbon deposit,
- 2) a concession for the prospecting for or exploration of a underground carbon dioxide storage complex,
- 3) a concession for the prospecting for and exploration of a hydrocarbon deposit

- and extraction of hydrocarbons from a deposit,
- 4) decision approving the geological works plan,
 - 5) notification of the geological works plan
- is obliged to document, on an ongoing basis, the course of the geological development works, including geological works, and their results.

2 The entity referred to in paragraph 1 which performs geological works with the aim to prospect for or explore mineral deposits referred to in Articles 10(1) and 10(2), prospect for or explore a underground carbon dioxide storage site, or to carry out borehole drilling with the aim to explore the structure of deep substratum or to carry out regional surveys of the geological structure of the country, and to determine hydro-geological as well as geological and engineering conditions for the purposes of underground tankless storage of substances, underground landfilling of waste or underground carbon dioxide storage, and to perform geophysical studies aimed to examine geological structures connected with the existence of hydrocarbon deposits, shall provide the state geological service, on an ongoing basis, with the following:

- 1) geological data obtained as a result of the geological development works, including geological works;
- 2) samples obtained as a result of geological works in the scope defined in the concession, and results of examination of these samples.

3 Whoever carries out geological works with the aim to prospect for and explore hydrocarbon deposits shall additionally inform the concession-granting authority on providing the state geological service with the geological data referred to in paragraph 2(1) on an ongoing basis.

4 The scope of provision of the samples obtained as a result of the geological works shall be determined in the concession or the decision approving the geological works, respectively.

5 The provision of:

- 1) the geological data referred to in paragraph 2(1) shall take place no later than 14 days of obtaining them;
- 2) the samples referred to in paragraph 2(2) shall take place no later than 60 days of obtaining them;
- 3) the results of examination of the samples referred to in paragraph 2(2) shall take place no later than 14 days of obtaining them.

6 The data and results referred to in paragraph 5(1) and (3) shall be provided in paper and in electronic form.

7. The samples referred to in paragraph 5(2) shall be provided in physical form.

8 In the period between the date on which the entity referred to in paragraph 2 provides geological data, samples, and results of examination of the latter and the date on which the decision approving the geological report is served or the date on which the documentation drawn up in the cases referred to in Article 92(3) and (5) is provided, the state geological service and the concession-granting authority shall not render them available to any other entities.

Article 82a 1. The minister responsible for the environment shall define, by way of a regulation:

- 1) the scope, form, and procedure of provision of the samples referred to in Article 82(2)(2);
- 2) the scope, formats, and procedure of provision of the geological data referred to in Article 82(2)(1), and the results of the examination of samples, referred to in Article 82(2)(2);
- 3) the scope, formats, and procedure of provision of the information about the parameters of the extraction of hydrocarbons from a deposit, referred to in Article 49zc.

2. When issuing the decision referred to in paragraph 1, the minister responsible for the environment shall:

- 1) take into account the need to ensure the completeness and usefulness of the information in the scope of the current geological exploration of the country for the purposes of the grant of a concession or the execution of tasks of the state in the field of geology by the state geological service;
- 2) take into account the differences in the scope of provided data, samples, and information about parameters of the extraction of hydrocarbons from a deposit, resulting from the diversity of the scope and aim of the geological development works carried out, and in the case of provision of data, samples, and information in relation to the prospecting for or exploration of mineral deposits – shall take into account also the differences resulting from the specificity of a given mineral.

Article 83 1. Where required by public safety, environmental protection or

exploration of the geological structure of the country, including rational management of mineral deposits, the competent geological administration authority may, by way of a decision, order the entity which has obtained a concession for the prospecting for or exploration of a mineral deposit or for the prospecting for or exploration of an underground carbon dioxide storage complex, or a decision approving the geological works plan to take, for consideration, other measures including but not limited to works, tests, surveys, or additional sampling.

2. The decision referred to in paragraph 1 shall supersede a concession or a geological works plan.

3. In case of a dispute the amount of the consideration referred to in paragraph 1 shall be determined by an ordinary court.

Article 84 Whoever performs geological works shall manage the minerals extracted or self-extracted during the execution of the works. The provisions on the mining fee shall apply accordingly.

Article 85 1. The geological works plan shall not require an approval if the geological works include:

- 1) drilling for the purpose of using the Earth's heat, or
- 2) executing of excavations and boreholes of up to 30 m deep with a view to executing groundwater intakes for the purposes of groundwater drawing in a quantity not exceeding 5 cubic metre a day in the mining districts created for the purpose of carrying out the activities with the method of borehole drilling.

2. The geological works plan shall be notified to the district executive.

3. geological works may be commenced if, within 30 days of the geological works plan being submitted, the district executive does not lodge his objection by way of a decision. The district executive may lodge an objection if:

- 1) the method of performing the intended geological works poses a threat to the environment;
- 2) the geological works plan fails to comply with legal requirements;

Article 85a 1. If the geological works include only geophysical surveys for the purposes of exploration of geological structures connected with the presence of hydrocarbon deposits, the geological works plan shall be submitted to the minister responsible for the environment.

2. The geological works referred to in paragraph 1 may be commenced if,

within 30 days of the geological works plan being submitted, the minister responsible for the environment shall not lodge an objection thereto by way of a decision.

3 The minister responsible for the environment shall lodge an objection if:

- 1) the method of performing the intended geological works poses a threat to the environment;
- 2) the geological works plan fails to comply with legal requirements;
- 3) the entity has not attached the written consent referred to in paragraph 6 to the application.

4 If the geological works referred to in paragraph 1 concern the maritime territories of the Republic of Poland, the geological works plan shall require an approval, by way of a decision, by the minister responsible for the environment, on the terms set out in Articles 80(4), 80(5), 80(7), and 80(8).

5 The period during which the activity referred to in paragraph 1 is to be performed may not exceed 2 years.

6 The entity who intends to carry out geological works referred to in paragraph 1 in the area demarcated by a concession to pursue activities regulated under the Act, related to the minerals referred to in Article 10(1), shall obtain written consent of the entrepreneur to whom that concession has been granted as to the date, location and scope of these works prior to filing the application referred to in paragraph 1.

7. In order to fulfil the obligation referred to in paragraph 6, the minister responsible for the environment shall announce, at least once every quarter, in the Public Information Bulletin, on the website of the office providing services to the minister, the list of areas referred to in that provision.

8 The entity who intends to carry out geological works referred to in paragraph 1 shall notify the intention to commence geological works to the competent:

- 1) geological administration authority;
- 2) mayor (of a commune, municipality or town/city), and within the borders of maritime territories of the Republic of Poland – to the local maritime administration authority

– on terms laid down in Article 81(2).

Article 85b The performance of geological works on the basis of a geological

works plan must not infringe the rights of the owners (perpetual usufructuaries) of the immovable property.

Article 86 Provisions on mining plants and their operations, and on mine rescue services shall apply accordingly to geological works performed to prospect for or explore mineral deposits and to prospect for or explore a underground carbon dioxide storage complex, as well as to geological works performed for other purposes with the use of blasting agents or performed deeper than 100 metres, or performed in a mining district established for pursuing activities employing underground operations or borehole drilling.

Article 87 The provisions of this Chapter shall not apply to geological works performed for the purposes of mining plant operations.

Chapter 2

Geological Reports and Geological Information

Article 88 1. The results of geological development works, including their interpretation, identification of the degree of achieving the set aim along with justification, shall be presented in the geological report.

2. The following types of reports shall constitute a geological report:

- 1) geological report of a mineral deposit, except for a hydrocarbon deposit;
- 1a) geological and investment report of a hydrocarbon deposit;
- 2) hydrogeological report;
- 3) geological and engineering report;
- 4) other than provided for in subparagraphs (1) to (3).

Article 89 1. A geological report of a mineral deposit shall be developed in order to determine its boundaries, geological reserves, conditions and to determine the capability to extract minerals from the deposit.

2. A mineral deposit geological report shall specify in particular:

- 1) the type, quantity, and quality of the mineral, including by presenting information on associated minerals and useful accessory trace elements, and also environmentally-harmful substances in the deposit, as well as the exploration category of the deposit;
- 2) location of the deposit, its geological structure, form, and boundaries;

- 3) elements of the environment surrounding the deposit;
- 4) hydrogeological and other geological and mining conditions of the deposit;
- 5) development status of the surface in the area of the documented deposit;
- 6) limit values of parameters describing the deposit and its boundaries.

3. The requirements for a hydrogeological report shall apply to the development of a geological report of deposits of curative water, thermal water, and brine.

4. Where a geological report of a deposit is to provide the basis for the grant of a concession, the deposit exploration shall be conducted so as to allow a deposit development plan to be drawn up.

5. In the event of division of the deposit for which a geological report has been, a new geological report shall be developed for the part of the deposit intended for development; an appraisal of deposit reserves shall be prepared as an appendix to the geological report at the expense of the entity which financed the development of a new geological report.

Article 89a The requirements provided for in Articles 89(1), 89(2), and 89(5) shall apply to the preparation of a geological and investment report of a hydrocarbon deposit. The study shall also define the manner of development of the hydrocarbon deposit, the extractable resources, and the optimal variant of rational use of the resources from this deposit, including in particular by way of comprehensive and rational use of the main mineral and the associated minerals, and exploitation technology ensuring mitigation of adverse effects on the environment.

Article 90 1. A hydrogeological report shall be developed with a view to:

- 1) determining underground water reserves and properties;
- 2) determining hydrogeological conditions regarding the intended:
 - a) dewatering with a view to extracting minerals,
 - b) injection of water into the rock mass,
 - c) construction dewatering through boreholes,
 - d) implementation of projects likely to have adverse effects on groundwater, including pollution of said water,
 - e) underground tankless storage of substances or underground landfilling of waste,
 - f) landfilling of waste on the surface,
 - g) establishment of protected areas for groundwater reservoirs,

- h) completing or changing the drainage level of decommissioned mining plants,
- i) underground carbon dioxide storage.

2. A hydrogeological report, depending on its purpose, shall specify in particular:

- 1) geological structure and hydrogeological conditions of the area under investigation;
- 2) conditions for groundwater occurrence, including the description of water-bearing strata at a specific level;
- 3) information on chemical, physical and other properties of water;
- 4) prospects for drawing water;
- 5) boundaries of the planned protected zones for groundwater intakes and protected areas for groundwater reservoirs;
- 6) projects essential for environmental protection, including projects relating to land properties, connected with the activities for which the report is being developed.

Article 91 1. A geological and engineering report shall be developed to determine geological and engineering conditions for the purposes of:

- 1) land-use planning;
- 2) founding building structures;
- 3) underground tankless storage of substances or underground landfilling of waste;
- 4) landfilling of waste on the surface,
- 5) underground carbon dioxide storage.

2. A geological and engineering report shall specify in particular:

- 1) geological structure, geological and engineering conditions, and hydrogeological conditions of the construction ground or a specific space;
- 2) suitability of the area under examination for the implementation of the intended projects;
- 3) forecast of environmental changes which may result from the implementation, operation and decommissioning of the intended projects – if there is no obligation to draw up a report on environmental impact of the project in accordance with separate regulations.

Article 92 The geological report referred to in Article 88(2)(4) shall be

developed if:

- 1) geological development works are performed without documenting mineral deposit reserves or groundwater reserves;
- 2) a borehole, not related to the documentation of mineral deposits, is sunk with a view to exploring the structure of a deep subsurface;
- 3) geological development works are performed with a view to using the Earth's heat;
- 4) a borehole is decommissioned;
- 5) performance of geophysical surveys to examine the geological structures connected with the presence of hydrocarbon deposits;
- 6) performance of geological development works involving the use of geophysical methods within the borders of maritime territories of the Republic of Poland or for the purpose of exploring the structure of the deep substratum.

Article 93 1. The geological report referred to in Article 88(2)(1) to (3) shall be submitted to the competent geological administration authority in 4 paper copies and 4 copies in electronic form on 4 electronic data carriers.

2. The geological report referred to in Article 88(2)(1) to (3) shall be approved by a decision of the competent geological administration authority.

3. If the geological report referred to in Article 88(2)(1) to (3) fails to comply with legal requirements or has been developed as a result of illegal activities, the competent geological administration authority shall refuse to approve the same.

4. The geological report referred to in Article 88(2)(1) to (3) shall be amended by drawing up an appendix. Paragraphs 1 to 3 shall apply to the appendix to the geological report.

4a. The appendix to the geological report providing the basis for granting the concession for underground carbon dioxide storage shall also be drawn up:

- 1) in the case of the closure of a underground carbon dioxide storage site;
- 2) after decommissioning of a mining plant and monitoring of a closed underground carbon dioxide storage site, for a period not shorter than 20 years, yet before liability for the closed underground carbon dioxide storage site is transferred to the National Administrator of Underground Carbon Dioxide Storage Sites.

4b. The appendix referred to in paragraph 4a(1) shall indicate that:

- 1) behaviour of carbon dioxide injected to the underground carbon dioxide storage site corresponds to the model behaviour defined in the geological

report;

- 2) there is no carbon dioxide leakage or carbon dioxide does not escape from the underground carbon dioxide storage complex;
- 3) the situation of the underground carbon dioxide storage complex evolves towards long-term stability.

4c. The appendix referred to in paragraph 4a(2) shall define the characteristics of geological conditions observed during the operation of the underground carbon dioxide storage site, decommissioning of the mining plant, and monitoring of the underground carbon dioxide storage site after its closure, taking in particular into account:

- 1) compliance of the behaviour of carbon dioxide injected to the underground carbon dioxide storage site with its model behaviour defined in the geological report;
- 2) tightness characteristics of the closed underground carbon dioxide storage site and decommissioned injection installation as well as monitoring installation;
- 3) long-term stability in the underground carbon dioxide storage complex.

4d. (repealed);

5. In the event of finding any substantial differences between the geological report referred to in Article 88(2)(1) to (3) and the actual state, including groundwater utilisation conditions, the competent geological administration authority may decide that the geological report be amended and, if necessary, that additional geological development works be performed. The decision shall prescribe a time limit for submitting an appendix to the geological report.

6. If necessary, the decision ordering additional works to be performed shall supersede a concession or a geological works plan.

7. The geological report referred to in Article 88(2)(4) shall not require approval to be obtained by decision.

8. The geological report referred to in Article 88(2)(4) shall be drawn up in 3 paper copies and 3 copies in electronic form on 3 electronic data carriers, within 6 months of the works being completed, and shall be submitted to the authority that granted the concession, approved the geological works plan, or to which the geological works plan has been submitted, as the case may be.

Article 94 1. The competent geological administration authority shall send copies of the decisions regarding the geological reports referred to in Article

88(2)(1) to (3):

- 1) to executive authorities of local government units, to the territories of which the geological report refers;
- 2) to the competent local maritime administration office – if the geological report refers to maritime territories of the Republic of Poland;
- 3) the competent director of a regional water management authority of the Polish Water Management Authority – in the case of hydrogeological report;
- 4) other locally competent geological administration authorities, attaching 1 copy of the geological report in paper and in electronic form;
- 5) locally competent province governors;
- 6) locally competent mining supervision authorities.

2. The competent geological administration authority shall send 1 paper and 1 electronic copy of the geological report referred to in Article 88(2)(4) to the other locally competent geological administration bodies.

3. Where the locally competent geological administration authority referred to in paragraph 1(4) and paragraph 2 is the minister responsible for the environment, the geological report shall be sent to the state geological service keeping the records referred to in Article 162(1)(2).

Article 95 1. Documented mineral and groundwater deposits, within the boundaries of the planned protected zones for water intakes and protected areas for groundwater reservoirs, as well as documented underground carbon dioxide storage complexes, shall, for protection purposes, be disclosed in the commune/municipality land use plans, local zoning plans, and province zoning plans.

2. Within 2 years of the geological report being approved by the competent geological administration authority, the area of a documented mineral deposit and the area of a documented underground carbon dioxide storage complex shall be entered into the commune/municipality land use plan.

3. Within 6 months of the geological and investment report being approved by the competent geological administration authority, the area of a documented hydrocarbon deposit shall be entered into the commune/municipality land use plan. The costs of drawing up an amendment to the plan shall be borne by the entrepreneur who has prepared the geological and investment plan of the hydrocarbon deposit.

Article 96 1. The province governor shall include the area of a documented

mineral deposit or the area of a documented underground carbon dioxide storage complex into the commune/municipality land use plan and shall issue a substitute order to this effect:

- 1) after the lapse of the time limit defined in Article 95(2), or
- 2) within 6 months as of the lapse of the time limit referred to in Article 95(3).

2. An amendment to the plan, drawn up in line with the procedure defined in paragraph 1, shall have the same legal effects as the commune/municipality land use plan.

3. The costs of drawing up the amendment to the plan shall be borne in full by the commune/municipality whose area the substitute order concerns.

4. If the substitute order is not issued within the time limit referred to in paragraph 1(2), a higher-level body shall impose on the province governor, by way of an appealable administrative ruling, a fine of PLN 1,000 for each day of delay. Proceeds from fines shall constitute the State budget income.

5. The fine shall be paid within 14 days of the decision referred to in paragraph 4 becoming final. In the event of ineffective lapse of the time limit, the fine shall be recovered pursuant to the provisions on the enforcement proceedings in administration.

6. The decision referred to in paragraph 4 may not be issued after 2 years from the end of the calendar year in which the obligation to issue a substitute order arose.

7. If the commune/municipality council appeals the substitute order referred to in paragraph 1, the administrative court shall schedule a trial within 30 days of the appeal being filed with the court.

8. The provisions of the Act on the Self-Government of Communes/Municipalities of 8 March 1990 (Journal of Laws of 2017, item 1875) shall apply accordingly.

Article 97 1. The minister responsible for the environment shall define, by way of a regulation, detailed requirements relating to the following documentation:

- 1) geological report of a mineral deposit, except for a hydrocarbon deposit,
- 2) geological and investment report of a hydrocarbon deposit,
- 3) hydro-geological report,
- 4) geological and engineering report,
- 5) other than listed in subparagraphs (1) to (4)

– including the templates of printed forms, specifications, and sheets attached to

the documentation.

2. In issuing the regulations referred to in paragraph 1, the minister responsible for the environment shall be guided by the need to ensure that geological reports are of the appropriate form, including the one allowing for the reports to be gathered and processed in an electronic form, and that the said reports duly present geological structure, having particular regard to the protection of mineral deposits, groundwater, and other elements of the environment, and shall make the detailed requirements dependent on:

- 1) in the case of the regulations referred to in paragraph 1(1) and (2) – deposit exploration category and limit values of the parameters defining the deposit;
- 2) in the case of the regulation referred to in paragraph 1(1) – size of the activity;
- 3) in the case of the regulation referred to in paragraph 1(2) – the need to protect hydrocarbon deposits and ensure rational management of these deposits.

Article 98 1. Geological administration authorities and the state geological service shall gather, record, archive, protect, and make geological information available.

2. For rendering available geological information the entities referred to in paragraph 1 shall charge a fee including the costs of recording and submitting the information, with the reservation of the possibility of refraining from charging the fees where the costs of charging and entering the fee into accounts would be higher than the fee paid therefor. In such case, the notice about refraining from charging the fees up to a specified amount shall be announced in the Public Information Bulletin on the website of the office providing services to the competent authority and in the Polish Geological Institute - National Research Institute.

3. For rendering available geological information requiring additional processing the entities referred to in paragraph 1 shall charge a fee including the costs of processing, preparing, recording, and submitting the information in the specified manner or form.

4. The entities referred to in paragraph 1 shall render available free of charge gathered geological information to public administration bodies in the scope necessary for those bodies to carry out their statutory tasks. The information rendered available shall not be used for commercial purposes or provided to other entities.

5. The minister responsible for the environment shall define, by way of a

regulation, the scope and form of information gathered in geological information records and the manner of recording it, the organisation of geological records, the scope of protection of geological information, as well as the procedure and conditions of rendering this information available.

6. When issuing the regulation referred to in paragraph 5, the minister responsible for the environment shall be guided by the need to ensure a relevant protection of geological information gathered in geological records, including the need of completeness and appropriate order of the information set, having in mind the significance of geological information for scientific research and exploration of the geological structure of the country, and shall diversify the requirements governing the storage and access to geological information depending on the scope, type, and content of geological information and its legal status.

Article 99 1. The right to obtain geological information shall be vested in the State Treasury.

2. Whoever obtained geological information, while incurring the costs of works performed as a result of the decisions issued under this Act or works carried out on the basis of the notification referred to in Articles 85(2) and 85a(1), shall have the right to use it free of charge.

3. Within 3 years of serving the decision approving the geological report or of submitting the documentation drawn up in the cases referred to in Article 92(3) and (5), the entity referred to in paragraph 2 shall have the exclusive right to use geological information for the purpose of applying for pursuing the activities referred to in Article 100(2).

4. If, before the lapse of the time limit prescribed in paragraph 3, the entity which has the exclusive right to use geological information has obtained a decision forming the basis for pursuing the activities referred to in Article 100(2), shall retain the exclusive right to use geological information for the period specified in said decision and additionally for a period of 2 years after the decision loses its binding force.

4a. In the case of pursuing an activity:

- 1) consisting in underground carbon dioxide storage, the exclusive right to use geological information shall expire by virtue of law as of the moment the National Administrator of Underground Carbon Dioxide Storage Sites assumes liability for the underground carbon dioxide storage site pursuant to

Article 39a or where liability for a closed underground carbon dioxide storage site is transferred to the Administrator pursuant to Article 127j;

- 2) in the scope of the extraction of hydrocarbons from a deposit – the exclusive right to use geological information shall expire by virtue of law as of the date on which the decision constituting the basis for the performance of this activity loses its binding force.

5. Unless otherwise provided herein, the right to use geological information shall be disposed of by the State Treasury.

6. The entity which has the rights prescribed in paragraphs 2 to 4 may dispose of the rights to the extent prescribed in said provisions.

7. (repealed)

Article 100 1. Other than the situations provided for in paragraphs 2 to 3a, the use of geological information the rights to which are vested in the State Treasury shall be free of charge.

2. The use of geological information, the rights to which are vested in the State Treasury, with a view to pursuing:

- 1) the extraction of minerals from deposits,
- 1a) the extraction of hydrocarbons from deposits during the extraction phase referred to in Article 49v subparagraph 2(b),
- 2) underground tankless storage of substances, underground landfilling of waste, and underground carbon dioxide storage,
- 3) activities insofar as they require a hydraulic project approval – shall take place under an agreement, for consideration.

3. The use of geological information involving tests resulting in the damage, destruction, or use-up of a geological sample, irrespective of the purpose of said use, shall take place under an agreement, for consideration.

3a. The use of geological information in the form of geological data:

- 1) relating to the minerals referred to in Articles 10(1) and 10(2),
 - 2) from borehole drilling serving the purpose of deep ground exploration or preparation of regional surveys of the geological structure of the country,
 - 3) constituting the results of geophysical surveys
- shall take place under an agreement, for consideration.

3b. The state geological service shall, in order to perform the tasks referred to in Article 162, have the right to use geological information in the form of geological data free of charge.

4. The consideration for using geological information shall be based on the cost evaluation of planning, carrying out and documenting geological development works financed by the entity applying for the use of said information. Before entering into said agreement, the State Treasury shall verify said evaluation.

