

Government Decree No. 267/2006. (XII. 20)

On Hungarian Office for Mining and Geology

On the basis of its original legislative competence granted in Section 2 of Act 35 of Constitution, the course of action declined in Section 3 of Act 40 of Constitution, and on the basis of the authorization granted in Section 50/A (1) of Act XLVIII of 1993 on Mining (hereinafter: Mining Act) the Government decrees the following:

1. § (1) Hungarian Office for Mining and Geology (hereinafter: MBFH) is a central organ operating under the control of the minister (hereinafter: Minister) responsible for mining and geological cases.

(2) MBFH works as an autonomic budgetary organ managing its budget independently.

(3) MBFH is managed by the President.

(4) The headquarters of MBFH is in Budapest.

2. § (1) MBFH is a central organ.

(2) Regional organs of MBFH are mining district authorities whose headquarters and regions of competence are included in the *insert*. Mining district authorities have no legislative sphere of authority.

(3) The President – unless the law otherwise provides – practices an employer sphere of authority on the employees of MBFH, appoints and discharges the employees of mining district authorities and practices a disciplinary sphere of authority on them.

(4) The first leader of mining district authority is the Head of mining district authority, who – excepting for appointments, discharging and disciplinary sphere of authority – is competent to practice the sphere of authority as an employer on the employees of mining district authority.

3. § (1) MBFH is appointed by the Government as a responsible organ for supervision of mining activities and public administration tasks concerning mining and geology.

(2) In accordance with Section 43(1) MBFH acts its sphere of competence covered by Section 44(1) and provides all the authoritative tasks that are designated to mining supervision by legal rules.

(3) According to Act XIX Section 35 (d)/ 1999 on infringing regulations the regional mining district authorities shall proceed in the cases of violating rules.

(4) With the exception of the cases defined in Section (5), in the authority type matters falling under the competence of mining supervision, the mining district authority in the region shall proceed, at the first instance and the Hungarian Office for Mining and Geology shall proceed at the second instance.

(5) Cases directly designated to the sphere of competence of MBFH include:

a) recording, checking the payment of mining royalty, disposition over the current account of mining royalty, recording and checking the calculation of the supervision fee, as well as initiation of measures for the collection of payment obligations defined in Section 41 (8) of the Mining Act;

b) licensing the manufacture and distribution of explosives defined in a separate legal rule, as well as approval of the classification of the firework bodies;

c) issuing official certificate in accordance with Act CXXIX. 60 § (1) on fulfilment of the conditions of public procurement

d) licensing activity carried out at target places of exploitation in accordance with Act CXXVIII of 2003 17§ (1) on the Public Interest in, and the Development of, the

Expressway Network of the Republic of Hungary (hereinafter: Motorway Act), inasmuch as this is ordered by the Motorway Act.

e) licensing a general deviation or exemption from the prescription of the safety rules. MBFH shall issue the license for deviation, exemption, taking into consideration the opinion of the specialized authority of appellate instance concerned, if the deviation affects also the responsibility of another authority.

f) Hungarian Office for Mining and Geology shall make preparations for the Minister's decisions related to mining resource management and concession contracts;

g) MBFH shall make preparation for the safety regulations of mining and gas industry included in Section 34 (2),

h) it shall provide for the state tasks defined in Section 20/A.

i) MBFH shall judge the appeals on the extension of the deadlines in accordance with Section 26/A (5) of the Mining Act

j) it shall provide the conditions for running of Hungarian State Archives of Geology, Geophysics and Mining, State Mineral Treasure Registration, Architecting Geotechnical Archives and Geological and Mining Information System;

k) shall maintain the registration of mineral and geothermic energy treasure, issue certificates and supply data;

l) shall register geological experts, issue professional licenses;

(6) MBFH is the organ of nationwide sphere of authority, it shall provide mining supervision and state geological tasks in the whole territory of the country, decisions issued by MBFH are not appealable in an administrative procedure, supervising procedure cannot be initialled.

(7) A public official of mining district authority outside the territory of his/her sphere of competence is the public official of the Office with sphere of authority in the whole country; he/she can proceed in the course of action of supervision with a Mining Supervision Service Card issued by the President of MBFH. If supervision is followed by an official procedure the mining district authority of the given region – where supervision occurred - is competent, except for the case when mining supervision designates another authority because of regional authority's expulsion.

4. § Besides tasks defined in 3.§, mining supervision shall:

a) express opinion about government submissions and proposals of new statutes belonging to its sphere of authority

b) as a designated nationwide authority MBFH fulfil tasks and representation – within its own competence - at organs of European Union and other international organizations; all of them that are designated to MBFH as national authority by law, by legal act of EU or international agreement;

c) handle data necessary for practice of its sphere of authority; direct and coordinate works of information collecting, - elaborating, - analysing and –serving acts of geological data, gained during geological exploration.

5. § (1) The Government alters the title of Hungarian Mining Bureau into Hungarian Office for Mining and Geology.

(2) The Government discontinues the organs named Hungarian Geological Survey and Coalmining Restructuring Centre.

(3) MBFH is the legal successor of Hungarian Geological Survey and Coalmining Restructuring Centre.

6. § Geological Institute of Hungary (MÁFI) and Eötvös Lorand Geophysical Institute of Hungary (ELGI) cooperates with MBFH to fulfil geological tasks.

7. § This Decree comes into force 1st January 2007., simultaneously decrees below become invalid:

a) Decree of 19/1994. (VIII. 5.) IKM about establishment of headquarters and sphere of competence of mining district authorities.

b) 59/1990. (IX. 25.) Government Decree about Coalmining Restructuring Centre, 88/1993. (VI. 8.) about alteration of 59/1990. (IX. 25.) about Coalmining Restructuring

Centre, furthermore 353/2004. (XII. 22.) about alteration of 59/1990. (IX. 25.) about Coalmining Restructuring Centre 132/1993. (IX. 29.) Government Decree about Hungarian Geological Survey,

d) 4/1997. (III. 5.) IKIM-KTM-KHVM Collective Decree about the circle of geological exploration data shall be supplied to Hungarian Geological Survey, and regulation of their circulation.

e) 163/2006. (VII. 28.) Government Decree 7. §-a (2) section a) and c) about tasks and sphere of competence of the minister for economy and transport.

Insert for 267/2006. (XII. 20.) Government Decree

Mining District Authorities	
Title and Headquarters	Region of Competence
Mining District Authority of Budapest 17-23 Columbus street 1145 Budapest	Budapest (capital city) and Pest County
Mining District Authority of Miskolc 5 Soltesz N. Kalman str 3501 Miskolc	Borsod-Abaúj-Zemplén, Hajdú-Bihar, Heves, Nógrád and Szabolcs-Szatmár- Bereg counties
Mining District Authority of Pécs 5 József Attila str 7601 Pécs	Baranya, Tolna, Somogy and Zala counties
Mining District Authority of Szolnok 5 Templom str 5001 Szolnok	Bács-Kiskun, Békés, Csongrád and Jász-Nagykun-Szolnok counties
Mining District Authority of Veszprém 2 Budapesti str 8201 Veszprém	Fejér, Győr-Moson-Sopron, Komárom- Esztergom, Vas and Veszprém counties