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# French Mining Code (exploration)



***Bureau de la gestion et de la législation des ressources minérales non énergétiques***

Ressources, territoires et habitats  
Énergie et climat Développement durable  
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# Legal framework

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- In France, since the Napoleon Code, mines are managed by the State. Compliant with EEC regulation, the State may delegate companies the right to explore and produce.
- The Mining Code contains an **exhaustive list of mineral substances** (gold, hydrocarbons, salt, copper, iron...) which deposits are considered to be mines.
- **The mineral ressources not mentioned in the Mining Code are quarries** (Environmental Code).

# Exploration

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- Exploration works are normally undertaken under an **exploration permit, that gives its holder an exclusive right to explore**. Any area, offshore and onshore, which is not covered yet by such a permit may be subject to application at any time.
- **The first validity term (5 years) may be renewed twice, for a maximum period of five years each.** The renewal of a permit is automatic as long as the holder has met all his obligations and agreed, in his application for renewal, to financial commitments at least equal to the financial commitments made during the previous period.
- **The surface of a permit may be extended to additional areas.** The procedure is the same as for initial granting of the permit.



# Applying for an exploration permit (1/4)

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*Décret n°2006-648 du 2 juin 2006 relatif aux titres miniers/  
**French Decree n°2006-648 of June, 2 of 2006 on Mineral  
Rights***

The application should be written in French and should contain the following items:

- **Item n° 1** : **Standard form letter** of permit application in French.
- **Item n° 2**: **Map** that specifies the application perimeter and the geographic points that define it.
- **Item n°3** : **geological memorandum**.

# Applying for an exploration permit (2/4)

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- **Item n°4 : impact assessment**, explaining the impact of the work program on the environment.
- **Item n°5 : Financial commitment to a work program.**
- **Item n°6A : Certified copy of the company statutes**, stating that it is listed with the trade register and that its articles of incorporation were presented to the Administration in support of an application made less than ten years ago.
- **Item n°6B : Excerpts from the minutes of the applicant company's Board of Directors' meeting**, confirming the authority of the person signing the application.
- **Item n°6C : Delegation of power granted to the signatory of the application.**



# Applying for an exploration permit (3/4)

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To **justify its technical capabilities**, the applicant supplies:

- The **titles, diplomas and professional references** of the corporate executives responsible for following and managing exploration and production work.
- The **list of exploration and production work the company has participated in during the past three years**, accompanied by a descriptive summary of the most important work.
- A description of the **technical resources expected to be used to carry out the work**.



# Applying for an exploration permit (4/4)

To **justify its financial capabilities**, the applicant supplies:

- **Appropriate bank statements** (for example, bank credit rating letter)
- The **company's last three balance sheets and income statements**.

The application should be addressed:

Ministère du Redressement Productif/ Ministère de l'Ecologie, du développement Durable, et de l'Energie  
DGALN/DEB/GR2

Arche de la Défense – Paroi Sud  
92055 La défense cedex

Copies of the application should also be sent to the Prefect and to the Regional Director of Environment of the region concerned.

# Procedure for granting an exploration permit (1/2)

- Once the DREAL (Regional Direction of Environment) has determined that the **exploration permit application is technically admissible**, it is published in the Official Journal of the French Republic. **Competing applications are allowed for 30 days after publication of the notice in the Official Journal.**
- Meanwhile, the **DREAL consults with local administrative services** to draw up a list of various constraints that could affect exploration work (urbanisation projects, archaeological or historic sites, etc.). After this consultation phase, the local procedure ends with submission of the DREAL report and the opinion of the Prefect concerned.
- Then, **the award plan is submitted to the Conseil Général de l'Economie et de l'Industrie (General Council of Economy and Industry)** for its opinion. This consultative body has jurisdiction over matters concerning raw materials, quarries, energy, etc.

# Procedure for granting an exploration permit (2/2)

- Then, **the award plan is submitted to the public for its opinion** (according to the French Constitution, “All persons have the right to participate in the elaboration of public decisions having an impact on the environment”) during 21 days.
- The exploration permit is granted by a single ministerial decree and is published in the Official Journal of the French Republic. This permit is awarded for a maximum of five years, in return for a minimum financial effort that is specified in the award decree. The duration of the entire procedure can be estimated at 12/18 months.
- The Mining Code indicates that if the administration has not taken a decision on the application during 24 months, it is considered to be implicitly rejected.



# Exploration works

- The exploration permit gives to its owner the exclusive right to explore an area but **it doesn't give the right to undertake exploration works.**
- To undertake exploration works, the owner of the exploration permit must declare his work program to the local administration (Prefect).
- According to the scope of the work program, **the applicant may have to request an authorization.**

*Cf Décret n°2006-649 du 2 juin 2006 relatif aux travaux miniers/  
French Decree n°2006-649 of June, 2 of 2006 on Mineral Works*

# Exploration works - Declaration

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- Declarations shall include a file containing:
  - \* Indication of the **full legal identity** and characteristics under which the file is submitted;
  - \* A **memorandum** explaining the major characteristics of the works planned with necessary documents, plans, cross-sections and, if applicable, the breakdown in stages;
  - \* The **safety and health document**;
  - \* A document indicating the consequences of the works on the water resource;
  - \* **An impact statement**, explaining the impact of exploration works on the environment

# Exploration works - Declaration

- The beginning of works for mineral exploration are subjected to a **declaration** (if the work program doesn't foresee drillings > a hundred meters deep):
  - \* declarations shall be addressed to the Prefect of the *département* where the works are to be undertaken.
  - \* the Prefect verifies the admissibility of the declarations and have them completed as need be.
  - \* The Prefect shall transmit the application to the relevant administrative departments which shall have a period of one month to present their remarks.
  - \* The **Prefect can propose to add special requirements** (if needed). The declarant shall have a period of fifteen days to reply to this communication.
  - \* **In other cases, declarants may begin the works following a period of two monthes** after the return receipt date for the mailing of their declarations.

# Exploration works - Authorization

- The beginning of works for mineral exploration can be subjected to an authorization (if the work program foresees drillings > a hundred meters deep). The applicants submitting an authorization shall file the following documents:
  - × Indication of the full legal identity and characteristics under which the file is submitted;
  - × A memorandum explaining the major characteristics of the works planned with necessary documents, plans, cross-sections and, if applicable, the breakdown in stages;
  - × An impact assessment (cf Environmental Code);
  - × A document indicating the consequences of the works on the water resource;
  - × A description of the exploration methods considered;
  - × A document estimating the cessation of mining works conditions (with the estimate cost);
  - × A safety and health document.

# Exploration works - Authorization

- \* Applications for authorization shall be addressed to the Prefect of the *département* where the works are to be undertaken. The Prefect verifies the admissibility of the authorization applications and have them completed as need be.
- \* The Prefect shall transmit the file to the heads of the relevant administrative departments and to the mayors of the communes on the territories in which the works are planned. They all have a period of **one month to issue their remarks**.
- \* The Prefect shall refer the authorization application to a public inquiry under the conditions provided for in the Environmental Code. [duration: a month]
- \* The Prefect shall also consult the **District Health Council**.
- \* The denial of the authorization shall be issued by the Prefect in a reasoned order. If the authorization is granted, the Prefect shall inform the applicant of the special requirements included in the order. Applicants shall have a period of fifteen days to present their remarks. [duration of the procedure: 6/12 months]