4a. In the case of a tender procedure whose object is the grant of a concession for the extraction of hydrocarbons from a deposit, the consideration for the use of geological information shall be based on a valuation specifying the costs of planning, carrying out and documenting geological development works, drawn up by the concession-granting authority.

The costs of such valuation shall be borne by the entity applying for the use of geological information in order to prove the right to it as part of the tender procedure.

5. The evaluation referred to in paragraph 4 may be carried out by persons holding qualifications to perform, supervise, and manage geological development works certified in the category corresponding to the type of the evaluated geological information.

5a. Where the valuation referred to in paragraph 4 is determined with the use of the method of calculation of a flat-rate value of geological information, paragraph 5 shall not apply.

6. If geological information the rights to which are vested in the State Treasury is included in a geological report, it shall be disposed of solely for a specific period of time.

7. The duties of the State Treasury referred to in paragraph 4 and Article 99(5), to the extent specified in paragraph 2(1) to (2) and paragraphs 3 and 3a, shall be performed by the minister responsible for the environment.

7a. The minister responsible for the environment may authorise the state geological service to dispose of geological information in the form of geological data. If such authorisation is granted, the state geological service shall submit to the minister responsible for the environment a list of geological information use agreements entered into in a given year, including information about the parties to the agreements, amount of consideration, and scope of geological data rendered available, within one month as of the end of the year.

8. The tasks of the State Treasury referred to in paragraph 4 and in Article 99(5), to the extent prescribed in paragraph 2(3), shall be fulfilled by the province

executive.

9. Proceeds from the disposal of the right to geological information vested in the State Treasury shall constitute the state budget income.

10. The minister in charge of the environment shall prescribe, by regulation:

- 1) the conditions and procedure for using geological information for consideration;
- 2) a template of an application for conclusion of a geological information use agreement;
- 3) methods of assessing the value of geological information;
- 4) detailed requirements for evaluations.

11. In issuing the regulation referred to in paragraph 10, the minister in charge of the environment shall be guided by the need to provide easy access to geological information and completeness of information applied for. In the regulation the minister in charge of the environment shall differentiate methods of estimating geological information and the scope of their application and detailed requirements for evaluations depending on the type and form of geological information, the method and scale of its use, and in the case of geological information regarding mineral deposits – shall have regard to the difference in quality of information resulting from the time when it was obtained, the degree of deposit exploration and mining.

Chapter 3

Mineral Deposit Reserves Records and Assessment

Article 101 1. An entrepreneur shall keep records of mineral deposit reserves, identifying changes in the reserves caused by:

- 1) more detailed exploration of the deposit;
- 2) the mining of the deposit and losses caused thereby;
- 3) the change of the deposit boundaries or deposit division;
- 4) environmental protection or occupational safety requirements, including restrictions affecting the deposit mining admissibility;
- 5) reclassification of mineral reserves as sub-economic reserves, sub-economic reserves as potentially economic reserves, industrial reserves as non-industrial reserves, non-industrial reserves as industrial reserves or losses, or losses as industrial reserves.

2. Where changes in the reporting period exceed 50% of the annual output

from the deposit, the reclassifications referred to in paragraph 1(5) shall be made by an entrepreneur upon approval, in the form of a decision, by the competent concession-granting authority.

3. As part of the process of keeping records of mineral deposit reserves, a mining report on mineral deposit reserves, hereinafter referred to as a "mining report", shall be drawn up annually, on 28 February at the latest, as of 31 December of the previous calendar year.

4. The mining report shall in particular contain data regarding the parts of a mineral deposit which are not technically feasible or economically justified.

5. The mining report shall be based on:

- 1) workings survey – for reserves of solid minerals;
- 2) borehole performance measurements – for gaseous and liquid mineral deposit reserves.

6. For activities pursued based on a concession granted by the district executive:

- 1) workings survey shall be carried out every 3 years;
- 2) the annual mining report shall specify the volume of mineral deposit reserves, output, and losses as estimates, with precise values to be determined after the workings survey has been carried out.

7. The mining report shall be appended to the copy of the geological report held for the mineral deposit or to the deposit development plan, or to the geological and investment report of a hydrocarbon deposit.

8. An entrepreneur shall, based on the mining report, prepare information on changes in mineral deposit reserves, and shall, on 15 March at the latest, submit it annually to the competent concession-granting authority and the state geological service.

9. The information referred to in paragraph 8 shall contain data regarding the volume of mineral deposit reserves, increases, and losses in said reserves.

10. In justified cases, in particular where:

- 1) proceedings aimed to revoke or declare the concession expired are instituted,
- 2) the concession is revoked or declared expired or loses its binding force for any reason whatsoever,
- 3) deposit reserves become depleted,
- 4) environmental protection regulations are breached

– the concession-granting authority may decide that workings be surveyed and that the mining report be submitted at another date.

11. An entrepreneur shall keep mining reports for 5 years after the end of the calendar year in which the concession lost its binding force.

12. The minister in charge of the environment shall prescribe, by regulation, detailed requirements for mining reports and templates of the information on changes in mineral deposit reserves, the content of which depends on the type of minerals, according to the need to protect mineral deposits and provide completeness of information covered by records of mineral deposit reserves.

Article 102 1. The mining report shall be drawn up by a mining geologist.

2. For deposits extracted using an opencast method or by borehole drilling, the mining report may be drawn up by a person holding qualifications to perform, supervise, and manage geological development works in the scope of prospecting for and exploration of mineral deposits.

3. The drawing up of the mining report shall be supervised by the competent mining supervision authority.

4. If an entrepreneur has failed to draw up the mining report or has drawn up the report improperly, the competent mining supervision authority may decide that the report be promptly drawn up or rectified at the entrepreneur's expense.

Article 103 1. Based on a geological report and records of mineral deposit reserves, the state geological service shall draw up a national assessment of mineral deposits reserves on 30 June at the latest.

2. The assessment referred to in paragraph 1 requires an approval of the minister in charge of the environment who fulfils the duties of geological administration with the assistance of the Chief State Geologist.

SECTION VI

Mining Plant, Operations and Mine Rescue

Chapter 1

Spacial Planning in Mining Impact Areas

Article 104 1. Mining districts and mining impact areas shall be included in a commune/municipality land use plan and a local zoning plan.

2. Where the intended activities provided for in the concession are expected

to have significant effects on the environment, a mining impact area or its part, a local zoning plan may be drawn up pursuant to local zoning regulations.

3. The expected effects of the activities provided for in the concession on the environment shall be specified in an environmental and physiographic report developed for the purpose of the commune/municipality land use plan and the local zoning plan, and also based on the deposit development plan or the underground carbon dioxide storage site development plan.

4. Irrespective of the requirements provided for in separate regulations, the plan referred to in paragraph 2 shall integrate all actions taken within the boundaries of the mining impact area with a view to:

- 1) pursuing the activities provided for in the concession;
- 2) providing public safety;
- 3) protecting the environment, including building structures.

5. The plan referred to in paragraph 2 may specify in particular:

- 1) the structures or areas for which a barrier pillar is established, within the boundaries of which mining plant operations may be prohibited or permitted, insofar as due protection of said structures or areas is ensured;
- 2) areas excluded from construction works or areas within the boundaries of which construction works are permitted subject to the fulfilment of certain requirements; the costs of fulfilling said requirements shall be charged to the entrepreneur.

6. The costs of drawing up the plan referred to in paragraph 2 shall be charged to the entrepreneur.

Chapter 2

Mining Plant Operations

Article 105 1. Mining plant operations shall be performed in pursuance of the provisions of law, in particular in pursuance of the mining plant operations plan and in compliance with mining principles.

2. A mining plant operations plan shall not be drawn up:

- 1) if a concession has been granted by the district executive – in this case, the operations of a mining plant shall be performed under the terms and conditions provided for in the concession;
- 2) if geological prospecting for or exploration operations are performed without using blasting agents at a depth of up to 100 metres outside a mining district

– in this case, mining plant operations shall be performed under the terms and conditions provided for in a concession or a decision approving a geological works plan.

Article 106 The provisions of building law and the provisions of this Chapter and Chapter 5 shall apply accordingly to the planning, construction, maintenance and demolition of mining plant building structures.

Article 107 1. An entrepreneur may amend a deposit development plan if it does not contradict the terms and conditions provided for in a concession. The amendment shall be made in the form of an appendix to the plan.

2. An entrepreneur shall submit an appendix to the deposit development plan to the concession-granting authority at least 30 days prior to implementing the intended amendments.

2a. If the appendix to the deposit development plan relates to mineral deposits defined in Article 10(1), except for hydrocarbon deposits, the entrepreneur shall, before submitting this appendix to the concession-granting authority, submit it for opinion to the competent mining supervision authority. The mining supervision authority shall issue an opinion to the entrepreneur within 14 days as of submitting the appendix to the deposit development plan. If no opinion is issued, it shall be assumed that the authority does not submit any comments.

2b. The appendix to the deposit development plan submitted to the concession-granting authority shall be accompanied by the opinion referred to in paragraph 2a or, failing such information, and if comments are submitted, also a statement by the entrepreneur concerning the manner of taking them into account or reasons for not taking them into account.

3. If the needs of rational deposit management or environmental protection so require or if the appendix to the deposit development plan does not comply with legal requirements, the concession-granting authority shall, within 30 days of this appendix being served, prohibit to implement the appendix, by way of a decision.

4. The concession-granting authority shall promptly serve copies of the decisions referred to in paragraph 3 on locally competent mining supervision authorities.

Article 107a 1. Unless this contradicts the conditions defined in the concession for underground carbon dioxide storage, the entrepreneur may change the underground carbon dioxide storage site development plan to take into account

the best available technologies and emerging technological advancements, as well as the analysis of risk connected with the activities pursued, including the risk of occurrence of a carbon dioxide leakage.

2. The entrepreneur is obliged to change the underground carbon dioxide storage site development plan:

- 1) every 5 years after the concession for underground carbon dioxide storage was granted - to update the information contained in the plan, taking account of the grounds referred to in paragraph 1;
- 1a) if it is ascertained, in particular based on results from the monitoring of a underground carbon dioxide storage site, that there are substantial differences between how carbon dioxide behaves in a underground carbon dioxide storage site and its projected behaviour, concerning in particular new carbon dioxide sources, including routes, locations, volumes and intensity of carbon dioxide leakage and its escape outside the underground carbon dioxide storage site or its migration;
- 2) prior to closure of a underground carbon dioxide storage site and commencement of the decommissioning of the mining plant – to sum up the activities conducted and prepare the operation plan for the decommissioned mining plant.

3. Changes in the underground carbon dioxide storage site development plan shall be made in the form of an appendix to the plan.

4. Changes in the development plan for the underground carbon dioxide storage site shall be governed, accordingly, by Article 27a(5), with the entrepreneur to submit the appendix to the plan to the competent authority of mining supervision at least 60 days prior to the date of implementation of the planned changes.

Article 108 1. A mining plant operations plan shall be drawn up by an entrepreneur separately for each mining plant.

2. A mining plant operations plan shall specify:

- 1) organisational structure of a mining plant, in particular by identifying positions of persons exercising management and supervision;
- 1a) mining plant boundaries;
- 2) detailed projects required in order to ensure:
 - a) pursuit of the activities covered in the concession,
 - b) public safety,

- c) fire safety,
- d) safety to persons in a mining plant, in particular occupational health and safety projects,
- e) rational deposit management,
- f) protection of the elements of the environment,
- g) protection of works,
- h) prevention and redress of damage.

2a. The operation plan of a mining plant carrying out underground carbon dioxide storage shall also define measures necessary to ensure safety of underground carbon dioxide storage, including:

- 1) measures aimed at preventing the occurrence of carbon dioxide leakages and carbon dioxide escape from the underground carbon dioxide storage complex, as well as measures aimed at preventing other irregularities in the process of underground carbon dioxide storage which can cause public safety threats or threats to health and life of people and the environment;
- 2) corrective measures;
- 3) measures to be undertaken following closure of the underground carbon dioxide storage site, with particular account taken of technical conditions.

2b. In the case of activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland, the mining plant operation plan shall also include:

- 1) an analysis of severe hazards to the mining plant, understood as situations that might potentially lead to a dangerous event or accident;
 - 2) a description of the system for the management of the environment and the mining plant operation security;
 - 3) a description of the independent verification system referred to in Article 117a(1)(2).
- 2c. An entrepreneur shall consult the draft analysis referred to in paragraph 2b(1) with representatives of employees of the given mining plant.

2d. An entrepreneur shall review the analysis referred to in paragraph 2b(1) at least every 5 years, with the first review to be conducted not later than within 5 years of the mining plant operation plan being approved.

2e. The results of the review referred to in paragraph 2d shall be provided by the entrepreneur to the competent authority of mining supervision within 14 days of the review being completed.

3. A mining plant operation plan shall be drawn up with account taken of the conditions defined in the concession and in the deposit development plan, geological and investment report of a hydrocarbon deposit, investment decision or in the underground carbon dioxide storage site development plan, respectively, and in the case of:

- 1) geological works, the performance of which does not require a concession – with regard to the terms and conditions provided for in a geological works plan;
- 2) the activities referred to in Article 2(1) with regard to local conditions for the pursuing of said activities.

4. If within a mining district any mineral deposit or groundwater prospecting or exploration operations are planned or performed, or any operations relating to the prospecting for or exploration of a underground carbon dioxide storage complex, or if mining districts border one another, a mining plant operation plan shall have regard to the said relationships and provide for relevant measures, including technical and organisational ones, that are required to provide occupational and public safety, and to protect individual mineral deposits and other elements of the environment.

5. If a mining plant consists of at least 2 parts performing operations independently, a mining plant operation shall provide data covered in the plan separately with respect to its parts.

6. A mining plant operations plan shall be drawn for a period of 2 to 6 years or, if shorter, for the entire planned period of its operation.

6a. The operation plan for a mining plant carrying out underground carbon dioxide storage shall be drawn up for a period of 5 years or, if shorter, for the entire planned period of its operation.

6b. The mining plant operation plan shall, with the exclusion of the operation plan for the performance of geological works connected with the prospecting for and exploring a hydrocarbon deposit, require an opinion of the competent mayor (of a commune, municipality or town/city). The criterion for the opinion is that the planned activity would not infringe the intended use or the manner of use of the immovable property, defined in Article 7.

6c. The opinion referred to in paragraph 6b shall be issued upon request of the entrepreneur, within 14 days of the request being received. If no opinion is issued,

it shall be assumed that the competent mayor (of a commune, municipality or town/city) submits no comments.

7. An application for approval of a mining plant operations plan shall be filed with the mining supervision authority having jurisdiction over the location of operations covered by the plan, and if the operations covered by the plan are performed within territorial jurisdiction of at least 2 mining supervision authorities – with the mining supervision authority having jurisdiction over the location of the mining plant's registered office.

7a. An application for approval of the operation plan for a mining plant carrying out underground carbon dioxide storage shall be submitted to the competent mining supervision authority.

8. An application for approval of a mining plant operation plan shall be filed at least 30 days before the intended starting date of the operations, whereas in the case of geological works connected with the prospecting for and exploration of a hydrocarbon deposit, this time limit shall be 14 days.

9. An application for the approval of a mining plant operations plan shall be accompanied by:

- 1) 2 copies of the plan, signed by the entrepreneur and the mining plant operations manager who will implement the plan, and in the case of an operation plan for the performance of geological works connected with the prospecting for and exploration of a hydrocarbon deposit – also by a copy of the plan in electronic form;
- 2) duplicates of the decisions issued by other authorities as required for the intended operations, including but not limited to, decisions regarding environmental protection;
- 3) opinion of the competent mayor (of a commune, municipality or town/city), or information that there is no such opinion, and if comments are submitted, also by the entrepreneur's statement concerning the manner of taking them into account or reasons for not taking them into account;
- 4) in the case of activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland:
 - a) a statement of the entrepreneur and the mining plant operations manager to the effect that the mining plant operation plan ensures safe operation

of that mining plant,

- b) an analysis of the effectiveness of response in the case of a crude oil leakage,
- c) an opinion of an expert in mining plant operations concerning the elements of a mining plant operation plan specified in the regulations issued on the basis of Article 110, within the scope of technical solutions preventing the occurrence of dangerous events or accidents adopted by the entrepreneur, as well as a statement of the entrepreneur and the mining plant operations manager on the manner in which that opinion is to be taken into account,
- d) the corporate policy referred to in paragraph 9a.

9a. An entrepreneur conducting activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland shall draw up a written corporate policy on the prevention of dangerous events and accidents, hereinafter referred to as the "corporate policy".

9b. The corporate policy shall define:

- 1) the general objectives and arrangements concerning the control of the risk of occurrence of dangerous events or accidents and the manner in which those objectives and arrangements are to be accomplished and implemented;
- 2) the manner of controlling the risk of occurrence of dangerous events or accidents and the manner in which the principles of that control are to be improved, as well as the mechanisms for monitoring the effectiveness of the corporate policy;
- 3) the method for achieving and implementing, at the corporate level, measures aimed at ensuring safety of the activity conducted.

9c. The implementation of the corporate policy within the scope referred to in paragraph 9b shall be the responsibility of the entrepreneur.

9d. An entrepreneur shall ensure that the corporate policy is appropriate for the activity conducted, implemented at every stage of the activity conducted, and taken into account in the mining plant operation plan and in the mine rescue plan.

9e. In the event of the corporate policy being updated, the entrepreneur shall provide the update to the competent mining supervision authority without delay, not later than within 14 days of the update being made.

9f. If the entrepreneur referred to in paragraph 9a conducts activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within maritime territories of states other than Member States of the European Union, the corporate policy shall also define to what extent its provisions shall be applied by the entrepreneur in mining plants used for the purpose of performing that activity.

9g. The minister responsible for the management of mineral deposits shall, by way of a regulation, define the detailed scope of the corporate policy, having regard to the need to ensure the completeness and transparency of information presented in the corporate policy and to ensure a high level of safety of activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland.

10. An application for the approval of a mining plant operation plan shall be submitted together with a duplicate of the concession and the deposit development plan, geological and investment report of a hydrocarbon deposit, a copy of the investment decision or the underground carbon dioxide storage site development plan, respectively, and in the case of geological works the performance of which does not require a concession – the geological works plan.

10a. If, during the assessment of an analysis of severe hazards to a mining plant, the competent mining supervision authority finds that it is possible that activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland may significantly affect the environment within the territory of a Member State of the European Union other than the Republic of Poland, the authority shall promptly notify the President of the State Mining Authority of the possibility of such impact.

10b. Having received the information referred to in paragraph 10a, the President of the State Mining Authority shall promptly notify the competent authority of the state in question of the possibility of the occurrence of such impact within the territory of that Member State, indicating a time limit for that authority to present its position.

10c. If the competent authority of a Member State of the European Union other than the Republic of Poland requests the President of the State Mining Authority to provide additional information concerning the possibility of a major impact on the environment within the territory of that state related to activity consisting in the

prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland, the President of the State Mining Authority shall provide such information without undue delay.

10d. Before approving a mining plant operation plan for activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland, the competent mining supervision authority shall take into account the position of the competent authority of the Member State of the European Union other than the Republic of Poland, received via the President of the State Mining Authority. 10e. Before approving a mining plant operation plan for activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland, having regard to the safety of the mining plant, its employees, public safety or the safety of the environment, the competent mining supervision may decide to introduce specific amendments to the mining plant operation plan, in particular concerning the adoption of measures preventing damage to the environment.

10f. If no amendments referred to in paragraph 10e are made to the mining plant operation plan, the competent mining supervision authority shall decide to refuse to approve the mining plant operation plan.

10g. The competent mining supervision authority shall ensure the possibility of public participation, on the terms and under the procedure provided for in the Act of 3 October 2008 on Disclosure of Information about the Environment and its Protection, Participation of the Public in the Environment Protection, and on Environmental Impact Assessments (Journal of Laws of 2017, items 1405 and 1566), in a procedure whose object is the approval of a mining plant operation plan for activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland, excluding cases where a mining plant operation plan is preceded by an environmental approval taken in a procedure conducted with the participation of the public or where the relevant concession was preceded with such a decision.

11. The mining plant operation plan shall be approved by the competent mining supervision authority by way of a decision.

11a. The information contained in the mining plant operation plan for a mining plant extracting hydrocarbons from a deposit and in the operation plan for geological works connected with the prospecting for and exploration of a

hydrocarbon deposit, concerning the composition of the fracturing fluid, does not constitute:

- 1) business secret within the meaning of Article 11(2) of the Act on Combating Unfair Competition of 16 April 1993 (Journal of Laws of 2018, items 419 and 1637);
- 2) entrepreneur's secret referred to in Article 5 of the Act on Access to Public Information of 6 September 2001 (Journal of Laws of 2016, item 1764, and Journal of Laws of 2017, item 933);
- 3) information referred to in Article 16(1)(7) of the Act of 3 October 2008 on Disclosure of Information about the Environment and its Protection, Participation of the Public in the Environmental Protection, and on Environmental Impact Assessments.

11b. If a mining plant operation plan is preceded by an environmental approval adopted within a procedure conducted with participation of the public or if the concession was preceded by such decision, the provisions on the participation of social organisations shall not apply to the procedure of approval of this plan.

12. The mining supervision authority shall forward to the concession-granting authority a copy of the decision approving the mining plant operation plan, and in the case of an operation plan for geological works connected with the prospecting for and exploration of a hydrocarbon deposit – also a copy of this plan in electronic form.

Article 108a 1. Where this follows from a post-control conclusion or the determination of the actual state and the cause of dangerous events or accidents, the competent mining supervision authority shall request the given entrepreneur, by way of a decision, to review the analysis referred to in Article 108(2b)(1).

2. An entrepreneur shall conduct a review of the analysis referred to in Article 108(2b)(1) and shall provide the results of that review to the competent mining supervision authority within 14 days from the date of service of the decision referred to in paragraph 1.

Article 109 1. Amendments to a mining plant operations plan shall be made in an appendix to the plan under:

- 1) the procedure stipulated for the approval of a mining plant operations plan;
- 2) a simplified procedure – if the amendments do not refer to public safety, fire safety, safety of persons in a mining plant, mining plant operations safety, deposit management, environmental protection, construction works, protection of building structures, and damage prevention and redress.

2. In the case specified in paragraph 1(1), the opinion referred to in Article 108(6b) is not required if the change in the mining plant operation plan will not cause negative impact on the environment and building structures.

2a. If decisions referred to in Article 108(9)(2) are amended or new such decisions are issued, the entrepreneur shall amend the mining plant operation plan.

3. The mining supervision authority shall forward to the concession-granting authority copies of the decision approving the appendix to the mining plant operations plan regarding deposit management or having adverse effects on the environment.

4. Where amendments are made to the mining plant operations plan under a simplified procedure:

- 1) an appendix to the mining plant operations plan shall be signed by the mining plant operations manager who implements the plan, and shall be approved by the entrepreneur;
- 2) appendices to the mining plant operations plan approved by the entrepreneur shall be registered in the amendment sheet;
- 3) an up-to-date amendment sheet along with approved appendices to the mining plant operations plan shall be forwarded to the competent mining supervision authority at least once a quarter.

5. Where this is necessary to ensure the safety of a mining plant, its workers, public safety or the safety of the environment, the competent mining supervision authority shall, by way of a decision, order an entrepreneur conducting activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland to introduce amendments to a mining plant operation plan, specifying the scope of those amendments and the time limit for submitting an annex to the mining plant operation plan for approval, not shorter than 14 days of the decision being served.

