

99020020007000

Applying for an amendment or change to a main operating plan for mining

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<https://fimportal.de/xzufi-services/6005721/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99020020007000
Leistungsbezeichnung I	Applying for an amendment or change to a main operating plan for mining
Leistungsbezeichnung II	Applying for an amendment or change to a main operating plan for mining
Typisierung	4 - Land: Regelung
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	

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Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • § 51[Bundesberggesetz (BBergG)](https://www.gesetze-im-internet.de/bbergg/) – Betriebsplanpflicht • § 52 Abs. 4 BBergG –Betriebspläne für die Errichtung und Führung des Betriebes • § 55 BBergG –Zulassung des Betriebsplanes
Teaser	<p>In order to set up and operate an exploration, extraction or processing operation, you as an entrepreneur need an approved main operating plan. If you want to add to this at a later date or change individual components, you must apply for a licence.</p>
Volltext	<p>In order to set up and operate an exploration, extraction or processing operation, you as an entrepreneur need an approved main operating plan. If you want to add to this at a later date or change individual components, you must apply for a licence.</p> <ul style="list-style-type: none"> • An operating plan is used to monitor operations. Er generally includes comprehensive explanations and planning documents for planned mining measures, for example with regard to <ul style="list-style-type: none"> • Location and extent, • technical realisation, • time planning, • possible effects on people and the environment, • Measures to avoid and minimise negative impacts on the environment, • Operational and occupational safety. <p>With the amendment or modification of the licence, you may explore, extract and process mineral resources that are subject to the Federal Mining Act. These include energy resources such as hard coal and lignite or crude oil and natural gas, but also metals, salts, geothermal energy and lithium.</p>

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Erforderliche Unterlagen

You can clarify which documents are required in your case together with your competent mining authority. The following documents are generally required:

- Reference to the final main operating plan and its authorisation,
- Description of the reasons for the amendment or change to be applied for,
- Description of the planned changes or amendments.

The following may also be required

- general information on the anticipated development of the operation, expected objective.
- Proof of ownership of the land on which mineral resources are to be explored or extracted, or
- authorisation for the exploration and extraction of non-mining mineral resources, i.e:
 - a licence for exploration or
 - an authorisation for the extraction of a non-mining mineral resource
- proof of authorisation under water law, if applicable,
- comprehensive presentation of the site situation with distance to protected areas and existing infrastructure
 - geological reports
 - hydrogeological reports
 - nature conservation contributions
 - technical concept for operational management, for example planned boreholes (start/finish coordinates, ownership structure)
 - technical descriptions of the required facilities, including for drilling, machinery and processing
 - Information on operational safety (from shut-off to time records) and operational monitoring
 - Proof of proper waste disposal and access routes (fulfilment of all relevant requirements)
 - Description and assessment of possible impacts on the environment and planned measures to avoid and minimise them, nature conservation contributions, noise reports
 - Water management measures

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- Measures to provide for the reutilisation of the surface
- Measures for immission control
- Description of the operating facilities, such as offices and social rooms, car parks and parking spaces, storage areas, workshops, petrol stations
- Details of responsible persons
- certificate of guarantee, if applicable

Voraussetzungen

You must have a valid licence for your main operating plan so that the competent authority can amend or supplement your main operating plan. You must take the following points into account for all amendments:

- Your project must not conflict with any overriding public interests.
- You must be able to prove that you have the officially issued authorisation for the exploration or extraction of non-mining mineral resources or the rights to the natural mineral resources.
- You must be able to prove that your company and your managerial staff or representatives have the necessary reliability as well as the required expertise and physical fitness.
- You must take all necessary safety measures to prevent risks to the life and health of employees and third parties in the company. These measures must also ensure the protection of material assets.
- Your work must not impair other mineral resources whose protection is in the public interest.
- The earth's surface must be protected in the interests of personal safety and public traffic.
- The waste produced must be properly reused or disposed of.
- You must take precautions to ensure that
 - the surfaces can subsequently be reutilised to the extent required by the circumstances,
 - the safety of other mining operations is not jeopardised,
 - the search for or extraction of mineral resources does not have any harmful consequences for the general public and, in the case of mining operations in the area of the continental shelf or coastal waters:
 - Shipping facilities and signs are not impaired and
 - shipping and shipping lanes, airspace, fishing and

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flora and fauna are not unreasonably impaired

- Underwater cables and pipelines as well as oceanographic or other scientific research are not impaired more than is unavoidable under the circumstances, and
- the harmful effects on the sea are minimised
- You may be required to provide the competent authority with evidence of a security deposit with an appropriate sum insured, a bank guarantee, letter of comfort or similar covering the above risks.

Kosten

Please refer to the notification for the costs.

Verfahrensablauf

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

Apply for authorisation online

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

Apply for authorisation directly to the competent mining authority

- You must prepare your amended main operating plan in such a way that both the authorisation requirements and other concerns such as groundwater and nature conservation are comprehensively described. For complex projects, it is advisable to contact your competent authority and coordinate the required application documents.
- Submit the application and all necessary documents to them.

Further procedural steps

- The competent authority will check your application

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and the documents submitted. If any documents are missing, the authority will contact you.

- The mining authority decides on the authorisation.
- You will receive a notification informing you of the decision on your application.
- The authorisation may contain ancillary provisions (requirements, conditions, time limits), which you must comply with accordingly and which will be reviewed by the mining authority.
- You will also receive a notice of costs. Pay the fees.

Bearbeitungsdauer

Frist

You may only start your planned mining work once you have received approval for your (amended) main operating plan. If you have to change or stop your mining activities immediately and at short notice because the life or health of your workforce or third parties is at risk, you must first notify the competent authority immediately and also apply for authorisation to amend your main operating plan without delay.

weiterführende Informationen

Hinweise

Term of the main operating plan

The period described in your main operating plan usually covers several years. The responsible mining authority decides on the duration on a case-by-case basis. An important criterion here is the foreseeability of the operating plan. In practice, the term can then be extended by a few years without a new main operating plan having to be drawn up and comprehensively reviewed in a mining law procedure.

If you interrupt your operations for up to two years, you can still legally continue to operate during this time. Only if the interruption lasts longer than two years do you have to obtain a licence from the competent authority.

Exceptions and special features

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

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company and in doing so

- are not planning to deepen the surface,
- do not use mechanised power,
- do not carry out any underground work and
- do not use explosive substances or explosive substances intended for blasting.

If your operation is of low hazard or significance, you can be exempted from the obligation to plan operations if

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

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

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

Rechtsbehelf

- Appeal (details in the notification)
- Administrative court action

Kurztext

Ansprechpunkt

Zuständige Stelle

Formulare

Ursprungsportal