6. An entrepreneur conducting activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland shall amend a mining plant operation plan if:

- 1) the review referred to in Article 108(2d) or Article 108a(1) revealed the need to introduce amendments to the mining plant operation plan or
- 2) the competent mining supervision authority has ordered, by way of a decision referred to in paragraph 5, that the amendments be introduced to the mining plant operation plan.

7. If the amendment to a mining plant operation plan referred to in paragraph 6 is not made, the competent mining supervision authority may, by way of a decision, suspend the operations of that mining plant or its equipment, in whole or in part, specifying the conditions for resuming the operations of that mining plant

or its equipment. Articles 171(2) and 171(3) shall apply to such a decision.

Article 110 The minister responsible for the environment, in consultation with the minister responsible for the management of mineral deposits, shall define, by way of a regulation:

- 1) detailed requirements concerning the content of a mining plant operation plan and an operation plan for a decommissioned mining plant (a designated decommissioned part of a mining plant), diversifying them depending on the type and method of activity conducted and the space within which given activity is conducted, having regard to the need to ensure a high level of safety of the activity conducted, and for a decommissioned mining plant (a designated decommissioned part of a mining plant), also taking into account the obligation to take the actions referred to in Article 129(1);
- 2) the elements of a mining plant operation plan of an entrepreneur conducting activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland that shall require an opinion of an expert in mining plant operations, having regard to the need to ensure a high level of safety of the activity conducted and independent verification thereof;
- 3) the elements of a mining plant operation plan that shall be amended under a simplified procedure, in accordance with Article 109(1)(2), having regard to the need to simplify the procedure for making amendments to a mining plant operation plan, taking into account the safety of the activity conducted.

Article 111 1. An approved plan may be abandoned only if there is any risk to the operations of the mining plant or its part, or to the public or environmental safety.

2. If the approved mining plant operations plan is abandoned, the entrepreneur shall promptly take requisite measures to protect human health and life, to protect mining plant facilities, and to ensure public and environmental safety. These measures may not be in breach of the principles of mining or occupational health and safety.

3. The entrepreneur shall promptly notify the competent mining supervision authority and the opinion-giving or negotiating authority of the abandoning of the plan. In justified cases, the competent mining supervision authority may prescribe, by an immediately enforceable decision, the manner, scope, and time limit for the

fulfilment of the obligations referred to in paragraph 2.

Article 112 1. The operations of a mining plant shall be managed and supervised by persons holding relevant qualifications.

2 Persons acting in the operations of a mining plant shall be trained on occupational health and safety rules and regulations, including safe performance of entrusted tasks. Said persons may not be admitted to work in a mining plant if they do not prove sufficient knowledge of said rules and regulations.

3 Training courses shall be organised and run by the entrepreneur or to his order by an entity providing training services.

4 Whoever provides training services to persons acting in the operations of a mining plant, he shall engage the appropriate staff and measures to provide relevant training.

5 The persons referred to in Article 53(5) and the management and operations supervision staff of an underground mining plant shall be trained based on training programmes approved, by way of a decision, by the competent mining supervision authorities. The authorities shall refuse to approve the programme if it fails to ensure that essential information on due performance of specialist activities in the operation of a mining plant is provided to the training participants.

Article 113 1. For mining plant operations, only those products shall be used, which:

- 1) meet the conformity assessment requirements prescribed in separate regulations, or
- 2) have been specified in the regulations adopted under paragraph 15, comply with technical requirements prescribed in said provisions, hereinafter referred to as "technical requirements", have been approved for use in mining plants and have been labelled as prescribed by said regulations, or
- 3) have been specified in the regulations adopted under Articles 120(1) or 120(2) and comply with the requirements prescribed by said regulations.

2. A decision approving a product for use in mining plants, hereinafter referred to as the "approval" shall be issued by the President of the State Mining Authority if the product complies with the technical requirements.

3. Prior to filing an application for approval a product undergoes tests, based on technical requirements, carried out in a product certification body.

4. If a product has been:

- 1) lawfully produced or marketed in another Member State of the European Union or the Republic of Turkey,
- 2) lawfully manufactured in a Member State of the European Free Trade Association being a party to the Agreement on the European Economic Area – the President of the State Mining Authority shall grant the approval based on the documents attached to the application, excluding the provisions of paragraphs 2 and 3. The grant of the approval shall be refused only if it is found that the product fails to comply with safety requirements to the extent technically required.

5. An application for approval may be filed by:

- 1) a manufacturer, his authorised representative, within the meaning of Article 5(5) of the Conformity Assessment System Act of 30 August 2002 (Journal of Laws of 2017, item 1226), a product distributor or importer, hereinafter referred to as "product suppliers";
- 2) an end-product supplier – for products made of components from different manufacturers;
- 3) an entrepreneur who has made or purchased a product and intends to use it in the operations of his own mining plant, or other entity which made or purchased the product – for products made or purchased individually.

6. An application for approval shall contain:

- 1) identification of the product;
- 2) identification of the entity applying for approval, by providing its legal status and proof of its existence, including but not limited to the excerpt from a relevant register, and its registered office and persons authorised to act on its behalf by listing their first names, surnames and positions;
- 3) identification of the product manufacturer, its registered office, and location of product manufacturing.

7. An application for approval shall be accompanied by the following documents drawn up in Polish:

- 1) an overall description of the product along with the proposed location of the approval mark;
- 2) requisite calculations of parameters affecting product safety in hazardous conditions in mining plant operations;
- 3) drawings or diagrams of the product, its circuits, and components of key

importance for occupational health and safety, and fire safety;

- 4) product test results;
- 5) declaration made by the product manufacturer or the entity referred to in paragraph 5(3) – where the product is manufactured individually, of the product's compliance with technical requirements or a declaration of product's compliance with safety requirements to the degree ensured by technical requirements – for the products referred to in paragraph 4;
- 6) documents proving the performance of a conformity assessment if they are required by separate regulations, including those adopted under the Conformity Assessment System Act of 30 August 2002;
- 7) a certificate of the quality management system or a notice of other method of proving product features repeatability – if more than 1 specimen of the product is manufactured;
- 8) an operation and maintenance manual of a product containing the following information essential for its correct and safe use:
 - a) technical data,
 - b) identification of risks produced in the use of the product,
 - c) instructions of product safe use and a notice of necessary safety measures,
 - d) product use conditions with regard to the method of performing inspections, maintenance, repairs, and adjustments.

8. For the products referred to in paragraph 4, instead of the documents listed in paragraph 7(4), the application shall be accompanied by Polish documents based on which the product is manufactured or marketed, including but not limited to its test results.

9. Where required for reasons of special occupational health and safety and fire safety in a mining plant operations, the President of the State Mining Authority may, prior to granting the approval, order by administrative ruling that the product be tested in the mining plant operations.

10. The approval shall be granted for an unlimited period.

11. The approval shall specify:

- 1) the product;
- 2) the scope and conditions for product use;
- 3) the approval mark and the method of permanent and legible location of the

mark on each unit of the product;

- 4) the documents, which the manufacturer is obliged to provide to the user;
- 5) the retention period for the documents referred to in paragraph 7, applicable for the entity provided for in paragraph 5 and the conditions of making them available;
- 6) the scope of modifications that can be introduced in the product within the approval validity period by the manufacturer or the entity referred to in paragraph 5(3) – for an individually manufactured product.

12. The modifications referred to in paragraph 11(6) may not extend to:

- 1) the decreasing of strength in individual elements of the product;
- 2) product features, the modification of which may restrict its scope of application or requires product use conditions to be changed;
- 3) product accessories used to combat natural and fire risks;
- 4) mechanical and electric protection solutions of the product if they lower safety levels;
- 5) location of product operation and its protection solutions, and product control systems;
- 6) guards of product moveable parts;
- 7) scope of product application.

13. If an approved product is modified by the entities referred to in paragraph 5, the party modifying the product shall communicate the modification to the entity, which tested the product, and to the President of the State Mining Authority.

14. If the product fails to comply with technical requirements affecting its safety, the President of the State Mining Authority may cancel or change the approval.

15. The Council of Ministers, according to the need to ensure public safety, mining plant operations safety and safety of using products in hazardous conditions in the mining plant operations, including the safety of persons acting in the mining plant operations, shall prescribe, by regulation:

- 1) a list of products;
- 2) technical requirements for products;
- 3) approval marks and the method of labelling products with said marks.

Article 114 1. The commissioning of facilities, machinery, equipment, and longwalls in the mining plant as well as making substantial construction changes or

changes in working conditions shall require authorisation of the mining plant operations manager.

2. The commissioning in a mining plant of the following specified in the regulations adopted under Article 120(1): basic structures, machinery and equipment, and structures of an underground mining plant constituting longwalls worked in special conditions, and structures of an underground mining plant constituting divisions working parts of ores of copper in special conditions, as well as changing their construction or working conditions substantially requires a permit granted by decision of the competent mining supervision authority.

3. The provisions of paragraphs 1 and 2 shall not apply if a structure, piece of machinery or equipment forms part of the fittings or components of a mining plant work, use permits for which are issued by the competent mining supervision authorities pursuant to the provisions of building law.

4. The competent mining supervision authority may, prior to granting the permit referred to in paragraph 2, order by appealable administrative ruling that a test operation of the structures, machinery, equipment or longwalls be performed, specifying its scope and control methods and making the grant of the permit conditional on the results obtained.

Article 115 1. The storing or use of blasting equipment in the operation of a mining plant shall require a permit granted, by way of a decision, by the mining supervision authority having territorial jurisdiction over the location of blasting operations and if the operations are to be performed within a territorial jurisdiction of at least two mining supervision authorities – the mining supervision authority having jurisdiction over the registered office of the mining plant.

2. If blasting operations within the operation of a mining plant are executed by an entity carrying out, within the scope of its professional activities, actions entrusted to that entity within the operations of the mining plant, obtaining the permit referred to in paragraph 1, by:

- 1) the entrepreneur – excludes the obligation to obtain a permit in the scope of the same equipment by this entity;
 - 2) this entity – excludes the obligation to obtain a permit in the scope of the same equipment by the entrepreneur.
3. The permit shall be granted for an unlimited period.
4. The competent mining supervision authority shall refuse to grant the permit:

- 1) due to the risk to state defence or security, public order or the environment;
- 2) due to the important interest of the public;
- 3) if the applicant has had a permit cancelled within the last 5 years for the reasons provided for in paragraph 5.

5. The competent mining supervision authority shall cancel the permit if the applicant performs blasting operations:

- 1) (repealed);
- 2) causing risk to state defence or security, public order or the environment;

6. The entrepreneur shall notify the mining supervision authority referred to in paragraph 1 no later than within 7 days before the intended starting date of blasting operations of entrusting the performance of said operations to an entity whose objects extend to the activities entrusted to said entity in the operations of the mining plant.

7. The entrepreneur or the entity whose objects extend to blasting operations entrusted in the operations of the mining plant shall:

- 1) comply with the requirements set for safe storage of blasting agents and equipment, and performing operations with the use said agents and equipment;
- 2) provide supervision over persons to whom they entrusted the performance of operations involving access to blasting agents and equipment;
- 3) ensure that blasting agents stored and used in the mining plant are inventoried;
- 4) retain the records referred to in subparagraph (3) for at least 10 years counting from the end of the calendar year in which blasting agents were used, and make the records available upon the request of the mining supervision authority;
- 5) ensure that a register of blasting agents and equipment used, specifying their use conditions, is kept;
- 6) ensuring that a register of unambiguous markings is kept, within the meaning of Article 23a of the Act of 22 June 2001 on Business Activity Pursued in the scope of Production and Trade of Explosives, Weapon, Ammunition, and Products and Technologies used by Armed Forces and Police (Journal of Laws of 2017, item 290), of blasting agents in accordance with the template defined in the provisions issued pursuant to Article 18(2) of the Act of 21 June 2002 on Civil Use Explosives.

8. A mining plant operations manager shall determine, for each location of performing blasting operations, a safe method of performing said operations, in

writing, with regard to the requirements prescribed in the regulations adopted under Article 120(2).

Article 116 1. An entrepreneur, except for an entrepreneur pursuing activity on the basis of a concession granted by a district executive, is obliged to keep a surveying and geological report and update it in the course of the operations. The surveying and geological report shall consist of:

- 1) surveying documents;
- 2) calculation documents;
- 3) cartographic documents presenting the current geological and mining status of the mining plant as well as the condition of the surface located within the mining impact area.

2. Surveying and calculation documents forming the basis for making and completing maps obtained from the state surveying and cartographic repository are not obligatory.

3. A surveying and geological report shall be prepared by:

- 1) a mining surveyor, and in the case of mineral extraction by an opencast method – also by a person holding professional qualifications in topographical surveying;
- 2) insofar as it presents the geological status of the mining plant – a mining geologist, and in the case of mineral extraction by an opencast method – also by a person holding professional qualifications in preparing geological studies of deposits of the minerals in connection to the extraction of which the surveying and geological report is to be drawn up.

4. In order to prepare, revise and complete a surveying and geological report, surveying and geological development works, including surveying, calculation and cartographic works, shall be performed.

5. An entrepreneur shall provide the geological administration authorities and mining supervision authorities, upon their request, with a surveying and geological report free of charge insofar as necessary for them to fulfil their responsibilities.

6. The competent mining supervision authority may, by decision, order that relevant documents being part of a surveying and geological report, other than listed in the regulations adopted under paragraph 7, be prepared if it is necessary to:

- 1) ensure mining plant operations safety;

- 2) combat natural risks;
- 3) fulfil mine rescue responsibilities;
- 4) control rational management of mineral deposits in the extraction process;
- 5) prevent damage to the environment and building structures;
- 6) build and decommission a mining plant;
- 7) reclaim and develop land following the discontinuation of mining activities.

7. The minister in charge of the environment, according to the need to prepare a surveying and geological report so as to present current geological and mining status of the mining plant, and the condition of the surface within the mining impact area, shall prescribe, by regulation:

- 1) types of documents included in the surveying and geological report;
- 2) detailed requirements for preparing, revising and completing the surveying and geological report;
- 3) detailed requirements for performing surveying and geological development works with a view to preparing, revising and completing the surveying and geological report;
- 4) the method and procedure of dealing with the surveying and geological report after the decommissioning of a mining plant as regards the provision and retention of the report, including templates of documents relating to the provision of said report.

Article 117 An entrepreneur shall:

- 1) identify mining plant operations-related risks and take measures aimed to prevent and remedy said risks;
- 2) hold adequate financial and technical resources and services providing safety to the employees and operations of a mining plant;
- 3) keep register of persons in a mining plant by providing their first names, surnames and positions;
- 4) assess and record occupational risk and apply necessary solutions to reduce said risk, including by preparing a safety and health protection document;
- 5) have and appropriately retain the records of a mining plant operations;
- 6) have a proof of having technical solutions checked by an expert in mining plant operations – in the cases referred to in the regulations adopted under Article 120(1) and (2);
- 7) keep:

- a) the documents referred to in Article 108(9)(4)(a), (b), and (d) and Article 108(10), along with the mining plant operation plan,
- b) the document referred to in Article 108(9)(4)(c) – for 6 months from the date of completion of the decommissioning of the mining plant.

Article 117a 1. An entrepreneur conducting activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland shall also be obliged to:

- 1) develop and implement, after the approval of the mining plant operation plan and before the date of commencement of the operation of the mining plant, a system enabling collecting and saving technical data concerning that activity, including safeguards aimed at preventing the manipulation of the data collected;
- 2) establish, before the approval of the mining plant operation plan, and implement, before the date of commencement of the operation of the mining plant, a system for the independent verification by an expert in mining plant operations of technical and organisational solutions related to that activity, ensuring that such an expert:
 - a) does not issue opinions on elements of the mining plant operation plan in the scope in which they participated in the works on that plan,
 - b) is independent of the entrepreneur,
 - c) has determined, in consultation with the entrepreneur, a method for the mutual flow of information.

2. The independent verification system referred to in paragraph 1(2) shall include the manner of selecting an expert in mining plant operations and the manner in which technical and organisational solutions related to activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland are investigated by an expert in mining plant operations.

Article 117b 1. In the case of activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland, the mining plant operations manager shall submit a report on the implementation of the mining plant operation plan to the competent mining supervision authority every 7 days. The first report shall be submitted within 7 days of the mining plant operation plan being approved.

2. The minister responsible for the management of mineral deposits shall define, by way of a regulation, the minimum content of the report referred to in paragraph 1, having regard to the need to provide mining supervision authorities with information concerning the status of works carried out as part of mining plant operations.

Article 117c In the case of activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland, the mining plant operations manager shall display, in a publicly accessible place on the premises of the mining plant, information about the option to report anonymously to the competent mining supervision authority and to the President of the State Mining Authority problems concerning safety and the environment related to that activity and shall inform persons present on the premises of the mining plant about this option, in particular during each occupational health and safety training course.

Article 118 1. Deposits, seams, workings, their parts and other spaces in mining plants where the following natural risks occur: rockbursts, methane, gas and rock eruptions, coal dust explosion, climate-related, water, landslides, eruptions, hydrogen sulphide, radioactive substances, shall be classified under individual degrees, categories or classes of risks, according to the criteria provided for in the regulations adopted under paragraph 4.

2 The classifications referred to in paragraph 1 shall be made by the mining plant operations manager based on the records prescribed in the regulations adopted under paragraph 4, promptly after finding the circumstances specified in said regulations justifying the classification under a given degree, category or class of risk.

3 In the cases provided for in the regulations adopted under paragraph 4, the classifications referred to in paragraph 1 shall also be made based on results of tests carried out by an expert in mining plant operations and the opinion of said expert.

4 The minister responsible for the environment shall define, by way of a regulation:

- 1) criteria for the assessment of the natural risks referred to in paragraph 1, depending on the mineral type, concentration of risks, risk-affected space and type of a mining plant,
- 2) records based on which the classifications referred to in paragraph 1 are made,

other than specified in paragraph 3,

3) cases of the classifications referred to in paragraph 1 made based on the records referred to in paragraph 3

– according to the need to provide occupational health and safety, public safety and safety in mining plant operations.

Article 119 1. Whoever notices a risk to humans, a mining plant or its operations, damage to or abnormal operation of equipment in said mining plant, he shall take available measures to remedy the risk and notify the risk to the closest operations manager or supervisor.

2. Where a risk occurs to life or health of persons in a mining plant, to a mining plant or operations of said plant, upon the request of said plant operations manager, every entrepreneur shall provide necessary assistance.

3. Where a risk occurs to life or health of persons in a mining plant, the operations performed in the danger zone are suspended, humans shall be withdrawn to a safe location, and necessary actions, including available measures, are taken to remedy the risk.

4. A mining plant operations manager shall promptly notify the competent mining supervision authority, as prescribed in the regulations adopted under Article 120(1), of every fatal, serious or multiple incident, natural death as well as of dangerous events relating to the operations of a mining plant, posing risk to human life, health or public safety.

5. A mining plant operations manager shall, every month on the third working day at the latest, notify the competent mining supervision authority, as prescribed in the regulations adopted under Article 120(1), of every incident in a mining plant, other than specified in paragraph 4, which occurred in the preceding month.

6. A mining plant operations manager managing underground storage of carbon dioxide is obliged to inform the competent mining supervision authority about carbon dioxide leakage and the risk of such leakage.

Article 120 1. The minister responsible for energy, in agreement with the ministers in charge of labour, internal affairs and the environment, shall prescribe, by regulation, detailed requirements for the operation of individual types of mining plants as regards:

1) occupational health and safety, including the assessment and recording of

occupational risk and implementation of necessary solutions mitigating said risk,

- 2) fire safety,
- 3) management of mineral deposits in the extraction process,
- 4) preparation of extracted minerals for sale,
- 5) environmental protection,
- 6) basic structures, machinery and equipment of a mining plant,
- 7) structures of an underground mining plant constituting longwalls worked in special conditions and structures of an underground mining plant constituting divisions working parts of ores of copper in special conditions,
- 8) cases in which an entrepreneur is obliged to hold a proof of having technical solutions checked by an expert in mining plant operations

– according to the need to ensure high level of public safety, fire safety and occupational health and safety, proper operation of a mining plant, prevention from risks occurring in mining plant operations, and with regard to the requirement to use the latest scientific and technical achievements by entrepreneurs, in particular in mining, to simplify requirements for entrepreneurs pursuing activities under concessions granted by a district executive and to use a mineral deposit rationally.

2. The minister responsible for energy in agreement with ministers in charge of labour, internal affairs and the environment shall prescribe, by regulation, detailed requirements for the storage and use of blasting agents and equipment in the operations of a mining plant, including types, method and templates of blasting agent inventories and the cases in which an entrepreneur is obliged to hold a proof of having technical solutions checked by an expert in mining plant operations, according to the need to ensure high level of public safety, fire safety, occupational health and safety, proper operation of a mining plant, prevention from risks occurring in mining plant operations and according to the need to provide safety to persons involved in storing or using blasting agents and equipment in individual types of mining plants.

3. The President of the State Mining Authority may on the application of an entrepreneur in special cases justified by safety conditions or if it necessary to implement technical advancements, perform scientific and research works or experiments, give his consent to entrepreneur's departure from specific requirements prescribed by the regulations adopted under paragraphs 1 and 2,

identifying in detail a mining plant, scope of departure and its conditions. The consent shall be granted, by decision, for a specific period not exceeding 5 years.

Article 121 1. The provisions of this Chapter shall apply accordingly to entities whose objects extend to the activities entrusted to them in the operations of a mining plant.

2. The entities referred to in paragraph 1 shall comply with the following requirements, depending on the type of a mining plant:

- 1) ensure the appropriate operation services, including managers and supervisors and persons holding qualifications required to manage and perform specific types of operations;
- 2) ensure essential financial and technical resources for safe performance of works;
- 3) train employees on occupational health and safety rules and regulations, including safe performance of tasks entrusted to them;
- 4) assess and record occupational risk in the workplace and notify employees of said risk, and take necessary preventive measures mitigating said risk.

3. The method of organising work together with an organisation chart and additional arrangements ensuring safe performance of operations are provided for in the agreement concluded by and between an entrepreneur and the entity referred to in paragraph 1.

Chapter 3

Mine Rescue

Article 122 1. Mine rescue shall consist of:

- 1) entrepreneur's mine rescue services;
- 2) entities professionally engaged in mine rescue,

2. Responsibilities of the entities and services referred to in paragraph 1 shall include:

- 1) prompt provision of help in cases of risk to life or health of persons in a mining plant, safety of mining plant operations, or public safety;
- 2) performance of preventive works – the works aim to prevent direct risk to the safety of persons or mining plant operations in the cases provided for in the regulations adopted under Article 124.

3. A mining plant operations manager shall be liable for the condition of mine

rescue in a mining plant and the manager of the entity professionally engaged in mine rescue – for the condition of mine rescue in said entity.

4. Mine rescue records shall be kept in a mining plant and the entity professionally engaged in mine rescue.

5. Specialist medical and psychological examinations shall be carried out in mine rescue services. Examinations and trainings shall be organised and performed by an entity professionally engaged in mine rescue or an entrepreneur complying with the requirements set for entities professionally engaged in mine rescue. In the cases provided for in the regulations adopted under Article 124(2) training may be organised and provided by an entrepreneur.

6. An entrepreneur shall:

- 1) run his own mine rescue services or entrust the fulfilment of this obligation in part or in whole to entities professionally engaged in mine rescue;
- 2) have a mine rescue plan;
- 3) ensure that rescue operations can be at all times participated by professional specialist services of an entity professionally engaged in mine rescue as prescribed in the agreement referred to in paragraph 15.

7. An entity professionally engaged in mine rescue shall, on call from an entrepreneur or a mining plant operations manager, ensure that a mine rescue operation be participated by professional specialist services as prescribed in the agreement referred to in paragraph 15.

8. An entrepreneur having only his own mine rescue services shall comply with the requirements set for entities professionally engaged in mine rescue.

9. An entity professionally engaged in mine rescue shall comply with the requirements set for said entities.

10. A mine rescue plan shall be developed for each mining plant.

11. A mine rescue plan shall define the manner of fulfilling mine rescue obligations, including but not limited to:

- 1) the organisation of mine rescue services and emergency services in a mining plant;
- 2) the possibility of continuous participation in a rescue operation by professional specialist services of an entity professionally engaged in mine rescue – in case of concluding the agreement referred to in paragraph 15.
- 3) provision of requisite rescue equipment;

4) the manner of conducting a rescue operation.

11a. In the case of activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland, the mine rescue plan shall be developed taking into account:

- 1) an analysis of the risk of occurrence of dangerous events or accidents, performed during the preparation of the mining plant operation plan, and an analysis of the effectiveness of response in the case of a crude oil leakage;
- 2) the national plan for counteracting threats to the marine environment and its pollution, as referred to in Article 24(1)(3) of the Act of 16 March 1995 on the Prevention of Sea Pollution by Ships (Journal of Laws of 2015, item 434, as amended);
- 3) information about a severe hazard to the mining plant related to activity consisting in the prospection, exploration or extraction of hydrocarbons from deposits within the maritime territories of a Member State of the European Union other than the Republic of Poland, received from the President of the State Mining Authority.

11b. Amendments to the plan referred to in paragraph 11a shall be made in particular where:

- 1) the conditions existing during the mine rescue plan have changed;
- 2) the mining plant operation plan has been amended, where such amendment affects the mine rescue plan;
- 3) the review referred to in Article 108(2d) or Article 108a(1) revealed the need to introduce amendments to the mine rescue plan.

11c. in the case of activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland,

4) Amendments to the consolidated text of the aforementioned Act were announced in the Journal of Laws of 2015, item 881, of 2016, item 1954, and of 2017, items 32, 785, 1215 and 1567.

the mining plant operations manager shall submit the plan referred to in paragraph 11a and amendments thereto to the competent mining supervision authority without delay, not later than within 14 days from the date of their approval.

11d. In the case of activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland, the entrepreneur shall:

- 1) submit without delay, not later than within 7 days from the date of their approval, the plan referred to in paragraph 11a and amendments thereto to the entity referred to in Article 24(1)(3) of the Act of 16 March 1995 on the Prevention of Sea Pollution by Ships;
- 2) supply the mining plant with equipment necessary to implement the mine rescue plan and shall make it available to the entities referred to in Article 24(1)(2) and (3) of the Act of 16 March 1995 on the Prevention of Sea Pollution by Ships.

12. A mine rescue plan and amendments to said plan shall be approved by a mining plant operations manager. The plan shall be revised systematically within the scope ordered by the mining plant operations manager.

13. A mine rescue squad and an adequately equipped mine rescue station shall be established in a mining plant. In mining plants extracting minerals by borehole drilling, the obligation to run a mine rescue station may be fulfilled by running a plant rescue station.

14. Professional specialist services of an entity professionally engaged in mine rescue shall consist of:

- 1) on-duty professional rescue teams;
- 2) professional specialist emergency services;
- 3) on-duty teams for groups of mining plants.

15. The obligation to run own mine rescue services shall be entrusted by an entrepreneur to an entity professionally engaged in mine rescue in part or in whole under an agreement after prior consent of the competent mining supervision granted, by decision, if said entity complies with the requirements provided for in the regulations adopted under Article 124.

16. Where the entrepreneur or the entity fails to comply with the requirements set for mine rescue, the competent mining supervision authority may, by decision, order the entrepreneur or the entity professionally engaged in mine rescue to:

- 1) make requisite changes in the organisation of mine rescue;
- 2) supplement or change mine rescue equipment.

17. Where natural risks in a mining plant and their concentration do not require an entrepreneur to fulfil the obligation referred to in paragraph 6(1), and if exemption from said obligation does not result in deterioration of safety in a mining plant, the competent mining supervision authority may, by decision, exempt an entrepreneur from said obligation in whole or in part. The exempted entrepreneur shall ensure that a mine rescue operation can be performed by entities professionally engaged in mine rescue, as prescribed in a mine rescue plan and the agreement concluded with the entity.

18. If circumstances that form the basis for issuing the decision referred to in paragraph 16 change substantially, the competent mining supervision authority shall set aside said decision promptly.

19. The provisions of paragraphs 1 to 18 shall not apply to entrepreneurs extracting minerals by an opencast method. They shall ensure that mine rescue operations can be performed by other rescue services.

Article 123 1. Preventive works shall be performed under the rules prescribed for the operations of a mining plant in pursuance of the preventive works report approved by the mining plant operations manager.

2. A decision to undertake or perform preventive works shall be taken by the mining plant operations manager.

3. If there is a risk to life and health of a mining plant employees, safety of mining plant operations or public safety, in connection with the operations of a mining plant, a mine rescue operation shall be undertaken and conducted without delay.

4. A rescue operation shall be commanded by an on-scene manager in pursuance of the mine rescue plan and the requirements prescribed in the regulations adopted under Article 124.

5. A rescue operation shall be commanded by a mining plant operations manager taking decisions on the performance of said operation independently.

6. While a rescue operation is performed, in special cases, due to the safety of staff or a mining plant the on-scene manager may depart from the requirements prescribed in legal provisions, provided that the mining principles are observed.

7. A rescue operation shall be supervised by the competent mining supervision

authority. If the authority considers the operation to be performed improperly, the authority may demand the on-scene manager be substituted or take over the command over the operation.

8. If it is required by the weight or complexity of the case, in particular in case of a multiple incident, the activities provided for in paragraph 7 may be undertaken by the President of the State Mining Authority.

9. The activities provided for in paragraph 7 shall be undertaken by employees of mining supervision authorities on showing service cards giving power to undertake said activities.

Article 123a 1. If there is a hazard to the lives or health of persons being on the premises of a mining plant, to the safety of the operations of that mining plant, to general public safety or to the environment, the given entrepreneur conducting activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland shall promptly, not later than within 24 hours from the implementation of an appropriate measure in accordance with the mine rescue plan, notify the competent authority of mining supervision, the Maritime Search and Rescue Service [Morska Służba Poszukiwania i Ratownictwa], the director of the competent maritime office, and the Border Guard of the occurrence of such a hazard and shall implement measures in accordance with the mine rescue plan in order to reduce or remove that hazard, including environmental pollution, and to ensure the safety of any persons concerned.

2. The notification referred to in paragraph 1 shall include:

- 1) a description of the circumstances in which the hazard occurred;
- 2) available information concerning the determination of the causes of the hazard;
- 3) a description of possible effects resulting from the hazard, including effects on the environment.

Article 123b 1. An entrepreneur conducting activity consisting in the prospection for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland shall draw up and submit to the competent authority of mining supervision, the Maritime Search and Rescue Service, the director of the competent maritime office, and the Border Guard a report concerning the occurrence of the hazard referred to in Article 123a(1) within

10 working days from the date of occurrence of that hazard.

2. The notification referred to in paragraph 1 shall be drawn up in accordance with the guidelines set out in Annex I to Commission Implementing Regulation (EU) No 1112/2014 of 13 October 2014 determining a common format for sharing of information on major hazard indicators by the operators and owners of offshore oil and gas installations and a common format for the publication of the information on major hazard indicators by the Member States (OJ L 302, 22.10.2014, p. 1).

Article 124 The minister responsible for energy in agreement with ministers in charge of internal affairs, the environment, and health shall prescribe, by regulation:

- 1) the organisation, detailed responsibilities, and requirements for mine rescue services of an entrepreneur and an entity professionally engaged in mine rescue,
- 2) detailed requirements for specialist medical examination, specialist psychological examination and specialist training in mine rescue, including cases of training courses provided by the entrepreneur,
- 3) detailed requirements for mine rescue records and a mine rescue plan,
- 4) methods of cooperation between an entrepreneur and an entity professionally engaged in mine rescue if the agreement referred to in Article 122(15) is concluded,
- 5) cases requiring preventive works to be done,
- 6) methods of performing rescue operations depending on the type and concentration of risks in mining plants

– according to the need to ensure high level of public safety, fire safety, occupational health and safety, mining plant operations safety, prevention from risks in mining plant operations, and to ensure efficient provision of aid in case of a risk to life or health of humans in a mining plant, a risk to mining plant operations safety or public safety.

Chapter 4

Underground Storage of Waste

Article 125 1. The following types of underground storage facilities for waste can be differentiated:

- 1) an underground storage facility for hazardous waste;

- 2) an underground storage facility for inert waste;
- 2a) a geological radioactive waste repository;
- 3) a geological repository of waste other than hazardous, inert, and radioactive waste.

2. An underground storage facility for waste shall be located in a geological formation forming a natural geological barrier to potential migration of hazardous substances beyond the space for which harmful effects of stored waste have been envisaged.

3. An underground storage facility for waste shall be operated and closed in such a way as to ensure public safety and to prevent adverse effects of storing waste, in particular polluting groundwater, on the environment.

4. An underground storage facility for waste shall be monitored to compare the quality of the environment in all phases of operation with its original quality.

5. Waste in underground storage facilities shall be stored separately. Waste may be stored in a non-separate manner only if it does not pose any risk to the environment or does not breach safety requirements.

6. An entrepreneur pursuing underground storage of waste shall employ a person in mining plant operations who holds a certificate of qualifications in the waste management referred to in Article 165 of the Waste Act of 14 December 2012 (Journal of Laws of 2016, items 1987 and 1954, and Journal of Laws of 2017, items 785 and 1566).

7. The minister responsible for the environment shall define, by way of a regulation:

- 1) detailed requirements for individual types of underground storage facilities for waste regarding their location, operation and closing, and the scope, manner and conditions for the monitoring of said storage facilities,
- 2) types of waste which may be stored underground non-separately, and the criteria and procedures for admitting waste in underground storage facilities – according to the need to ensure environmental protection, public safety and the proper waste disposal, with regard to natural phenomena and geological factors.

Article 126 1. It shall be prohibited to store underground the following kinds of waste:

- 1) liquid waste, including waste containing more than 95% of water in total weight, excluding sludge;

- 2) explosive, caustic, oxidising, highly-flammable, or flammable waste;
- 3) contagious medical and veterinary waste;
- 4) waste produced in scientific and research works, development works or teaching activity that has not been identified or classified and whose effects on the environment have been unknown;
- 5) tyres, excluding bicycle tyres and tyres of more than 1400 mm in outside diameter;
- 6) other waste that could undergo undesirable physical, chemical, or biological transformations under underground storage conditions.

2. The waste referred to in paragraph 1(6) shall include:

- 1) waste which under storage conditions may react with water or bedrock changing its volume, producing self-igniting, toxic or explosive substances or gases, or other reactions threatening the safe operation of an underground storage facility or the inviolability of the geological barrier, as well the containers used to store it;
- 2) biodegradable waste;
- 3) waste of pungent odour;
- 4) waste which may produce gas and air mixtures of toxic or explosive properties;
- 5) waste failing to comply with geomechanical conditions due to insufficient stability;
- 6) self-igniting waste or waste susceptible to self-ignition under given storage conditions;
- 7) gaseous waste;
- 8) volatile waste and waste collected as unidentified mixtures.

3. It is prohibited to dilute or mix waste with waste or other substances (objects) with a view to meeting underground storage approval criteria.

Article 127 1. The provisions of Article 105, Article 106, Article 107(1)(2) and 170(1)(3), Article 108, Article 119, Article 120, Article 121(1), Article 128(3), Article 129, Article 130(1), Article 134(3) and 134(4), Article 135(2) and 135(3) and Article 137(1) of the Waste Act of 14 December 2012 shall apply accordingly.

2. The provisions of this chapter, except for Articles 125(2) to 125(4), shall not apply to inert waste and waste other than inert and hazardous if it constitutes extractive waste within the meaning of the Act of 10 July 2008 on Extractive Waste (Journal of Laws of 2017, item 1849).

Chapter 4a

Underground Storage of Carbon Dioxide

Article 127a 1. An underground carbon dioxide storage complex shall be located in areas defined in the provisions issued pursuant to paragraph 4 if pursuing activities consisting in underground carbon dioxide storage does not pose a threat to public safety and health and life of people and the environment.

2 An underground carbon dioxide storage complex shall be located in a rock mass within geological formations fulfilling both the criteria applicable to reservoir rocks as well as sealing rocks, constituting a natural geological barrier for a possible carbon dioxide leakage and carbon dioxide escape from the underground carbon dioxide storage complex, if from the characteristics and assessment contained in the approved geological study it stems that these formations or parts thereof are suitable for underground carbon dioxide storage.

3 Underground carbon dioxide storage shall be forbidden:

- 1) in the protection zones of water intakes and in the protection zones of inland water reservoirs;
- 2) in mining districts created for brines, medicinal water, and thermal water;
- 3) in the areas that can result in a breach of the principles of reasonable management of a mineral deposit, referred to in Article 10.1;
- 4) in a water column understood as a vertical, continuous mass of surface waters from the surface to bottom sediments;
- 5) in the areas of violent phenomena or threatened by such phenomena, which can prevent safe operation of a underground carbon dioxide storage site, including:
 - a) increased seismic activity and in fault zones,
 - b) increased seismic activity - natural or caused by human activity,
 - c) in the areas of increased intensity of karst and scouring phenomena.

4 The minister responsible for the environment shall define, by way of a regulation, the areas on which underground carbon dioxide storage complexes may

be located, including in the form of a set of geographical coordinates, taking account of geological and natural conditions, and the characteristics of the underground carbon dioxide storage complex, with a view to ensuring public safety as well as health and life of people and the environment.

Article 127b Within the boundaries of a mining area demarcated in the concession for underground carbon dioxide storage, it is forbidden to carry out activities other than underground carbon dioxide storage which could threaten the safety of underground carbon dioxide storage, unless the entrepreneur who intends to carry out such activities demonstrates that they shall not pose a threat to the underground carbon dioxide storage site.

Article 127c Operation and closure of a underground carbon dioxide storage site shall take place in a manner ensuring public safety and preventing negative effects of underground carbon dioxide storage for the environment, and in particular pollution of groundwater.

Article 127d 1. An entrepreneur carrying out activities in the scope of underground carbon dioxide storage is obliged to:

- 1) control the carbon dioxide stream, including to measure and accept its composition;
- 2) perform a risk assessment consisting in demonstrating that the contents of other gases and substances in the composition of the carbon dioxide stream to be injected to the underground carbon dioxide storage site does not pose a threat to the environment or health and life of people and is below the levels which could negatively influence the integrity of the underground carbon dioxide storage site and the carbon dioxide transmission grid within the meaning of Article 3 (11h) of the Act of 10 April 1997 – Energy Law;
- 3) record the volume and characteristics of up-taken and injected carbon dioxide stream, and keep information about its composition;
- 4) monitor the underground carbon dioxide storage complex,
- 5) inform the competent authority in matters related to trading in greenhouse gas emission allowances referred to in the Act of 28 April 2011 on the Greenhouse Gas Emission Allowance Trading², about carbon dioxide escape from the underground carbon dioxide storage complex, and emission accounting in the case of carbon dioxide escape from the underground carbon dioxide storage complex;

6) draw up an annual statement of operations consisting in underground carbon dioxide storage.

2. Carbon dioxide stream shall be understood as substances created in the process of carbon dioxide capture within the carbon capture and storage demonstration project, directed to the underground carbon dioxide storage site, and fulfilling the acceptance criteria of its composition.

3. The entrepreneur referred to in paragraph 1 shall record the quantities and characteristics of up-taken and injected carbon dioxide stream on an ongoing basis, and the information in this scope shall be kept in the entrepreneur's office for the whole period of validity of the concession for underground carbon dioxide storage.

Article 127e 1. Carbon dioxide injected to the underground carbon dioxide storage site shall meet the acceptance criteria of the carbon dioxide stream, defined in the provisions issued on the basis of Article 127h (2), after the entrepreneur has carried out the risk assessment referred to in Article 127d.1 (2).

2. The carbon dioxide stream composition is accepted on the basis of the following criterion:

- 1) percentage composition, including the minimum carbon dioxide contents and admissible contents of other gases and substances;
- 2) physical parameters of carbon dioxide, including pressure and temperature.

Article 127f 1. It is forbidden to add to the carbon dioxide stream waste and other substances, except for those which are necessary in the process of transmission, injection, storage, monitoring, and migration measurement of the carbon dioxide – in concentrations which will not pose any threat to public safety and the environment, and will not increase the risk of occurrence of a carbon dioxide leakage, in particular.

2. Carbon dioxide migration should be understood as movement of carbon dioxide in the underground carbon dioxide storage complex.

Article 127g 1. Monitoring of a underground carbon dioxide storage complex is carried out on the basis of the monitoring plan for the underground carbon dioxide storage complex.

2. Monitoring of a underground carbon dioxide storage complex is carried out in three stages:

- 1) operation stage of the underground carbon dioxide storage site – the period from the start of injection of carbon dioxide to the underground carbon dioxide

storage site to the closure of the underground carbon dioxide storage site;

- 2) stage after the closure of the underground carbon dioxide storage site until the transfer of responsibility for the repository to the National Administrator of Underground Carbon Dioxide Storage Sites pursuant to Article 127j – a period not shorter than 20 years;
- 3) stage after the transfer of responsibility for the closed underground carbon dioxide storage site to the National Administrator of Underground Carbon Dioxide Storage Sites pursuant to Article 127j.

3. Monitoring of a underground carbon dioxide storage complex is carried out to:

- 1) compare the state of the environment to its original and model state determined in the geological study, and in particular to compare the carbon dioxide behaviour in the underground carbon dioxide storage complex, and in justified cases – in the surrounding environment, as well as behaviour of water in geological formations;
- 2) observe the carbon dioxide migration referred to in Article 127f.2;
- 3) detect irregularities in the process of carbon dioxide injection or storage or in a underground carbon dioxide storage complex, which pose risks of carbon dioxide leakage or threat to health and life of people and the environment;
- 4) detect carbon dioxide leakage or carbon dioxide escape from the underground carbon dioxide storage complex, and in particular the influence on the utilised groundwater levels, as well as safety of health and life of people and the environment;
- 5) assess the corrective measures undertaken;
- 6) assess the stability and safety of the underground carbon dioxide storage complex in a short- and long-time horizon.

4. Monitoring of a underground carbon dioxide storage complex consists in examining and controlling:

- 1) chemical composition of the carbon dioxide stream in the injection process;
- 2) carbon dioxide stream injection efficiency and pressure at the stage of operation of the underground carbon dioxide storage site;
- 3) temperature and pressure in the underground carbon dioxide storage complex, including in the underground carbon dioxide storage site;
- 4) quality of groundwater at the aquifer levels located above the geological formation sealing the underground carbon dioxide storage site;

- 5) soil gas composition;
- 6) tightness of injection and observation wells;
- 7) non-organised emissions of carbon dioxide from the underground carbon dioxide storage complex.

Article 127h The minister responsible for the environment shall define, by way of a regulation:

- 1) detailed requirements related to the operation of the underground carbon dioxide storage site,
- 2) detailed criteria and procedure of acceptance of the composition of the carbon dioxide stream injected to the underground carbon dioxide storage site,
- 3) manner, frequency, and detailed conditions of monitoring the underground carbon dioxide storage complex

– with a view to ensuring safety of the activities conducted, consisting in underground carbon dioxide storage, having in mind the protection of health and life of people and the environment, as well as the need to ensure public safety, with account taken of the characteristics of the underground carbon dioxide storage complex, geological and natural conditions.

Article 127i 1. A underground carbon dioxide storage site shall be closed:

- 1) after the conditions defined in the concession for underground carbon dioxide storage have been met;
- 2) upon justified request of the entrepreneur, after obtaining consent of the concession-granting authority;
- 3) after the National Administrator of Underground Carbon Dioxide Storage Sites has assumed the responsibility for the underground carbon dioxide storage site pursuant to Article 39a, whereas in the case a mining plant is kept in operational availability pursuant to Article 39c.1, the underground carbon dioxide storage site shall be closed if new concession for underground carbon dioxide storage is not granted within the time frame specified in this provision.

2 In the case referred to in paragraph 1 (1) and (2), the entrepreneur is obliged to:

- 1) decommission the mining plant, including the injection installation, seal and secure the underground carbon dioxide storage site and, if a need arises, undertake corrective measures and preventive and corrective measures within the meaning of the Act of 13 April 2007 on the Prevention and Remedying of

Environmental Damage;

- 2) monitor the underground carbon dioxide storage complex after the underground carbon dioxide storage site has been closed, for a period not shorter than 20 years as of its closure;
- 3) inform the competent authority in matters related to trading in greenhouse gas emission allowances referred to in the Act of 28 April 2011 on the Greenhouse Gas Emission Allowance Trading, and perform emission accounting in the case of carbon dioxide escape from the underground carbon dioxide storage complex.

3 The obligations referred to in paragraph 2 shall be fulfilled by the entrepreneur until the responsibility for the closed underground carbon dioxide storage site is transferred to the National Administrator of Underground Carbon Dioxide Storage Sites pursuant to Article 127j.

4 In the case referred to in paragraph 1 (3), the obligations referred to in paragraph 2 shall be carried out by the National Administrator of Underground Carbon Dioxide Storage Sites until the responsibility for the underground carbon dioxide storage site is transferred to them pursuant to Article 127j.

Article 127j 1. Responsibility for a closed underground carbon dioxide storage site is transferred to the National Administrator of Underground Carbon Dioxide Storage Sites when:

- 1) the mining plant carrying out underground carbon dioxide storage has been decommissioned in accordance with the decommissioned mining plant operation plan;
- 2) the conditions defined in the concession for underground carbon dioxide storage have been met;
- 3) the obligations referred to in Articles 28a.3 and 28a.4 have been met;
- 4) monitoring of the underground carbon dioxide storage complex was carried out after the underground carbon dioxide storage site was closed, for a period not shorter than 20 years;
- 5) long-term stability of the underground carbon dioxide storage complex has been demonstrated.

2. Responsibility for the closed underground carbon dioxide storage site is transferred to the National Administrator of Underground Carbon Dioxide Storage Sites, except for the case referred to in Article 39a.1, concurrently with the expiry

of the concession for underground carbon dioxide storage.

3. The transfer of responsibility for a closed underground carbon dioxide storage site to the National Administrator of Underground Carbon Dioxide Storage Sites is resolved upon, by way of a decision, by the concession-granting authority.

4. The decision to transfer the responsibility for a closed underground carbon dioxide storage site to the National Administrator of Underground Carbon Dioxide Storage Sites is issued upon request of the entrepreneur, and in the case when the National Administrator of Underground Carbon Dioxide Storage Sites has taken over the responsibility for the underground carbon dioxide storage site pursuant to Article 39a - upon request of the National Administrator of Underground Carbon Dioxide Storage Sites.

5. The application for the transfer of responsibility for a closed underground carbon dioxide storage site to the National Administrator of Underground Carbon Dioxide Storage Sites shall be accompanied by:

- 1) a copy of the decision approving the appendix to the geological study, referred to in Article 93.4a (2);
- 2) maps and sections of spatial range of the underground carbon dioxide storage complex, including the underground carbon dioxide storage site;
- 3) a confirmation that the conditions defined in the concession for underground carbon dioxide storage and the obligations referred to in Articles 28a.3 and 28a.3 have been fulfilled;
- 4) a proof confirming the existence of the performance deposit referred to in Article 28e.1, and the current balance of the deposit.

6. In order to be issued, a decision to transfer the responsibility for the closed underground carbon dioxide storage site to the National Administrator of Underground Carbon Dioxide Storage Sites requires:

- 1) agreeing upon with the competent authority of mining supervision and the competent head of the gmina (mayor, city president);
- 2) obtaining a position of the European Commission.

7. In the case referred to in paragraph 6 (2), the provisions of Articles 23.4 and 23.5 shall be applied accordingly.

8. In the case when the conditions referred to in paragraph 1 have not been fulfilled, the concession-granting authority shall refuse, by way of a decision, to transfer the responsibility for a closed underground carbon dioxide storage site to the National Administrator of Underground Carbon Dioxide Storage Sites.

9. Copies of decisions related to the transfer of responsibility for a closed underground carbon dioxide storage site to the National Administrator of Underground Carbon Dioxide Storage Sites shall be sent by the concession-granting authority to the European Commission for information.

Article 127k After the responsibility for the closed underground carbon dioxide storage site has been transferred, the National Administrator of Underground Carbon Dioxide Storage Sites has the right to, in order to monitor the underground carbon dioxide storage complex, enter third party's immovable property necessary to carry out the monitoring.

Article 127l A closed underground carbon dioxide storage site shall be entered to the registry of mining districts and closed underground carbon dioxide storage sites, referred to in Article 152a.1.

Article 127m 1. The entrepreneur shall draw up an annual statement of operations consisting in underground carbon dioxide storage, containing:

- 1) identification data of the entrepreneur;
- 2) data of the place in which the operations consisting in underground carbon dioxide storage are pursued;
- 3) results of monitoring of the underground carbon dioxide storage complex, including information about the manner and frequency of monitoring;
- 4) information about quantity and characteristics, including source of origin, of carbon dioxide injected to the underground carbon dioxide storage site;
- 5) information about the existence and balance of the financial security referred to in Article 28a.2, and the performance deposit referred to in Article 28e.1, as well as proofs confirming the existence and current balance of such bond/deposit;
- 6) assessment of compliance of the behaviour of carbon dioxide injected to the underground carbon dioxide storage site with its model behaviour defined in the geological study, along with a substantiation;
- 7) other information important for the assessment of safety of the activities consisting in underground carbon dioxide storage.

2 The entrepreneur submits the statement for the preceding calendar year to the concession-granting authority until 31 January each year in writing or in the form of an electronic document within the meaning of Article 3 (2) of the Act of 17 February 2005 on the Computerisation of Activities of Entities Performing Public

Tasks (Journal of Laws of 2017, item 570).

3 A copy of the statement shall be sent by the entrepreneur to the competent authority of mining supervision within the time frame referred to in paragraph 2.

Article 127n 1. The competent authority of mining supervision shall conduct an inspection of the activities consisting in underground carbon dioxide storage:

- 1) before the start of operation of the underground carbon dioxide storage site in terms of compliance with the conditions defined in the concession, underground carbon dioxide storage site development plan, or mining plant operation plan;
- 2) at least once a year in the period of operation of the underground carbon dioxide storage site as well as for 3 years as of the day of closure of the underground carbon dioxide storage site;
- 3) every 5 years after the lapse of 3 years of the day of closure of the underground carbon dioxide storage site until the responsibility for the closed underground carbon dioxide storage site is transferred to the National Administrator of Underground Carbon Dioxide Storage Sites pursuant to Article 127j;
- 4) in the case of obtaining information about a carbon dioxide leakage or a risk thereof;
- 5) if it stems from the statement of operations referred to in Article 127m.1 that the activities conducted are incompliant with the conditions defined in the concession, underground carbon dioxide storage site development plan, or mining plant operation plan;
- 6) in justified cases other than listed in subparagraphs (1) to (5).

2. The inspection is recorded in a protocol.

3. The inspection protocol shall contain in particular:

- 1) assessment of compliance of the operations conducted with the requirements of the Act and separate regulations, conditions defined in the concession, development plan for the underground carbon dioxide storage site, and mining plant operation plan;
- 2) findings from the inspection, and if a need arises – recommendations relating to further activities of underground carbon dioxide storage to be pursued.

4. The inspection protocol shall be rendered available in accordance with the provisions on disclosure of information about the environment and its protection,

participation of the public in the environment protection, and on environmental impact assessments, within 2 months as of the end of the inspection.

5. The inspection referred to in paragraph 1 shall be governed accordingly by the provisions of Section IX.

Article 127o The concession-granting authority, in order to ensure compliance of the conducted activities consisting in underground carbon dioxide storage with the conditions defined in the concession, reviews the concessions granted:

- 1) 5 years after the concession was granted, and then – every 10 years;
- 2) in cases referred to in Article 37a.2 (2) to (5).

Chapter 5

Decommissioning of a Mining Plant

Article 128 1. An entrepreneur who has been granted a concession for the activities referred to in Article 21.1 (2) to (4) creates a mining plant decommissioning fund, hereinafter referred to as the "fund", and gathers resources in the said fund. An entrepreneur may create a shared fund for more than one mining plant.

2. The resources of the fund are gathered in a separate bank account in a form of cash. Fund resources may be also gathered in a form of treasury bills or bonds issued or guaranteed by the State Treasury.

3. The fund resources are increased by receipts from interest, revenues from treasury bills and revenues from bonds issued or guaranteed by the State Treasury.

4. For the extraction of minerals using:

- 1) underground excavations or borehole drilling – the equivalent of at least 3% of depreciation charges for fixed assets of a mining plant, determined in pursuance of regulations on income tax, shall be allocated to the fund,
- 2) an opencast method – the equivalent of at least 10% of royalties shall be allocated to the fund

– within one month of the end of a financial year.

5. The provision of paragraph 4.(1) applies to underground tankless storage of substances and underground storage of waste.

6. The obligation to allocate resources to the fund:

- 1) arises for:

- a) extraction of minerals from deposits – as of the royalty due date,
 - b) underground tankless storage of substances or underground storage of waste – as of the approval date of a mining plant operations plan;
- 2) lapses as of the commencement of a mining plant decommissioning.

7. Decommissioning of a part of a mining plant does not exempt from the obligation to make payments with respect to the remaining part of the plant.

8. The fund resources constitute tax-deductible expenses within the meaning of the regulations on income tax and may be used solely for covering the costs of decommissioning a plant or its designated part, and equipment, installations, facilities or workings of said plant being redundant for technical and technological reasons.

9. Resources may be withdrawn from the fund after an entrepreneur presents the entity keeping the account with the final decision of the competent mining supervision authority approving the operations plan for a mining plant under decommissioning or its designated part, or a decision approving a mining plant operations plan insofar as it provides for the decommissioning of equipment, installations, facilities or workings of the plant being redundant for technical and technological reasons.

10. Upon the request of the competent concession-granting authority or the competent mining supervision authority, an entrepreneur submits up-to-date bank account statements for the account in which he gathers the fund resources and information on their use.

11. The fund is released after completing the decommissioning of a mining plant, upon the approval of the competent mining supervision authority granted, by decision, following consultation of the competent head of the gmina (mayor of the city or town).

12. The requirements provided for in paragraphs 1 to 11 apply accordingly to the legal successor of the entrepreneur who established the fund.

13. The application of the provisions of paragraphs 1 to 12 is not compulsory for an entrepreneur who has been granted a concession by the head of the powiat.

Article 129 1. Where a mining plant is decommissioned, in whole or in part, an entrepreneur shall:

- 1) secure or abandon workings, and secure or decommission equipment, installations, and facilities of a mining plant;

- 1a) undertake necessary measures protecting the adjacent mineral deposits;
- 2) (repealed);
- 3) (repealed);
- 4) take requisite measures to protect workings of neighbouring mining plants;
- 5) take requisite measures to protect the environment and reclaim land after concluding mining activities.

2. The provisions of the Arable and Forest Land Protection Act of 3 February 1995 (Journal of Laws of 2017, item 1161) apply to the reclamation of the land referred to in paragraph 1(5).

3. The regulations on mining plant operations apply to the decommissioning of a mining plant.

4. An operations plan for a mining plant under decommissioning or its designated part also specifies the method of fulfilling the obligations referred to in paragraph 1.

5. (repealed);

6. In justified cases, the competent mining supervision authority, by decision, may order an entrepreneur to discharge the obligation to decommission a mining plant or its designated part.

7. The decision referred to in paragraph 6 prescribes a time limit and a method of discharging the obligation to decommission a mining plant or its designated part. The decision may also grant authorisation to use someone else's immovable property insofar as necessary to discharge the obligation to decommission a mining plant or its designated part.

8. Where the time limit referred to in paragraph 7 lapses ineffectively, the competent mining supervision authority institutes enforcement proceedings.

Article 130 1. The fund resources are not subject to the enforcement proceedings, unless the enforceable title, based on which the enforcement authority took the proceedings, has been issued:

- 1) on the application of the entrepreneur's creditor,
- 2) pursuant to Article 129.8

– due to the performance, to the order or on behalf of the entrepreneur, of the activities provided for in Article 128.8, Article 129.1 or 129.6.

2. The fund resources are included in the bankruptcy estate of the entities referred to in Article 128.1 and 128.12.

Article 131 Promptly after the decommissioning of a mining plant, an entrepreneur provides the President of the State Mining Authority with a surveying and geological study, in the manner and under the procedure provided for in the regulations adopted under Article 116.7. The provisions of Article 5.1 of the Act on national archives of 14 July 1983 (Journal of Laws of 2016, items 1506 and 1948 and Journal of Laws of 2017, item 1086) do not apply to said studies.

Article 132 The provisions of this Chapter apply accordingly to the decommissioning of a mining plant, its designated part and equipment, installations, facilities or workings of said mining plant being redundant for technical and technological reasons performed by an entity other than the entrepreneur, including the decommissioning of a former mining plant.

SECTION VII

Charges and Royalties

Article 133 1. An entrepreneur who has obtained a concession for the prospecting for or exploration of a mineral deposit, concession for the prospecting for or exploration of a underground carbon dioxide storage complex, or concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit, shall pay the charge defined in the concession as the product of the charge rate and the land area covered with the concession, expressed in square kilometres.

2. The rate of charge for the activities in the scope of prospecting for mineral deposits per square kilometre amounts to:

- 1) for hard coal and uranium ores: PLN 558.56;
- 2) for lignite: PLN 223.43;
- 3) for other minerals whose deposits are covered with the mineral right, except for hydrocarbons: PLN 111.72.

3. The rate of the charge for the exploration of mineral deposits or jointly for the prospecting for and exploration of mineral deposits totals a double of the rate referred to in paragraph 2.

3a. The rate of charge for the activities in the scope of prospecting for a underground carbon dioxide storage complex amounts to PLN 105.81.

3b. The rate of charge for the activities in the scope of exploration of a underground carbon dioxide storage complex or jointly for the activities in the

scope of the prospecting for and exploration of a underground carbon dioxide storage complex amounts to twice the rate defined in paragraph 3a.

3c. The rate of charge for the activities in the scope of prospecting for and exploration of hydrocarbon deposits per square kilometre amounts to PLN 210.

4. The charge is paid once within 14 days of the day on which a concession became final. An entrepreneur submits a proof of paying the charge promptly to the concession-granting authority and to the entities referred to in Article 141.1 to 141.3.

5. The concession-granting authority, when extending the period of validity of the concession or the duration of the stage of prospecting and exploration in the case of a concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit, shall determine the charge for the activity once again. The charge shall be defined pursuant to the provisions contained in paragraphs 1 to 4.

Article 134 1. An entrepreneur who has obtained a concession for the extraction of a mineral from a deposit, and in the case of a concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit – obtained an investment decision, shall pay a mining charge determined as the product of the charge rate and the amount of mineral extracted from an economic and sub-economic deposit in the settlement period.

2. Rates of royalties for individual types of minerals are provided for in an Annex to the Act.

3. A rate of a royalty totals 50% for:

- 1) an accessory mineral;
- 2) a concurrent mineral extracted from a deposit of hydrocarbons.

Article 135 1. The entrepreneur who has obtained a concession for:

- 1) underground tankless storage of substances, or
- 2) underground landfilling of waste, or
- 3) underground storage of carbon dioxide

– shall settle a charge defined as the product of the charge rate and the quantity of, respectively, substances, waste, or carbon dioxide, which were injected in the settlement period into the rock mass, including underground workings.

2. The rates of charges for storage total for:

- 1) gaseous substances – PLN 1.61 per one thousand cubic metres;

- 2) liquid substances – PLN 3.19 per one tonne;
- 3) other substances – PLN 1.60 per one tonne.

3. The rates of charges for storage of waste total for:

- 1) hazardous waste – PLN 65.79 per tonne, excluding insulation and construction materials containing asbestos for which the rate totals PLN 0.0 per tonne;
- 2) inert waste – PLN 3.79 per tonne;
- 3) non-hazardous and non-inert waste – PLN 5.06 per tonne;
- 4) radioactive – as for hazardous waste.

4. The rate of charge for underground carbon dioxide storage amounts to PLN 5.06/ton.

Article 136 1. The rates of charges referred to in Articles 133.2, 133.3a and 133.3c, 134.2, and Article 135.2 to 135.4 are subject to annual changes in correspondence to the total average annual consumer price index planned in the budget act for a given calendar year.

2. Based on the index referred to in paragraph 1 the minister in charge of the environment advertises by official announcement in the Monitor Polski Official Journal of the Republic of Poland rates of the charges applicable in the following calendar year, rounding them up to the nearest whole grosz.

Article 137 1. A settlement period for a royalty is taken to be a period of 6 months counted from 1 January to 30 June and from 1 July to 31 December.

2. An entrepreneur who has been granted a concession for the extraction of a mineral from a deposit, with exception of a hydrocarbon deposit, determines on its own the amount of mining charge payable for the settlement period and, before the lapse of the month following this period, pays it to the bank accounts of the gmina where the activities are carried out, and the NFEPWM, without request.

2a. An entrepreneur who has been granted a concession for the extraction of hydrocarbons from a deposit, and in the case of a concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit – obtained an investment decision, determines on its own the amount of mining charge payable for the settlement period and, before the lapse of the month following this period, pays it to the bank accounts of the gmina, powiat, and voivodeship where the activities are carried out, and the NFEPWM, without request.

3. Within the time limit referred to in paragraph 2, an entrepreneur who has

been granted a concession for the extraction of a mineral from a deposit provides a concession-granting authority, the gmina within the area of which the activities are pursued, the NFEPWM with copies of proofs of payments and a notice with data identifying the entrepreneur, name of the deposit, number of the concession for the extraction of a mineral from said deposit, type and quantity of a mineral extracted during a settlement period, assumed rate and the amount of the royalty determined, including the amount of royalty payable to the gmina within the area of which the activities are pursued and to the NFEPWM. If the mineral is extracted within the area of more than one gmina – the notice also provides the quantity of the mineral extracted from the areas located within individual gminas and the amount of royalty payable to individual gminas.

3a. Within the time frame defined in paragraph 2a, an entrepreneur who has been granted a concession for the extraction of a mineral from a deposit, and in the case of a concession for the prospecting for and exploration of a hydrocarbon deposit and extraction of hydrocarbons from a deposit – obtained an investment decision, shall present to the concession-granting authority, gmina, powiat, and voivodeship where the activities are carried out, and the NFEPWM, copies of proofs of the payments made, as well as the information with identification data of the entrepreneur, deposit name, concession number, quantity and type of mineral extracted in the settlement period, adopted rate and amount of determined charge, including that with respect of the gmina, powiat, and voivodeship where the activities are carried out, and the NFEPWM.

– If the mineral is extracted within the area of more than one gmina, powiat, or voivodeship – the notice also provides the quantity of the mineral extracted from the areas located within individual gminas, powiats, and voivodeships and the amount of charge payable to them.

4. If the amount of the royalty payable for a settlement period does not exceed PLN 300, the obligation to pay the royalty does not arise. It does not exempt from the obligation to provide the notice referred to in paragraphs 3 and 3a.

5. If the last day of the time limit provided for in paragraphs 2 and 2a falls on a Saturday or a public holiday, the last day of the said time limit is regarded to be the next day following the public holiday or holidays.

6. The requirements defined in paragraphs 1, 2, 3, and 5 shall be applied accordingly to the entrepreneurs who have obtained a concession for underground tankless storage of substances, a concession for underground landfilling of waste,

or a concession for underground carbon dioxide storage.

7. The minister responsible for the environment shall define, by way of a regulation, templates of forms used to provide information on the charge for an extracted mineral, underground tankless storage of substances, underground landfilling of waste, and underground carbon dioxide storage, according to the need to provide transparency and reliability of submitted information.

Article 138 If it is found that an entrepreneur has failed to make a payment on time or has failed to make a payment in due amount, a concession-granting authority shall determine, by decision, the amount of the charge or royalty due, applying the rate from the settlement period to which the charge or royalty refers.

Article 139 1. Activities pursued in manifest breach of the terms and conditions provided for in the concession or the approved geological works plan, or the geological works plan subject to submission, are subject to an additional charge. An additional charge does not depend on other charges and royalties governed by this Section.

2. The additional charge is specified, by way of a decision, by the concession-granting authority or the geological administration authority which has approved the geological works plan or to which the geological works plan was submitted.

3. An additional charge for:

- 1) the prospecting for or exploration of the mineral deposits provided for in Article 10.1 is determined in the fivefold rate of the charge set for a given type of mineral per each square kilometre of the surface area covered by said activities, provided that each started square kilometre of the surface area counts as a full kilometre;
- 1a) the prospecting for or exploration of a underground carbon dioxide storage complex is determined in the fivefold rate of the charge for the activities in the scope of prospecting for or exploring a underground carbon dioxide storage complex for each square kilometre of the land area covered with such activities, whereas any portion of a square kilometre of the area shall count as a full kilometre;
- 2) the performance of geological works is established at PLN 10 000 per each square kilometre of the surface area covered by said activities, provided that each started square kilometre of the surface area counts as a full kilometre;
- 3) the extraction of minerals is determined in the fivefold amount of the royalty

set for a given type of a mineral multiplied by the quantity of the extracted mineral;

- 4) underground tankless storage of substances is determined in the fivefold amount of the charge set for a given type of stored substance multiplied by the quantity of the injected substance;
- 5) underground storage of waste is determined in the fivefold amount of the charge set for a given type of stored waste multiplied by the quantity of stored waste;
- 6) underground carbon dioxide storage is determined in the fivefold rate of the charge for the stored carbon dioxide, multiplied by the quantity of carbon dioxide stored in that way.

4. Additional charges referred to in paragraph 3 (1), (1a), and (3) to (6) shall be determined using the rates applicable on the day of commencement of the procedure.

5. The charge is paid within 14 days of the day on which a decision became final. A proof of paying the charge is submitted promptly to the competent authority and to the entities referred to in Article 141.1 to 141.3.

Article 140 1. Activities pursued without a required concession or without an approved geological works plan, or a geological works plan subject to submission, are subject to an increased charge.

2. Authorities in charge of matters referred to in Article 1 include:

- 1) the minister in charge of the environment with respect to:
 - a) the activities pursued within maritime territories of the Republic of Poland,
 - b) underground tankless storage of substances,
 - c) underground storage of waste,
 - d) the prospecting for or exploration of a underground carbon dioxide storage complex,
 - e) underground carbon dioxide storage;
 - 2) the relevant mining supervision body in the scope not listed in subparagraph (1).
3. An increased charge for:

- 1) the prospecting for or exploration of the mineral deposits provided for in Article 10.1 is determined in the amount of PLN 50 000 per each square kilometre of the surface area covered by said activities, provided that each started square kilometre of the surface area counts as a full kilometre;
- 1a) the prospecting for or exploration of a underground carbon dioxide storage complex is determined in the amount of PLN 50 000 for each square kilometre of the land area covered with such activities, whereas each portion of a square kilometre of the area shall count as a full kilometre;
- 2) the performance of geological works is established at PLN 10 000 per each square kilometre of the surface area covered by said activities, provided that each started square kilometre of the surface area counts as a full kilometre;
- 3) the extraction of minerals is determined in the fortyfold amount of the royalty set for a given type of mineral multiplied by the quantity of the mineral extracted without a concession;
- 4) underground tankless storage of substances is determined in the two-hundredfold amount of the charge set for a given type of stored substance multiplied by the quantity of the substance injected without a concession;
- 5) underground storage of waste is determined in the two-hundredfold amount of the charge set for a given type of stored waste multiplied by the quantity of waste stored without a concession;
- 6) underground carbon dioxide storage is determined in the two-hundredfold rate of the charge for carbon dioxide storage, multiplied by the quantity of carbon dioxide stored without concession.

4. In determining an increased charge for the extraction of minerals to which a royalty

of PLN 0 applies, PLN 1.32 per cubic metre of thermal water and PLN 5.89 per 1000 cubic metres of methane from coal are assumed as units of measurement.

5. The increased charges referred to in paragraph 3 (3) to (6) shall be determined using the rates applicable on the day of commencement of the procedure.

6. The charge is paid within 14 days of the day on which a decision became final. A proof of paying the charge is submitted promptly to the competent authority and to the entities referred to in Article 141.1.

Article 141 1. Receipts from the charges and royalties provided for in this Section constitute in 60% the income of the gmina within the area of which the activities are pursued and in 40% the income of the NFEPWM.

1a. Receipts from the charges provided for in this Section in the scope of hydrocarbons constitute in 60% the income of the gmina, in 15% the income of the powiat, and in 15% the income of the voivodeship within the area of which the activities are pursued, and in 10% the income of the NFEPWM.

2. If the activity is carried out in more than one gmina, powiat, or voivodeship, the charges shall constitute their income correspondingly to the land area covered with the activity or the amount of extracted mineral, amount of substances, waste, or carbon dioxide injected into the rock mass.

3. Receipts from the charges and royalties paid for the activities pursued within maritime territories of the Republic of Poland constitute the income of the NFEPWM in whole.

4. (repealed);

Article 142 1. The provisions of the Tax Ordinance Act of 29 August 1997 (Journal of Laws of 2017, items 201, 648, 768, 935, 1428 and 1537) regarding tax liabilities apply accordingly to the charges and royalties provided for in this Section. The entitlements of tax authorities provided for in these provisions may be exercised by creditors.

2. The creditors accordingly include the gmina, the powiat, the voivodeship, and the NFEPWM.

3. The President of the Board of the NFEPWM has competence in the decisions issued under the provisions referred to in paragraph 1 in the part regarding the Fund. In matters not regulated by this Act an authority superior, within the meaning of the Administrative Procedure Code, to the President of the Board of

NFEPWM is the minister in charge of the environment.

Article 143 1. A decision in matters provided for in this Section may not be issued 5 years after the end of the year in which the event justifying its issue occurred.

2. In matters provided for in this Section, the parties to the procedure, accordingly include:

- 1) an entrepreneur or
- 2) an entity which pursues its activities without a required concession, or
- 3) an entity which performs geological works in manifest breach of the terms and conditions defined in the approved geological works plan, or the geological works plan subject to submission, or
- 4) an entity which performs geological works without a geological works plan – approved or subject to submission.

3. If there is no entity referred to in paragraph 2 (2) and (4), a party to the procedure is the owner of the immovable property or another person holding a legal title to the immovable property within which the activity or geological works are conducted.

SECTION VIII

Liability for Damage

Article 144 1. An owner may not oppose the risks caused by the operations of a mining plant performed in pursuance of this Act. However, he may demand that the damage caused by said operations be remedied under the rules provided for in the Act.

2. The provision of paragraph 1 applies accordingly to other entities whose economic rights are threatened by the operations of a mining plant.

3. If the circumstances provided for in paragraphs 1 and 2 do not occur, an entrepreneur is liable for the damage in pursuance of the rules provided for in the Civil Code.

Article 145 Unless the Act provides otherwise, the provisions of the Civil Code apply to the remedying of the damage referred to in Article 144.1 and 144.2.

Article 146 1. An entrepreneur performing mining plant operations that caused damage is liable for said damage.

2. The provision of paragraph 1 also applies to other entities pursuing the

activities governed by this Act even if the provisions regarding mining plant operations do not apply to them.

3. If it cannot be established by whom the damage has been caused, an entrepreneur who on the day of the appearance of the damage has the right to pursue the activities governed by this Act within the mining district within the limits of which the damage occurred is held liable for said damage.

4. If the entrepreneur liable for the damage or his legal successor does not exist, State Treasury represented by the competent mining supervision authority is held liable under the rules provided for in this Section.

5. If the damage has also resulted from other reasons than the operations of a mining plant, the entities referred to in paragraphs 1 to 4 are jointly and severally liable for said damage.

6. An entrepreneur and entities professionally engaged in the activities entrusted to them by the entrepreneur are jointly and severally held jointly and severally liable.

Article 147 1. The original state may be restored, in particular by providing land, works, equipment, premises, water, or other goods of the same type.

2 Damage in arable or forestland degraded or devastated in the operations of a mining plant is remedied as prescribed in the regulations on the protection of said land.

3 The obligation to restore the original state is incurred by whoever is liable for the damage. The aggrieved party, upon the approval of the entity liable for the damage, may fulfil the obligation in return for a payment of a relevant amount of money.

Article 148 If the aggrieved party has made outlays on remedying the damage, the compensation is determined with regard to the value of justified outlays.

Article 149 The claims provided for in this Section fall under a 5-year limitation period following the date of discovering the damage.

Article 150 The provisions on remedying the damage provided for in this Section apply accordingly to the prevention from said damage.

Article 151 1. Claims may be brought to court after the exhausting of an amicable procedure.

2. The condition of exhausting an amicable procedure is fulfilled if an

entrepreneur has refused to make a settlement or 30 days has lapsed since an aggrieved party made a claim with respect to an entrepreneur, unless the aggrieved party, in his request for a settlement, provides for a longer time limit.

3. A settlement made as a notarial deed constitutes an enforceable title within the meaning of the provisions of the Civil Procedure Code.

4. If an entrepreneur evades enforcing a settlement or a judgment ordering that the damage caused by the operations of a mining plant be remedied, the costs of substitutive performance may be covered from the security referred to in Article 28.

Article 152 1. In order to prevent from damage or its effects immediately, the court may order that requisite measures be taken. If the obligation is imposed on the aggrieved party, the court may order the entity with respect to which a claim is made to pay a relevant sum of money without delay.

2. If damage occurs as a disappearance of water or loss of its usability, the entity with respect to which a claim is made, shall deliver the requisite amount of water to the aggrieved party until the damage is remedied.

3. The provisions of the Civil Procedure Code on interim remedy proceedings apply to the cases governed in paragraphs 1 and 2.

SECTION VIIIA

Register of Mining Districts and Closed underground carbon dioxide storage sites

Article 152a 1. A register of mining districts and closed underground carbon dioxide storage sites shall be created.

2. The register of mining districts and closed underground carbon dioxide storage sites shall be kept by the state geological service.

3. Entries to the register of mining districts and closed underground carbon dioxide storage sites are made ex officio under decisions on matters defined in Section III.

4. The concession-granting authority shall submit to the state geological service documents constituting the basis for entries to the register of mining districts and closed underground carbon dioxide storage sites, including maps of mining districts.

5. The minister responsible for the environment shall define, by way of a regulation, data subject to entering to the register of mining districts and closed underground carbon dioxide storage sites, time frame and procedure of submitting

documents constituting the basis for an entry, manner of keeping the register, types of documents stored in the register, as well as a time frame for submitting maps of mining districts to the entrepreneur and the competent concession-granting authority, mining supervision authority, and head of gmina (mayor, city president).

6. When issuing a decision referred to in paragraph 5, the minister responsible for the environment shall ensure that the register constitute a detailed record of all mining districts and closed underground carbon dioxide storage sites, shall ensure timely submission of maps of mining districts to the entrepreneur and the competent authorities, and shall take into account the need to keep, in the register, information and documents serving the purpose of the assessment of long-term stability of a underground carbon dioxide storage complex.

SECTION IX

Administration, State Geological Service, the National Administrator of Underground Carbon Dioxide Storage Sites, and Supervision

Chapter 1

General Principles

Article 153 1. In performing their supervision and inspection responsibilities, the employees of geological administration authorities and employees of mining supervision authorities, within their subject matter and territorial jurisdiction, on production of service cards, may:

- 1) at any time, accompanied by auxiliary employees, experts and requisite equipment, enter:
 - a) locations where geological works are being performed,
 - b) locations where mineral is being extracted,
 - c) mining plants,
 - d) the registered offices, facilities, and equipment of entities professionally involved in mine rescue,
 - e) the registered offices, facilities and equipment of entrepreneurs manufacturing, importing, or marketing goods designed for use in the operations of a mining plant;
- 2) access requisite information, equipment, and documents;
- 3) request written or oral information or summons and interview persons;
- 4) request explanation insofar as necessary to perform supervision and

inspection;

- 5) check identification cards of persons if needed for inspection purposes;
- 6) request that documents be produced and necessary data be provided;
- 7) take samples, carry out requisite tests or other inspections.

2. The employees of state geological service are entitled to enter, at any time of day or night, along with auxiliary employees and experts and necessary equipment, to the locations where geological works are performed, on the basis of a separate authorisation of the competent authority of geological administration, to inspect the correctness of sampling from the performance of geological works and to carry out other auxiliary activities.

Article 154 1. The provisions of Chapter 5 of the Entrepreneur Law Act of 6 March 2018 shall apply to the inspection of activities pursued on the basis of the provisions of this Act.

2. In the case of the activities referred to in Article 21.1:

- 1) A book of inspections is kept and retained in a mining plant or in a plant performing geological works;
- 2) the limitation of the duration of all inspections carried out by the competent geological administration authority during one calendar year applies to individual mining plants or plants performing geological works.

3. Inspection activities may be undertaken by employees of competent geological administration authorities or employees of competent mining supervision authorities on production, to an entrepreneur or a person authorised by him, of a service card authorising to carry out said activities and on the service of an authorisation to carry out the inspection on the third day following the institution of the inspection, if:

- 1) the activities are necessary to prevent a crime or an offence, or to seize evidence of said crime or offence;
- 2) the inspection is justified by direct risk to human life or health, or the environment.

4. An entrepreneur conducting activity consisting in the prospection, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland that is about to undergo an inspection shall provide the inspectors with transport to and from the mining plant, including the transport of equipment necessary to conduct the inspection, and with board and

accommodation.

5. In the case referred to in Article 11.1 of the Act of 13 April 2007 on the Prevention and Remedying of Environmental Damage, an entrepreneur conducting activity consisting in the prospection, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland in connection with which a direct threat of damage to the environment has occurred or damage to the environment has occurred shall provide the competent regional director of environmental protection with transport to and from the place where the direct threat of damage to the environment or the damage to the environment has occurred, including the transport of the necessary equipment, and with board and accommodation.

Article 154a 1. Inspection activities performed by mining supervision authorities shall be carried out at the place where the activity subject to inspection is performed or at a place connected with the activity conducted by the entrepreneur, including at places where equipment and documents concerning that equipment, as well as documents concerning the activities subject to inspection, may be stored.

2. If different entities performing, as part of their professional activity, activities being part of the operations of a mining plant or a plant that have been entrusted to them perform at the same time, at the place where supervision and inspection are exercised, activities being part of the operations of a mining plant or a plant, inspection activities may be undertaken for each of those entities.

Article 154b 1. An inspection report shall be drawn up after the completion of inspection activities.

2. An inspection report shall specify in particular:

- 1) the objective scope of the inspection;
- 2) the day or the days on which the inspection was carried out;
- 3) the place or the places at which the inspection was carried out;
- 4) the persons participating in the inspection on behalf of the inspecting party and the inspected party, with an indication of their role in the inspection;
- 5) the findings of the inspection;
- 6) a list of evidence collected during the inspection.

3. An inspection shall be concluded by the service of an inspection report on the entrepreneur or a person authorised by the entrepreneur.

4. An entrepreneur may lodge objections against the findings contained in an

inspection report within 7 days from the date of service of the inspection report.

5. If objections are lodged, the mining supervision authority shall draw up an annex to the inspection report in which it specifies what objections have been found to be justified or explains why given objections have not been found to be justified. The mining supervision authority shall sign the annex to the inspection report and shall serve it on the entrepreneur or a person authorised by the entrepreneur.

Article 155 1. Where there is reasonable need, in particular to ensure safety of the persons referred to in Article 153, geological administration authorities and mining supervision authorities may request adequate assistance from the Police.

2 Persons engaged in the activities referred to in Article 153 do not need to obtain passes or other authorisations. They are not subject to a personal search provided for in the internal rules and regulations of the inspected organisational unit. However, they shall observe regulations on occupational health and safety applicable in said organisational unit.

3 The manager of the inspected organisational unit and the inspected party shall allow inspection activities to be performed.

Chapter 2

Geological Administration Authorities

Article 156 1. Geological administration authorities include:

- 1) the minister in charge of the environment;
- 2) marshals of voivodeships;
- 3) heads of poviats.

2. Responsibilities of geological administration are fulfilled by:

- 1) the minister in charge of the environment - assisted by the Chief State Geologist, being a secretary or undersecretary of state in the office acting for the minister;
- 2) the marshal of the voivodeship – assisted by the voivodeship geologist;
- 3) the head of the poviat – assisted by the poviat geologist.

3. Responsibilities of marshals of voivodeships and heads of poviats prescribed in this Act fall under government administration responsibilities.

Article 157 In matters governed by this Act, the minister in charge of the environment is a superior authority, within the meaning of the Administrative Procedure Code, to marshals of voivodeships.

Article 158 Unless the Act provides otherwise, geological administration authorities are responsible for fulfilling specific responsibilities, including but not limited to:

- 1) taking decisions and undertaking other activities requisite to observe and apply the Act, including the grant of concessions;
- 2) the inspection of and supervision over the activities governed by the Act, including the planning of geological works and the drawing up of geological studies.

Article 159 1. If it is found that the activities governed by this Act are pursued:

- 1) in breach of the conditions provided for in a concession,
- 2) without an approved geological works plan or in breach of the conditions provided for in said plan,
- 3) without a submitted geological works plan which is not subject to approval, or in breach of the conditions provided for in said plan

– the competent geological administration authority shall, by decision, suspend the activities, order that the infringements found be promptly remedied and, if necessary, order that actions aimed to restore the environment to the favourable status be taken.

2. The decisions referred to in paragraph 1 shall be enforceable with immediate effect.

Article 160 Responsibilities related to geological studies are fulfilled by the geological administration authorities who granted concessions, respectively for the prospecting for or exploration of mineral deposits, or the prospecting for or exploration of a underground carbon dioxide storage complex, approved geological works plans or accepted submission of geological works plans that were not subject to approval.

Article 161 1. The marshal of the voivodeship is a geological administration authority of first instance, except for matters referred to in paragraphs 2 to 4.

2. The head of the poviát, as a geological administration authority of first instance, is in charge of matters related to the approving of geological works plans and to geological studies, regarding:

- 1) mineral deposits not covered by mineral rights, prospected or explored within an area of up to 2 hectares with a view to extracting up to 20,000 cubic metres by an opencast method in a calendar year and without using blasting agents;
- 2) groundwater intakes, predicted or established reserves of which do not exceed 50 cubic metres per hour;
- 3) geological and engineering surveys carried out for the purposes of the gmina spatial development planning and conditions for construction works foundation, except for supra-voivodeship line investments;
- 4) excavations dewatering of up to 50 cubic metres per hour in efficiency;
- 5) geological works performed with a view to using the Earth's heat;
- 6) hydro-geological conditions in connection with the intended implementation of projects likely to have adverse effects on groundwater, including pollution, regarding projects classified as projects likely to have significant effects on the environment, for which the obligation to draw up an environmental impact report may be required, excluding projects likely to have adverse effects on medicinal water and supra-voivodeship line investments.

3. The minister in charge of the environment, as a geological administration authority of first instance, is in charge of matters, relating to the approving of geological works plans and geological studies, regarding:

- 1) mineral deposits referred to in Article 10.1;
- 1a) the determination of hydro-geological conditions in connection with the planning of dewatering of mineral deposits referred to in Article 10.1;
- 1b) the determination of hydro-geological conditions in connection with the injection of water from the dewatering referred to in subparagraph 1a into the rock mass, the injection of deposit water created in the course of extraction of minerals referred to in Article 10.1 into the rock mass, and the injection of deposit water from geological hydrocarbon repositories into the rock mass;

- 2) maritime territories of the Republic of Poland;
- 3) regional hydrogeological surveys;
- 4) the determination of hydrogeological conditions in connection with the establishment of protected areas for groundwater reservoirs;
- 5) the determination of hydrogeological conditions, and geological and engineering conditions for underground tankless storage of substances or underground storage of waste;
- 5a) determine hydro-geological and geological and engineering conditions for the needs of the prospecting for and exploration of a underground carbon dioxide storage complex, and underground carbon dioxide storage;
- 6) regional surveys of geological structure of the country;
- 7) regional geological cartography works;
- 8) (repealed);
- 9) boreholes for the exploration of deep subsurface structure not related to the documentation of mineral deposits;
- 10) hydro-engineering works of more than 5 m in impounded water height.

4. The minister responsible for the environment shall be also in charge for matters connected with approval of the geological and investment study of a hydrocarbon deposit.

Chapter 3

State Geological Service

Article 162 1. The state geological service fulfils the following state responsibilities in the field of geology:

- 1) initiates, coordinates and fulfils responsibilities aimed to explore the geological structure of the country, including works of critical importance for the national economy, in particular for the renewal of the resource base of the country, establishment of mineral deposit reserves, and for environmental protection;
- 2) maintains a central geological archive;
- 3) gathers, makes available, processes, and records geological information;
- 4) maintains geological databases;
- 5) draws up a national assessment of mineral deposit reserves;
- 6) prepares materials with a view to organising tender procedures for the award of a concession for the prospecting for or exploration of hydrocarbon deposits

and extraction of hydrocarbons from deposits, or a concession for the extraction of hydrocarbons from a deposit, and draws up – in cooperation with the concession-granting authority – the assessment of geological prospectiveness referred to in Article 49f.3;

- 7) coordinates and performs geological cartography works and performs pilot works in said field;
- 8) maintains a register of mining districts and closed underground carbon dioxide storage sites;
- 9) coordinates geodiversity and environmental geology responsibilities;
- 10) identifies and monitors geological risks;
- 11) inspects the correctness of sampling from the performance of geological works and carries out other auxiliary activities on the basis of a separate authorisation of the competent authority of geological administration;
- 12) (repealed);

2. The state geological service fulfils geological responsibilities of the state, other than provided for in paragraph 1, entrusted by the minister in charge of the environment.

Article 162a 1. The state geological service is funded from the State budget means in the part relating to the environment, in charge of which is the minister responsible for the environment.

2. The state geological service may be co-funded from other public means, in accordance with the principles of use of such means.

Article 162b (Repealed);

Article 162c (Repealed);

Article 162d (Repealed);

Article 162e (repealed);

Article 162f (repealed);

Article 163 1. The state geological service is performed by the Polish Geological Institute - National Research Institute.

2. The Polish Geological Institute-National Research Institute may entrust the performance of some of the tasks specified in Article 162 to organisational units

established under separate regulations and to entrepreneurs within the meaning of the Entrepreneur Law Act of 6 March 2018—if the objects of their activity include geological development works.

3. The fulfilment of the state geological service responsibilities is supervised by the minister in charge of the environment acting through the Chief State Geologist.

4. The Polish Geological Institute - National Research Institute submits a work plan of the state geological service regarding the fulfilment of the responsibilities referred to in Article 162.1 for the approval of the minister in charge of the environment annually on 31 May at the latest.

5. Polish Geological Institute - National Research Institute provides the minister in charge of the environment with an annual report on 15 February, at the latest, on the fulfilment of the responsibilities referred to in paragraph 4 as at 31 December.

6. The statutes of the Polish Geological Institute - the National Research Institute shall be established by the minister responsible for the environment.

7. The Scientific Council of the Polish Geological Institute - the National Research Institute shall be comprised of, in numbers and in a proportion specified in the statutes:

- 1) scientific employees and survey and technical employees of the Polish Geological Institute - the National Research Institute, accounting for 30% to 50% of the members of the Council;
- 2) persons not being employees of the Polish Geological Institute - the National Research Institute, accounting for at least 50% of the members of the Council.

8. (repealed);

9. Within the scope regulated in paragraphs 6 to 8, the provisions of the Act of 30 April 2010 on Research Institutes (Journal of Laws of 2017, items 1158 and 1452) shall not apply to the Polish Geological Institute - the National Research Institute.

The National Administrator of Underground Carbon Dioxide Storage Sites

Article 163a 1. The function of the National Administrator of Underground Carbon Dioxide Storage Sites shall be created.

2. The responsibilities of the National Administrator of Underground Carbon Dioxide Storage Sites shall include:

- 1) duties related to the transfer of responsibility for a closed underground carbon dioxide storage site to the Administrator, including:
 - a) monitoring the underground carbon dioxide storage complex, including:
 - maintenance of monitoring facilities,
 - implementation of monitoring programmes,
 - b) developing projects, documentation, opinions, expert opinions and analyses connected with the closed underground carbon dioxide storage site,
 - c) securing the closed underground carbon dioxide storage site against threats connected with economic activities carried out in the adjacent areas,
 - d) carrying out and coordinating corrective measures and rescue operations, as well as corrective and preventive measures within the meaning of the provisions of the Act of 13 April 2007 on the Prevention and Remediating of Environmental Damage,
 - e) informing the competent authority in matters related to trading in greenhouse gas emission allowances referred to in the Act of 28 April 2011 on the Greenhouse Gas Emission Allowance Trading, and performing emission accounting in the case of carbon dioxide escape from the underground carbon dioxide storage complex,
 - f) removing damages occurring in the case of carbon dioxide escape from the underground carbon dioxide storage complex;
- 2) other duties than defined in subparagraph (1), entrusted by the minister responsible for the environment and relating to underground carbon dioxide storage, including duties in the scope of supervision and control.

3. In the case of assumption, by the National Administrator of Underground Carbon Dioxide Storage Sites, of responsibility for a underground carbon dioxide

storage site pursuant to Article 39a, the duties of the National Administrator of Underground Carbon Dioxide Storage Sites shall include the performance of the obligations defined in Articles 39c.1, 127d.1 (4) and (5), and 127i.2.

Article 163b The responsibilities of the National Administrator of Underground Carbon Dioxide Storage Sites shall be entrusted to the Polish Geological Institute - the National Research Institute.

Article 163c 1. The duties carried out by the National Administrator of Underground Carbon Dioxide Storage Sites shall be supervised by the minister responsible for the environment, with the help of the Chief National Geologist.

2. On an annual basis, the Polish Geological Institute - the National Research Institute, until 15 February, submits to the minister responsible for the environment a report on the performance of the tasks referred to in Articles 163a.2 and 163a.3 as at 31 December.

Chapter 4

Mining Supervision Authorities

Article 164 1. Mining supervision authorities include:

- 1) the President of the State Mining Authority;
- 2) directors of local mining authorities;
- 3) the director of the Specialist Mining Authority, hereinafter referred to as the "SMA".

2. Mining supervision authorities of first instance include directors of regional mining authorities and the director of the SMA, unless otherwise provided in the Act.

3. The first instance mining supervision authority in matters related to underground carbon dioxide storage is the President of the State Mining Authority.

Article 165 1. The President of the State Mining Authority is a government administration authority of nationwide jurisdiction, acting under the supervision of the minister responsible for energy, being in charge of mining supervision matters.

2. The President of the State Mining Authority is appointed by the Prime Minister from among persons selected in an open and competitive recruitment, on the application of the minister responsible for energy. Prime Minister dismisses the President of the State Mining Authority.

3. The position of the President of the State Mining Authority may be held by

a person who:

- 1) holds the degree of a magister or its equivalent;
- 2) is a Polish national;
- 3) enjoys his public rights in full;
- 4) has not been convicted by a final and non-appealable verdict for an intentional criminal offence or an intentional fiscal offence;
- 5) holds managerial competence;
- 6) holds at least 6 years' work experience, including at least 3 years' work experience at a managerial position;
- 7) received education in and knowledge of matters falling under the competence of the President of the State Mining Authority.

4. A notice of recruitment for the position of the President of the State Mining Authority is advertised by placing an advertisement in a publically available place in the registered office of the authority and in the Bulletin of Public Information of the authority and the Bulletin of Public Information of the Chancellery of the Prime Minister. The advertisement shall include:

- 1) the name and address of the authority;
- 2) the identification of the position;
- 3) legal requirements for the position;
- 4) the scope of responsibilities for the position;
- 5) the identification of required documents;
- 6) the time limit and location for submitting the documents;
- 7) information on the methods and techniques of recruitment.

5. The time limit referred to in paragraph 4(6) may not be less than 10 days after the publication of the advertisement in the Bulletin of Public Information of the Chancellery of the Prime Minister.

6. Recruitment for the position of the President of the State Mining Authority is carried out by a panel appointed by the minister responsible for energy, consisting of at least 3 persons whose knowledge and experience guarantee the best candidates are selected. In the recruitment process, the panel evaluates experience, knowledge necessary to fulfil the responsibilities assigned to the position for which the recruitment is carried out and managerial competence of a candidate.

7. The evaluation of the knowledge and managerial competence referred to in paragraph 6 may be carried out to the order of the panel by a person who is not a member of the panel and holds adequate qualifications to carry out the evaluation.

8. A member of the panel and the person referred to in paragraph 7 shall keep confidential all the information obtained during recruitment on the persons applying for the position.

9. In the process of recruitment, the panel selects a maximum of 3 candidates to be presented to the minister responsible for energy.

10. The panel prepares a report on the recruitment carried out, including:

- 1) the name and address of the authority;
- 2) the identification of the position for which the recruitment was carried out and the number of candidates;
- 3) first names, surnames, and addresses of no more than 3 best candidates arranged by the level of compliance with the requirements provided for in the recruitment advertisement;
- 4) information on the methods and techniques of recruitment.
- 5) justification for the selection made or the reasons for failure to select a candidate;
- 6) the panel composition.

11. The results of the recruitment are advertised promptly by publishing a notice in the Bulletin of Public Information of the authority and the Bulletin of Public Information of the Chancellery of the Prime Minister. The notice of the results of the recruitment contains:

- 1) the name and address of the authority;
- 2) the identification of the position for which the recruitment was carried out;
- 3) first names and surnames of candidates and their addresses as defined in the provisions of the Civil Code or a notice of failure to select a candidate.

12. Publication of an advertisement for recruitment and the results of said recruitment is free of charge in the Bulletin of Public Information of the Chancellery of the Prime Minister.

13. Vice-presidents of the State Mining Authority are appointed by the minister responsible for energy from among persons selected in an open and competitive recruitment, on the application of the President of the State Mining Authority. The minister responsible for energy dismisses vice-presidents of the State Mining Authority.

14. The panel in charge of the recruitment for the positions referred to in paragraph 13 is appointed by the President of the State Mining Authority.

15. Paragraphs 3 to 12 apply accordingly to the method of recruitment for the

positions referred to in paragraph 13.

16. The appointment referred to in paragraphs 2 and 13 implies the establishment of an employment relationship based on appointment within the meaning of the provisions of the Labour Code.

17. Persons dismissed from the position of the President or vice-president of the State Mining Authority who, before the appointment for said position, were state officials nominated in pursuance of the provisions of the Act on the employees of public authorities of 16 September 1982 (Journal of Laws of 2016, items 1511, 2074 and 2261) or civil servants, become civil servants and Article 45.2 of the Act on the employees of public authorities of 16 September 1982 applies to them accordingly.

Article 166 1. The President of the State Mining Authority, in particular:

- 1) is a superior authority, within the meaning of the Administrative Procedure Code, to directors of regional mining authorities and the director of the SMA and supervises their activities;
- 2) establishes, by order, committees providing opinions on public safety related to operations of a mining plant, occupational safety in mining industry, and identification of and prevention from risks in mining plants, and may also establish other permanent or ad-hoc advisory or opinion-giving joint authorities, prescribing their names, compositions, responsibilities, procedures and methods of service;
- 3) gathers and retains surveying and geological studies of decommissioned mining plants and makes them available under the terms and procedure prescribed in separate regulations;
- 4) is a specialised authority inspecting products marketed within the meaning of the Conformity Assessment System Act of 30 August 2002 with respect to the products designed to be used in the operations of a mining plant;
- 4a) is a market supervision authority within the meaning of the provisions of the Act of 13 April 2016 on Conformity Assessment and Market Supervision Systems (Journal of Laws of 2017, item 1398) with respect to the products designed to be used in the operation of a mining plant;
- 5) pursues publicity and information activities within the scope the responsibilities of mining supervision authorities require;
- 6) initiates scientific and research works and initiates and undertakes projects aimed to improve occupational safety and healthcare in mining industry,

implement technology advancements in mining, rational management of mineral deposits and reduce nuisance caused by the impact of mining industry on humans and the environment;

- 7) determines the directions and guidelines for mining authorities activity and may order directors of regional mining authorities and the director of the SMA to undertake specific activities and request information held by them;
- 8) conducts a comprehensive check and evaluation of public safety related to the operations of a mining plant, occupational safety in mining industry, identification of and prevention from risks in mining plants, the condition of mine rescue and other issues related to the operations of mining plants, and provides competent authorities with information, opinions and conclusions in said field;
- 9) draws up annual reports on the activities of mining authorities;
- 10) within the scope of the safety of activity consisting in the prospection, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland:
 - a) shall cooperate with the minister responsible for maritime economy and the director of the competent maritime office in order to ensure maritime safety in connection with the performance of that activity,
 - b) shall draw up reports and submit them to the competent authorities of other Member States of the European Union, in accordance with regulations concerning the safety of that activity,
 - c) shall conclude, after consultation with the minister responsible for the management of mineral deposits, agreements with the competent authorities of other Member States of the European Union concerning the development and updating of cooperation scenarios in the event of an accident or a dangerous event,
 - d) shall conclude, after consultation with the minister responsible for the management of mineral deposits, agreements with the competent agencies of the European Union and other institutions for the purpose of exchanging information concerning that activity,
 - e) shall provide, at the request of a competent authority of a Member State of the European Union, information concerning hazards to the environment that may occur in that state as a result of the performance of that activity,

- f) shall participate in consultations with entrepreneurs and the European Commission concerning the application of provisions relating to activity consisting in the prospection, exploration or extraction of hydrocarbons from deposits within maritime territories,
- g) shall cooperate with entrepreneurs conducting such activity for the purpose of developing and updating standards and guidelines concerning the best practices for controlling major hazards, at each stage of the performance of that activity.

2 The President of the State Mining Authority fulfils his responsibilities through the State Mining Authority acting under his direct management.

3 The State Mining Authority is established in Katowice.

4 The minister responsible for energy grants, by order, State Mining Authority a statute prescribing its internal organisation.

Article 167 1. Regional authorities of government administration responsible to the President of the State Mining Authority include directors of regional mining authorities and the director of the SMA.

2. The directors referred to in paragraph 1 and their deputies are appointed and dismissed by the President of the State Mining Authority.

3. The appointment referred to in paragraph 2 implies the establishment of an employment relationship based on appointment within the meaning of the provisions of the Labour Code.

4. Persons dismissed from the position of the director of deputy director of a regional mining authority or the SMA who, before the appointment for said position, were state officials nominated in pursuance of the provisions of the Act on the employees of public authorities of 16 September 1982 or civil servants, become civil servants and Article 45.2 of the Act on the employees of public authorities of 16 September 1982 applies to them accordingly.

5. The directors referred to in paragraph 1 fulfil their responsibilities through regional mining authorities and the SMA managed directly by them.

6. Responsibilities prescribed in the Civil Service Act of 21 November 2008 (Journal of Laws of 2017, item 1889) for the general director of the authority in regional mining authorities and the SMA are fulfilled by the President of the State Mining Authority.

7. The minister responsible for energy shall, by regulation, establish and

dissolve regional mining authorities, specifying their names, registered offices, and territorial competence, according to the needs related to the rationalisation of mining supervision authorities operation.

8. Territorial jurisdiction of the director of the SMA extends to the whole territory of the Republic of Poland.

9. The SMA is established in Katowice.

10. Internal organisation and procedures of regional mining authorities and the SMA are prescribed by order of the President of the SMA.

Article 168 1. Mining supervision authorities supervise and scrutinise operations of mining plants, in particular in the scope of:

- 1) occupational health and safety;
- 2) fire safety,
- 3) mine rescue;
- 4) management of mineral deposits in the extraction process,
- 5) environmental protection and deposit management, including according to the criterion of entrepreneurs fulfilling of obligations prescribed in separate regulations or on their basis;
- 6) damage prevention;
- 7) construction and decommissioning of a mining plant, including reclamation of land following the conclusion of mining activities.

2. With respect to the planning and execution of construction operations and maintenance of construction works within the mining plant, mining supervision authorities fulfil responsibilities referring to architectural and construction administration, and construction supervision.

Article 169 1. The director of the SMA is a mining supervision authority of first instance with respect to underground mining plants, having subject-matter jurisdiction over:

- 1) shaft winding apparatuses;
- 2) transportation equipment, the means of which move in workings along a track of more than 45° in slope;
- 3) shafts and foreshafts with equipment;
- 4) a central office and control room together with communication, safety and alarm systems, and trunk telecommunication networks;
- 5) main ventilating fan units;

6) high and medium voltage electric power devices, installations, and grids feeding the facilities, machinery, and apparatuses referred to in subparagraphs (1) to (5).

2. The director of the SMA is a mining supervision authority of first instance fulfilling responsibilities of architectural and construction administration, and construction supervision, having subject-matter jurisdiction over the following works of underground mining authorities:

- 1) winding apparatus works,
- 2) headframes;
- 3) pithead buildings;
- 4) works of the equipment referred to in paragraph 1(2);
- 5) detached buildings of the central offices, control rooms, systems and networks referred to in paragraph 1(4);
- 6) works of main ventilating fan units;
- 7) works designed for high and medium voltage electric power devices, installations and grids feeding the facilities, machinery, and apparatuses referred to in paragraph 1(1) to (5).

Article 170 1. Mining supervision authorities supervise and scrutinise:

- 1) entities professionally engaged in mine rescue in the scope of their observance of regulations on mine rescue;
- 2) entities carrying out, within the scope of their professional activities, assignments in the operation of a mining plant.

2. Mining supervision authorities supervise and scrutinise performance of the geological works referred to in Article 86.

3. Mining supervision authorities supervise and scrutinise training provided to persons acting in the operations of a mining plant or performing the geological works referred to in Article 86.

Article 171 1. In fulfilling supervision and scrutiny responsibilities the competent mining supervision authority:

- 1) orders that the irregularities caused by breaching regulations applicable in the operations of a mining plant or the conditions provided for in a mining plant operations plan, and in the case of activities pursued based on a concession granted by the head of the poviat - conditions regarding the operations of a mining plant provided for in said concession, be remedied;

- 2) in the case of a direct risk to a mining plant, its staff, public safety or the environment, may suspend the operations of said mining plant or its equipment in whole or in part, prescribing the conditions for resuming the operations of said plant or equipment;
- 3) may order that requisite preventive measures be taken, including the referring of a specific issue to be examined by the committee referred to in Article 166.1(2);
- 4) may order that specific activities necessary to ensure proper operation of a mining plant, other than preventive measures, be undertaken.

2 The decisions referred to in paragraph 1(1) and (2) may also be issued by the President of the State Mining Authority.

3 Decisions issued pursuant to paragraph 1(1) or (2) are enforceable with immediate effect.

Article 172 1. In fulfilling supervision and scrutiny responsibilities the competent mining supervision authority:

- 1) may scrutinise appropriateness of solutions implemented or intended to be implemented by an entrepreneur also by referring a specific issue for examination by the committee referred to in Article 166.1(2);
- 2) may perform measurements to evaluate safety in a mining plant, evaluate public and environmental safety in connection to the operations of a mining plant, using:
 - a) portable equipment,
 - b) in cases justified by a high level of natural risks – stationary equipment constructed in a mining plant at the expense of an entrepreneur as prescribed in the decision issued by said authority.

2 The competent mining supervision authority, by decision, may order an entrepreneur to scrutinise the appropriateness of the solutions referred to in paragraph 1(1) or to perform the measurements referred to in paragraph 1(2), including as prescribed by said authority; the decision may also be issued by the President of the State Mining Authority.

3 The costs of the activities referred to in paragraph 2 are incurred by an entrepreneur, unless the request to take said actions was unjustified.

Article 173 1. (repealed);

2. A mining supervision authority promptly notifies the competent geological

administration authority if it discovers that the activities governed by this Act are pursued without an approved geological work plan or without a submitted geological works plan that is not subject to approval, or in breach of the conditions prescribed in a concession or a geological works plan.

Article 174 1. In case of a dangerous event, incident or a natural death occurring in the operation of a mining plant, the competent mining supervision authority may establish the facts and reasons for said event, incident, or death.

1a. In the case of a major hazardous event or fatal accident, severe accident or mass accident concerning the operations of a mining plant of an entrepreneur conducting activity that consists in prospecting for, exploration or extraction of hydrocarbons from deposits within the maritime territories of the Republic of Poland, the competent mining supervision authority shall determine the factual circumstances and causes of that event or accident and shall immediately provide those findings to the President of the State Mining Authority.

2. If it is required by the weight or complexity of the case, in particular in case of a multiple incident, disaster or dangerous event, the activities provided for in paragraph 1 may be undertaken, in whole or in part, by the President of the State Mining Authority. If necessary, the President of the State Mining Authority establishes, by order, a special committee for identifying the causes and circumstances of the event, prescribing the composition and responsibilities of said committee.

3. The activities provided for in paragraph 1 are undertaken by employees of mining supervision authorities on showing service cards giving power to undertake said activities.

Article 174a 1. The President of the State Mining Authority shall summarise the information contained in:

- 1) the findings referred to in Article 174(1a);

- 2) the reports referred to in Article 41(1) of the Act of 31 August 2012 on the State Commission for Maritime Accident Investigation (Journal of Laws of 2012, item 1068; Journal of Laws of 2015, item 1320; and Journal of Laws of 2017, items 60 and 1215), where a mining plant of an entrepreneur conducting activity consisting in prospecting, exploring or extracting of hydrocarbons from deposits within the maritime territories of the Republic of Poland was involved in a maritime accident or incident;
- 3) the decision of the director of a maritime office concluding the proceedings referred to in Article 29 of the Act of 16 March 1995 on the Prevention of Sea Pollution by Ships.

2. The President of the State Mining Authority shall submit a summary of the information referred to in paragraph 1 to the European Commission and shall publish it in the Public Information Bulletin on the website of the office providing services to the President.

3. The President of the State Mining Authority shall analyse the information referred to in paragraph 1 in order to increase the effectiveness of the performance of the tasks of mining supervision authorities.

Article 174b 1. Every year, by 15 February of each year, the President of the State Mining Authority shall draw up and submit to the minister responsible for the management of mineral deposits, as well as provide, for information purposes, the minister responsible for the environment, with a report on the President's activity for the preceding year, in accordance with the scope of the tasks specified in Article 166(1)(10).

2. Every year, by 1 June, the President of the State Mining Authority shall prepare and publish in the Public Information Bulletin on the website of the office providing services to the President and provide the European Commission with a report on the President's activity for the preceding year, in accordance with the guidelines set out in Annex II to Commission Implementing Regulation (EU) No 1112/2014 of 13 October 2014 determining a common format for sharing of information on major hazard indicators by the operators and owners of offshore oil and gas installations and a common format for the publication of the information on major hazard indicators by the Member States.

Article 174c 1. The President of the State Mining Authority shall request an entity having the registered office within the territory of the Republic of Poland and conducting, itself or through its subsidiaries, activity consisting in prospecting, exploring or extracting of hydrocarbons from deposits within the maritime territories of a state not being a Member State of the European Union to prepare a report concerning the circumstances of the occurrence of the hazard referred to in Article 123a(1) in which that entity was involved.

2. The entity referred to in paragraph 1 shall submit a report to the President of the State Mining Authority within 14 days from the date of receipt of the request for the submission of a report.

3. The President of the State Mining Authority shall each time specify in a request the information that shall be included in the report.

Article 174d 1. The President of the State Mining Authority shall, as part of the cooperation referred to in Article 166(1)(10)(g), by way of an order, establish a commission for the safety of activity consisting in prospecting, exploring or extracting of hydrocarbons from deposits within the maritime territories of the Republic of Poland, and shall determine the scope of its tasks, the procedure for its work, and the manner in which it shall be served.

2. The commission referred to in paragraph 1 shall be comprised of the President of the State Mining Authority and representatives of:

- 1) the State Mining Authority and regional mining authorities;
- 2) entrepreneurs conducting activity consisting in prospecting, exploring or extracting of hydrocarbons from deposits within the maritime territories of the Republic of Poland;
- 3) employees of the entrepreneurs referred to in subparagraph (2).

3. The President of the State Mining Authority shall be the chairperson of the commission referred to in paragraph 1.

4. The commission referred to in paragraph 1 shall develop standards and guidelines concerning the best practices for controlling major hazards, for each stage of the performance of activity consisting in prospecting, exploring or extracting of hydrocarbons from deposits within the maritime territories of the Republic of Poland.

5. The President of the State Mining Authority shall publish the standards and guidelines referred to in paragraph 4 in the Public Information Bulletin on the

website of the office providing services to the President.

6. The guidelines referred to in Annex VI to Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC (OJEU L 178 of 28.6.2013, p. 66) shall be taken into account when developing the standards and guidelines referred to in paragraph 4.

7. The provisions of paragraphs 4–6 shall apply to updates to the standards and guidelines referred to in paragraph 4.

Article 174e 1. The President of the State Mining Authority shall publish in the Public Information Bulletin on the website of the office providing services to the President a phone number that may be used to report safety and environmental problems relating to activity consisting in prospecting, exploring or extracting of hydrocarbons from deposits within the maritime territories of the Republic of Poland.

2. The provision of data enabling identification of the reporting person shall not be required for reporting the problems referred to in paragraph 1.

3. The reports referred to in paragraph 1 shall be analysed with the anonymity of the reporting persons preserved.

SECTION X

Civil Penalties

Article 175 1. The President of the State Mining Authority shall impose, by their decision, a civil penalty on an entrepreneur who:

- 1) fails to fulfil an obligation of an entrepreneur to:
 - a) identify mining plant operations-related risks and take measures aimed to prevent and remedy the said risks;
 - b) hold adequate financial and technical resources and services providing safety to the staff and operations of a mining plant;
 - c) assess and record occupational risk and apply requisite solutions to reduce the said risk, including by preparing a safety and health protection document,
 - d) run their own mine rescue services or entrust the fulfilment of this obligation in part or in whole to entities,
 - e) review the analysis of major hazards to a given mining plant, in

- accordance with Article 108(2d) and Article 108a, or to provide the competent authority of mining supervision with its results,
- f) develop or implement the system referred to in Article 117a(1)(1),
 - g) establish or implement the independent verification system referred to in Article 117a(1)(2),
 - h) submit the mine rescue plan or amendments thereto to the entity referred to in Article 24(1)(3) of the Act of 16 March 1995 on the Prevention of Sea Pollution by Ships, in accordance with Article 122(11d)(1),
 - i) supply the mining plant with mine rescue equipment or to make that equipment available to the entities referred to in Articles 24(1)(2) and (3) of the Act of 16 March 1995 on the Prevention of Sea Pollution by Ships, in accordance with Article 122(11d)(2),
 - j) notify the competent authority of mining supervision, the Maritime Search and Rescue Service, the director of the competent maritime office, and the Border Guard of the occurrence of a hazard to the lives or health of persons being on the premises of a given mining plant, to the safety of the operations of that mining plant, to general public safety or to the environment, in accordance with Article 123a(1),
 - k) draw up and submit to the competent authority of mining supervision, the Maritime Search and Rescue Service], the director of the competent maritime office, and the Border Guard, the report referred to in Article 123b(1), concerning the occurrence of the hazard referred to in Article 123a(1),
 - l) provide inspectors with transport to and from a given mining plant, including the transport of equipment necessary to conduct an inspection, and with board and accommodation, in accordance with Article 154(4),
 - m) provide the competent regional director of environmental protection with transport to and from the place where a direct threat of damage to the environment or damage to the environment has occurred, including the transport of the necessary equipment, and with board and accommodation, in accordance with Article 154(5);
- 2) fails to enforce decisions of a mining supervision authority:
- a) ordering that the irregularities caused by breaching regulations applicable in the operations of a mining plant or the conditions provided for in a mining plant operations plan or requirements regarding the operations of

a mining plant provided for in a concession granted by the district executive,

- b) suspending the operations of a mining plant or its equipment in whole or in part due to a direct risk to the mining plant, its staff, public safety or the environment, prescribing the requirements for resuming the operations of the said plant or equipment,
- c) ordering that requisite preventive measures be taken, including the referring of a specific issue to be examined by the committee referred to in Article 166(1)(2),
- d) ordering that specific activities necessary to ensure proper operation of a mining plant, other than preventive measures, be undertaken,
- e) ordering that the appropriateness of solutions implemented or planned to be implemented by an entrepreneur be scrutinised, including as prescribed by the said authority,
- f) ordering that measurements aimed to evaluate safety in a mining plant and to evaluate public and environmental safety in connection with the operations of a mining plant be performed, including as prescribed by the said authority.

1a. The President of the State Mining Authority shall impose, by their decision, a civil penalty on an entity having the registered office within the territory of the Republic of Poland and conducting, itself or through its subsidiaries, activity consisting in prospecting, exploring or extracting of hydrocarbons from deposits within the maritime territories of a state not being a Member State of the European Union that has failed to prepare or to submit, at the request of the President of the State Mining Authority, a report concerning the circumstances of the occurrence of the hazard referred to in Article 123a(1) in which that entity was involved.

2. The President of the State Mining Authority shall impose, by their decision, a civil penalty on a manager of a mining plant who:

- 1) fails to fulfil an obligation of an entrepreneur to:
 - a) keep register of persons in a mining plant and – in the case of mining plants extracting coal – the time spent in underground workings,
 - b) have and appropriately retain the records of a mining plant's operations,
 - c) have a proof of having technical solutions checked by an expert in mining plant operations – in the cases referred to in the regulations adopted under Articles 120(1) and (2);

- d) keep mine rescue records,
 - e) carry out specialist medical examinations, specialist psychological examinations and specialist training courses in mine rescue;
- 1a) fails to submit to the competent authority of mining supervision the reports on the implementation of the mining plant operation plan referred to in Article 117b(1);
- 1b) fails to display information on the possibility to report anonymously problems concerning safety and the environment relating to activity consisting in prospecting, exploring or extracting of hydrocarbons from deposits within the maritime territories of the Republic of Poland, or fails to inform persons present on the premises of the mining plant on this possibility, in particular during each occupational health and safety training course, in accordance with Article 117c;
- 2) allows activities to be performed in the operations of a mining plant in a manner that may cause risk to human life or health or the said operations;
- 3) fails to fulfil the obligation of an entrepreneur to provide training to persons participating in the operations of a mining plant regarding occupational health and safety rules and regulations, including safe performance of the entrusted activities, or allows persons who fail to prove sufficient knowledge of the said rules and regulations to work in the operations of a mining plant;
- 4) allows persons who do not hold relevant qualifications to participate in the operations of a mining plant.

3. A civil penalty shall be imposed:

- 1) on an entrepreneur or the entity referred to in paragraph 1a, in an amount of up to 3% of the revenues generated by the punished entrepreneur or entity in the previous calendar year;
- 2) on the mining plant operations manager in the amount of 300% of their monthly remuneration calculated as for the purpose of the payment in lieu of holiday.

4. In determining the amount of the civil penalty, the President of the State Mining Authority shall take to the scope of the breach, previous activities of the entity and its financial potential into account.

5. The entity shall provide the President of the State Mining Authority at their every request, within 30 days after the receipt of the request, with data necessary to determine the basis for the civil penalty. If the entity fails to provide said the data

or if the data provided make the determining of the civil penalty basis impracticable, the President of the State Mining Authority may estimate the civil penalty basis; however the amount shall be no less than:

- 1) PLN 500 000 – in the case referred to in paragraph 3(1);
- 2) PLN 5000 – in the case referred to in paragraph 3(2).

6. Where the entrepreneur's activities last less than a calendar year, the civil penalty basis shall be assumed as PLN 500 000.

7. Civil penalties shall be subject to execution under the regulations on enforcement proceedings in administration within the scope of executing cash obligations.

8. Amounts collected due to a civil penalty shall constitute income of the state budget.

SECTION XI

Criminal Provisions

Article 176 1. Whoever, without a required concession or an approved geological works plan, or in breach of the requirements provided for in the said instruments, performs their activities in:

- 1) prospecting or exploring of mineral deposits, or prospecting or exploring of a underground carbon dioxide storage complex,
- 2) extracting of minerals from deposits,
- 3) underground tankless storage of substances, or underground landfilling of waste, or underground carbon dioxide storage,

causes considerable damage to property or serious harm to the environment, they shall be subject to imprisonment for a maximum term of 3 years.

2. If the perpetrator of the act referred to in paragraph 1 causes a direct risk of considerable damage to property or serious harm to the environment, they shall be subject to a fine, restriction of liberty or imprisonment for a maximum term of 2 years.

3. If the perpetrator commits the act referred to in paragraph 1 or 2 unintentionally, they shall be subject to a fine, restriction of liberty or imprisonment for a maximum term of 1 year.

Article 177 Whoever, without a required concession or an approved geological works plan, or in breach of conditions provided for in the said

instruments, performs their activities in:

- 1) prospecting or exploring of mineral deposits, or prospecting or exploring of a underground carbon dioxide storage complex,
- 2) extracting of minerals from deposits,
- 3) underground tankless storage of substances, underground landfilling of waste, or underground carbon dioxide storage, they shall be liable to detention or a fine.

Article 178 Whoever performs or supervises geological development works or manages the said works without relevant qualifications, shall be subject to a fine.

Article 179 Whoever:

- 1) for other purposes than prospecting or exploring of mineral deposits or prospecting or exploring of a underground carbon dioxide storage complex, performs geological works without an approved geological works plan or in breach of the requirements provided for in the said plan, or without submitting a geological works plan which is not subject to approval, or in breach of the requirements provided for in the said plan,
 - 2) fails to notify the competent authorities of the intent to commence performing geological works,
- shall be subject to a fine.

Article 180 Whoever fails to enforce a decision of a geological administration authority on:

- 1) the prohibition to pursue certain activities by persons who pursue the said activities with gross negligence, in contravention of the Act or in direct contravention of the regulations adopted under the Act,
 - 2) the suspension of activities or the order to remedy discovered infringements promptly, or the order to undertake activities aimed at restoring the favourable status of the environment, if the activities are found to be pursued without an approved geological works plan or without submitting a geological works plan that is not subject to approval, or in breach of the requirements provided for in a concession or the plan,
- shall be subject to a fine.

Article 181 Whoever acts:

- 1) as a manager or supervisor of mining plant operations or acts in other areas of

a mining plant operations,

- 2) in managerial positions in the entities providing professional mine rescue services,

with no required qualifications, they shall be subject to a fine.

Article 182 1. Whoever conducts mining plant operations without an approved mining plant operations plan or in breach of its requirements, shall be subject to detention or a fine.

2. If the perpetrator commits the act referred to in paragraph 1 unintentionally, shall be subject to a fine.

Article 183 Whoever fails to fulfil their obligations to inventory mineral deposit reserves, to submit information on changes in mineral deposit reserves, to hold, draw up, update and supplement the required survey and geological report, and to provide geological data and samples, including results of tests on samples, obtained as a result of geological works, shall be subject to a fine.

Article 184 1. Whoever, in mining plant operations, undertakes activities relating to the movement of persons in shafts or to the storage or use of blasting agents and equipment, or permits said activities to be undertaken, where there is a risk of fire, rockbursts, gas or dust, a climate or water-related risk, in a manner that may cause risk to human life or health, or to mining plant operations, shall be subject to detention or a fine.

2. If the perpetrator commits the act referred to in paragraph 1 unintentionally, shall be subject to a fine.

3. Whoever:

- 1) in mining plant operations undertakes activities or allows the said activities to be undertaken in conditions other than those specified in paragraph 1, in a manner that may cause risk to human life or health, or mining plant operations,
- 2) fails to fulfil their obligation to:
 - a) identify mining plant operations-related risks and take measures aimed at preventing and remedying the said risks;
 - b) hold adequate financial and technical resources and services providing

- safety to the staff and operations of a mining plant;
- c) keep register of persons in a mining plant by providing their first names, surnames and positions;
 - d) assess and record occupational risk and apply requisite solutions to reduce the said risk, including by preparing a safety and health protection document,
 - e) have and appropriately retain the records of a mining plant's operations,
 - f) hold a proof of having technical solutions checked by an expert in mining plant operations,
 - g) keep mine rescue records,
 - h) carry out specialist medical examinations, specialist psychological examinations, and run specialist training courses;
 - i) run their own mine rescue services or entrust the fulfilment of this obligation in part or in whole to entities,
 - j) draw up, have, approve and revise a relevant mine rescue plan,
 - k) organise a rescue team and an adequately equipped mine rescue station or maintain a plant rescue station,
 - l) approve studies on preventive works,
 - m) take decisions on undertaking preventive works and implement and take decisions on concluding preventive works,
 - n) undertake and perform a rescue operation,
 - o) decommission of a mining plant or its part by:
 - securing or abandoning workings and decommissioning equipment, systems and facilities of a mining plant,
 - securing the unused part of a mineral deposit,
 - securing neighbouring mineral deposits,
 - taking requisite measures to protect workings of neighbouring mining plants,
 - taking requisite measures to protect the environment and reclaim land after concluding mining activities,
- 3) fails to fulfil the obligation to provide training to persons participating in the operations of a mining plant in occupational health and safety rules and regulations, including safe performance of the entrusted activities, or allows persons who fail to prove sufficient knowledge of the said rules and

regulations to work in the operations of a mining plant,

- 4) allows persons who do not hold relevant qualifications to participate in the operations of a mining plant,
shall be subject to a fine.

Article 185 1. Whoever:

- 1) noticing a risk to humans, a mining plant or its operations, damage to or abnormal operation of equipment in the said mining plant, fails to fulfil the obligation to warn the persons in danger, take available measures to remedy the risk and notify the risk to the closest operations manager or supervisor,
- 2) where a risk occurs to life or health of persons in a mining plant, fails to fulfil the obligation to suspend the operations performed in the danger zone, withdraw humans to a safe location and take necessary actions, including available measures to remedy the risk,
shall be subject to detention or a fine.

2. If the perpetrator commits the act referred to in paragraph 1
unintentionally,
shall be subject to a fine.

Article 186 A mining plant operations manager who fails to fulfil the obligation to notify the competent mining supervision authority of an incident or a natural death occurring in a mining plant, or of dangerous events relating to the mining plant operations, posing risk to human life or health, or public safety,
shall be subject to detention or a fine.

Article 187 Whoever fails to fulfil their obligation to establish a fund, gather resources in the fund and to provide, at the request of competent authorities, up-to-date bank statements for the account where the fund resources are gathered or information on the use of the said resources,
shall be subject to a fine.

Article 188 Whoever fails to enforce a decision of a mining supervision authority regarding:

- 1) the prohibition to pursue certain activities by persons who pursue the said activities with gross negligence, in contravention of the Act or in direct contravention of the regulations adopted under the Act,
- 2) the order to draw up or amend a mining report promptly,

- 3) the order to suspend the activities pursued without a required concession, shall be subject to a fine.

Article 189 Adjudication in the cases referred to in Articles 177–188 shall be subject to the terms and procedure determined in the Summary Offence Procedure Code.

SECTION XII

Amendments to Applicable Provisions

Articles 190–200. (omitted)

SECTION XIII

Transitional and Final Provisions

Article 201 Tankless storage of substances and landfilling of waste in the rock mass, including underground workings, provided for in previous regulations shall become underground tankless storage of substances and underground landfilling of waste as defined in the Act.

Article 202 1. An entrepreneur who before 1 January 2002 was granted a concession for prospecting or exploring of mineral deposits, extending also to extracting of the said minerals, and with respect to whom a concession-granting authority failed to issue a separate decision prescribing detailed requirements for extracting of minerals, before the extraction of the mineral from a deposit is commenced, shall provide the concession-granting authority with a geological report, a deposit development plan and an environmental permit if it is required under separate regulations.

2. A concession-granting authority, on the basis of the documents referred to in paragraph 1, shall prescribe, by separate decision, detailed requirements for mineral extraction. The provision of Article 32 shall apply accordingly.

3. The issue of the decision referred to in paragraph 2 shall be agreed on with the competent mayor of the commune/municipality, city or town. The provision of Article 23(2)(2) shall apply accordingly.

Article 203 1. Deposits of curative water, thermal water and brine, which under previous regulations have been declared to be minerals, shall become minerals within the meaning of the Act.

2. Entities running operations relating to using underground water declared

under the Act to be minerals may continue running such operations under decisions held until their expiry.

Article 204 The claim referred to in Article 19 may not be made by the entrepreneurs who had been granted concessions before the Act came into force.

Article 205 1. Concessions granted under previous regulations shall become concessions within the meaning of the Act.

2. If a concession issued under previous regulations failed to specify the date of commencing the activities covered by the said concession and the said activities had not been undertaken before the Act came into force, an entrepreneur shall undertake the activities within one year of the Act coming into force. Where the activities have not been undertaken, a concession-granting authority shall declare the expiry of the concession.

3. The regulations on proving the right to geological information shall not apply to the amendment or transfer of concessions granted before the Act came into force, unless the amendment of the concession aims at extending the space covered with the activities or at extending its validity period.

4. The previous regulations shall apply to concessions for prospecting or exploring of mineral deposits other than provided for in Article 10(1) granted before the Act came into force.

5. If the amendment to the concession for extracting hard coal or lignite from a deposit or native sulphur extracted using the borehole method concerns only the extension of its validity period and is justified by rational deposit management, it shall be necessary to obtain approval of commune/municipality mayor (mayor, president of the city) having jurisdiction over the location where the intended activities are carried out. The provision of Article 23(2a)(1) shall not apply.

Article 206 1. Mining usufruct agreements concluded under previous regulations shall remain in force.

2. The provisions of the Act shall apply to the mining usufruct referred to in paragraph 1.

3. An entrepreneur who on the date of the Act coming into force pursues their activities without a mining usufruct required by the said Act, shall conclude a mining usufruct agreement within one year of the Act coming into force. Where the agreement is not concluded, a concession-granting authority shall request that the agreement be concluded within at least 14 days, failing which the concession will

be cancelled without compensation.

4. An entity, which on the date of the Act coming into force pursues the activities referred to in Article 2(1) without the mining usufruct required by the said Act, shall conclude a mining usufruct agreement within 2 years of the Act coming into force. Failure to conclude the agreement shall be equivalent to exercising a mineral right without the required title.

Article 207 1. Article 47 of the Geological and Mining Law Act of 4 February 1994 (Journal of Laws, item 96, as amended⁵) shall apply to the right to geological information obtained before 1 January 2002.

5) Amendments to the aforementioned Act were announced in the Journal of Laws of 1996, item 496, of 1997, items 554, 726 and 885, of 1998, item 668, and of 2000, items 1157 and 1268.

2 Previous regulations shall apply to the right to geological information obtained between 1 January 2002 and the date of the Act coming into force.

3 If the entity who acquired the right to geological information has been liquidated without any decisions as regards to the succession of the right to geological information or it is not possible to determine the entity entitled to that right, the State Treasury may exercise that right.

Article 208 1. Areas of mineral deposits for which a competent geological administration authority has approved a geological report without reservations before the date of the Act coming into force and which have not been entered into the commune/municipality land use plan within a maximum of 2 years of this Act coming into force, shall be entered into the commune/municipality land use plan.

2. On the expiry of the time limit prescribed paragraph 1 the head of the voivodeship shall enter the documented area of a mineral deposit into the commune/municipality land use plan and issue a substitute order. The plan developed under the said procedure produces the same legal effects as a commune/municipality land use plan.

3. Total costs of developing the plan shall be incurred by the commune/municipality to the area of which the substitute order applies.

4. If the commune/municipality council appeals against the substitute order referred to in paragraph 2, the administrative court shall schedule a trial within 30 days as of the date when the appeal is submitted to the court.

5. The provisions of the Commune/Municipality Government Act of 8 March 1990 shall apply accordingly.

Article 209 Prefeasibility studies for deposits approved or adopted under the previous regulations shall become deposit prefeasibility studies for deposits within the meaning of the Act.

Article 210 1. Decisions, certificates and other documents regarding qualifications of persons and restrictions regarding the use of said qualifications, issued under previous regulations shall remain in force, and the qualifications obtained before the day of the Act coming into effect shall be regarded as corresponding to the same category of qualifications obtained after the date of the Act coming into effect.

2. Certificates and authorisations granting a licence of an expert in mining plant operations issued under previous regulations shall remain in force for the scope and time provided for in the said instruments.

3. Persons who obtained, under previous regulations, certificates of qualifications of:

- 1) a mining surveyor in underground mining plants – may act as the mining surveyor referred to in Article 53(1)(5)(a) and operations manager and supervisor in the said mining plants;
- 2) a mining surveyor in opencast mining plants or plants extracting minerals by borehole drilling – may act as the mining surveyor referred to in Article 53(1)(5)(b) and operations manager and supervisor in the said mining plants;
- 3) a mining geologist in underground mining plants – may act as the mining geologist referred to in Article 53(1)(6)(a) and operations manager and supervisor in the said mining plants;
- 4) a mining geologist in opencast mining plants or plants extracting minerals by borehole drilling – may act as the mining geologist referred to in Article 53(1)(6)(b) and operations manager and supervisor in the said mining plants;
- 5) a manager of professional rescue teams performing acts within the scope of mine rescue for underground mining plants – may perform the acts of a manager of on-duty professional rescue teams performing acts within the scope of mine rescue for underground mining plants;
- 6) a manager of professional specialised emergency services performing the acts within the scope of mine rescue for underground mining plants – may perform the acts of a manager of professional specialised emergency services performing the acts within the scope of mine rescue for underground mining plants.

4. Practical occupational training course completed after the date of the Act coming into force:

- 1) in designing geological works shall be deemed to be equivalent to the practical occupational training course in designing geological development works completed prior the date of the Act coming into force;
- 2) in determining conditions for and planning investment projects relating to

underground tankless storage of substances and underground landfilling of waste, shall be deemed equivalent to the practical occupational training course in determining conditions for and planning investments projects relating to underground tankless storage of substances and underground landfilling of waste completed prior the date of the Act coming into force;

- 3) in preparing geological works plans and geological report relating to the prospecting for and exploring mineral deposits covered by mining ownership, except for deposits of crude oil, natural gas, curative water, thermal water and brine, shall be deemed equivalent to practical occupational training course in preparing geological works plan and geological report relating to the prospecting for and exploring basic mineral deposits completed, which on the date of the Act coming into force were covered by the mining ownership, except for deposits of crude oil, natural gas, curative water, thermal water and brine;
- 4) in preparing geological works plans and geological report relating to prospecting and exploring mineral deposits covered by land property rights, shall be deemed equivalent to practical occupational training course in gained before the day of the Act coming into effect in preparing geological development work plans and geological report relating to the prospecting for and exploring common mineral deposits and basic mineral deposits which on the date of the Act coming into force have become minerals covered by the land property rights.

Article 211 Decisions on the approval of a geological report, notifications of geological report approval and decisions on the approval of geological development works plans issued under previous regulations shall remain in force.

Article 212 As of the date of the Act coming into force, the procedure instituted under Article 11 of the Act on the amendment of the Geological and Mining Law Act of 27 July 2001 (Journal of Laws, item 1190) shall be discontinued.

Article 213 By the time the plan referred to in Article 104(2) is adopted, decisions on the establishing of barrier pillars and permits for pursuing works within the limits of said pillars issued under previous regulations shall remain in force.

Article 214 1. Decisions concerning mining plant operations issued under the

previous regulations shall remain in force.

2. Decisions authorising the use of products in mining plants issued under previous regulations shall remain in force for the scope and time provided for in the said instruments.

3. Decisions classifying natural risks occurring in mining plants under individual degrees, categories or classes, issued or adopted under previous regulations, shall remain in force until the date of making – under the provisions of the Act – a classification referring to the same space in the mining plant; decisions classifying workplaces in workings in underground mining plants under individual categories of risks of dusts harmful to health lapse as of the date of the Act coming into force.

Article 215 1. Resources of the mining plant decommissioning fund gathered under previous regulations shall become the resources of the fund within the meaning of the Act.

2. Entrepreneurs who on the date of the Act coming into force operate more than one mining plant may set up a shared fund releasing the funds set up for individual mining plants. In this case, entrepreneurs shall transfer the resources of the released funds into the account of the shared fund.

3. As of the date of the Act coming into force, a fund set up under previous regulations by an entrepreneur pursuing activities under a concession granted by the district executive may be released.

Article 216 The previous regulations shall apply to the declaring of invalidity of or the resuming of proceedings in the cases concluded with final rulings of the committees for mining damage.

Article 217 The previous regulations shall apply to the charges and royalties, referred to in Section VII, payable for the period preceding the Act coming into force.

Article 218 1. Charges or administrative civil penalties improperly levied for a period ending 31 December 2001 shall be recovered from the National Fund for Environmental Protection and Water Management or the commune/municipality respectively.

2. The recovery, referred to in paragraph 1, shall be effected under a decision of a competent concession-granting authority, and in the case of extracting minerals

without a required concession – a decision issued by the authority, which assessed the amount of charge or civil penalty.

Article 219 As of the date of the Act coming into force, the authorities determined as competent under previous regulations shall provide the authorities regarded as competent under this Act with the files of:

- 1) completed cases – within 3 months following the date of the Act coming into force;
- 2) pending cases – promptly after completing the proceedings.

Article 220 (omitted)

Article 221 1. The Mining Authority for Check Tests of Power and Mechanical Equipment, established by the Regulation of the Prime Minister of 26 August 1994 on the establishment of the Mining Authority for Check Tests of Power and Mechanical Equipment (Journal of Laws, item 436 and of 1997, item 625), shall become the Specialist Mining Authority within the meaning of this Act.

2. An employment relationship on the basis of the appointment of a person holding, on the date of the Act coming into force, a position of the director of the Mining Authority for Check Tests of Power and Mechanical Equipment or a deputy director of the Mining Authority for Check Tests of Power and Mechanical Equipment, established under previous regulations, shall become an employment relationship on the basis of the appointment for a position of the director of the SMA or a deputy director of the SMA within the meaning of the Labour Code.

Article 222 The previous regulations shall apply to the proceedings initiated before the date of the Act coming into force.

Article 223 An employment relationship on the basis of the appointment of a person holding, on the date of the Act coming into force, a position of the President of the State Mining Authority, Vice-President of the State Mining Authority, a director of a regional mining authority or a deputy director of a regional mining authority, established under previous regulations, shall become an employment relationship on the basis of the appointment within the meaning of the Labour Code.

Article 224 Previous secondary legislation adopted pursuant to Article 11(4), Article 31(2), Article 47(12), Articles 50(1)(1), 50(1)(2)(a) and (b), 50(1)(3)–(7), Article 52(3), Article 54(2), Article 64(6), Article 68(2), Article 69(3), Article 70(3), Article 73a(3), Article 75a(2), Article 78(1) to 78(3), Article 82b(2), Articles

82c(5) and 82c(6), Article 84(11), Article 85(14), Article 107(10), Article 108(4), Article 111(8) of the act referred to in Article 226, shall remain in force until secondary legislation adopted pursuant to Article 14(4), Article 26(5), Article 35(4), Article 69(1), Article 79(3), Articles 97(1)(1)–(4), Article 98(2), Article 100(10), Article 101(12), Article 110, Article 113(15), Article 116(7), Article 118(4), Article 120(1) and 120(2), Article 124, Article 125(7), Article 137(7), Article 166(4), and Article 167(7) of this Act come into force.

Article 225 Whenever the applicable regulations mention the act referred to in Article 226 it shall be understood as this Act.

Article 226 The Geological and Mining Law Act of 4 February 1994 (Journal of Laws of 2005, item 1947, as amended⁶⁾) shall expire.

Article 227 The Act shall come into force on 1 January 2012.

6) Amendments to the consolidated text of the aforementioned Act were published in the Journal of Laws of 2006, items 934, 1217, 1399 and 1834, of 2007, items 125 and 556, of 2008, items 865, 958, 1227 and 1505, of 2009, item 97, of 2010, items 278 and 489, and of 2011, items 622 and 766.

OPERATING FEES RATES

No	Type of mineral	Unit of measurement (UoM)	Operating rate (PLN/UoM)
1	2	3	4
1	Alabasters	t	2.98
2	Amphibolites	t	0.99
3	Anhydrites	t	3.54
4	Barytes	t	5.36
5	Basalts	t	1.04
6	Bentonites	t	1.82
7	Chalcedonite	t	0.64
8	Diabases	t	0.74
9	Dolomites	t	0.84
10	Gabbros	t	0.99
10a	Noble gases	thou. m ³	40
11	Methane-rich natural gas extraction of which in the settlement period exceeds 2,500 thousand cubic metres	thou. m ³	24.00
11a	Methane-rich natural gas extraction of which in the settlement period does not exceed 2,500 thousand cubic metres	thou. m ³	6.23
12	Other natural gas extraction of which in the settlement period exceeds 2,500 thousand cubic metres	thou. m ³	20.00

12a	Other natural gas extraction of which in the settlement period does not exceed 2,500 thousand cubic metres	thou. m ³	5.18
12b	Natural gas with helium content > 0.2%, the extraction of which in the settlement period exceeds 2,500 thousand cubic metres	thou. m ³	23.40
12c	Natural gas with helium content > 0.2%, the extraction of which in the settlement period does not exceed 2,500 thousand cubic metres	thou. m ³	6.07
13	Gypsums	t	1.66
14	Fire and ceramic clays	t	3.32
15	Gneisses	t	1.05
16	Granites	t	1.05
17	Granodiorites	t	1.05
18	Hornfelses	t	0.86
19	Precious, semiprecious and decorative stones	kg	9.47
20	Kaolinites	t	2.98
21	Other loamy minerals	m ³	2.19
22	Lake chalk	t	0.21
23	Chalk	t	0.69
24	Quartz	t	1.82
25	Quartzites	t	0.92
26	Shales	t	1.24
27	Magnesite	t	4.73
28	Marls	t	0.68
29	Marbles	t	3.57

30	Melaphyres	t	1.06
31	Methane from coal	thou. m ³	0.00
32	Bedrocks	t	0.64
33	Sands and gravels	t	0.51
34	Sandstones	t	0.74
34a	Rare-earth elements	kg	500
35	Porphyries	t	0.74
36	Crude oil extraction of which in the settlement period exceeds 1,000 t	t	50.00
36a	Crude oil extraction of which in the settlement period does not exceed 1,000 t	t	36.84
37	Zinc and lead ores	t	1.12
38	Copper ores	t	3.10
39	Gold ores	g Au (in ore)	0.39
40	Uranium ores	kg U (in ore)	8.35
41	Serpentinite	t	0.74
42	Native sulphur	t	1.43
43	Syenites	t	0.86
44	Feldspars	t	2.42
45	Diatomite rocks	t	5.94
46	Brine	m ³	1.97
47	Salts	t	1.48
48	Greywackes	t	0.86
49	Peat	m ³	1.13
50	Medicinal peat (peloid)	m ³	1.13
51	Travertines	t	0.68

52	Tuffs	t	0.74
53	Limestones	t	0.68
54	Lignite	t	1.66
55	Hard coal	t	2.13
56	Curative water	m ³	1.32
57	Thermal water	m ³	0.00
58	Greenstones	t	0.86
59	Siliceous earth	t	5.94
60	Conglomerates	t	3.57
61	Other minerals	t	3.57