

Applying for the first mining permit

If you or your company would like to explore one or more mineral resources, you must apply for a mining permit from the relevant mining authority.

Competent Department

- [Landesamt für Bergbau, Energie und Geologie | Geozentrum Hannover](#)

Basic information

In order to explore for one or more mineral resources, you or your company must apply for a mining permit. You can submit this application to the responsible mining authority. There are 3 types of mining permits:

- Permit for commercial purposes: exclusive right to discover deposits and determine their extent
- Permit for scientific purposes: exclusively for research purposes
- Permission for large-scale exploration to determine the characteristics of possible deposits.

With a commercial exploration permit under mining law, also known as a commercial permit, you are the only person permitted to explore the raw material(s) in a defined area and for a defined period of time. This is an exclusive right. However, this only applies to commercial permits.

In contrast to this, scientific and large-scale exploration permits can also be granted on a superimposed basis, as they do not have the objective of exploring for a non-mining mineral resource and extracting or producing it for economic purposes.

In order to obtain an exploration permit, you must submit an application to the responsible mining authority. This must include

- the exact description of the type of exploration, i.e. commercial, scientific or large-scale exploration,
- the name of the non-mining mineral resource or resources to be explored,
- a work program and
- proof of financial viability.

The contents depend on the type of exploration permit: commercial, scientific or large-scale.

In particular, the work program should demonstrate that the planned exploration work is sufficient in terms of type, scope and purpose and will be carried out within a reasonable period of time. This means that you as the applicant must be in a position, both in terms of personnel and finances, to be able to explore the area applied for sufficiently and sensibly.

The work program for a commercial permit with a term of 3 years could, for example, include the following planned activities:

- Research for underground information and its evaluation
- Implementation of exploration measures not subject to an operating plan (e.g. overflights, mapping)
- Preparation/implementation of exploration measures subject to an operating plan (e.g. seismic measurement campaigns)
- Submission of a preliminary environmental impact assessment

The exploration permit does not allow you to implement any technical measures, such as drilling or seismic surveys. The permit merely represents a legal title to explore mineral resources in the permit field granted to you. With regard to the commercial exploration permit, you are assigned a fundamental and exclusive right. This means that a commercial permit for a specific mineral resource cannot be covered by another commercial permit for the same mineral resource at the same surface location.

Exceptions to this exclusivity are scientific and large-scale exploration of non-mining mineral resources, as the exploration objective is different here.

If you wish to carry out technical exploration work, you must submit further applications, for example for the approval of operating plans, to the competent authority. Only once these have been approved by the competent mining authority may you carry out such mining activities.

The mining permit extends to so-called non-mining mineral resources that are of particular economic importance. These include energy resources such as hard coal and lignite or crude oil and natural gas, as well as precious and non-ferrous metals and salts. The area covered by the permit is limited to the earth's surface and theoretically extends to the center of the earth.

Requirements

You must meet certain requirements in order to obtain the permit:

- You must precisely identify the mineral resources you wish to search for.
- The field in which you want to search must be
 - form a section of the earth's body bounded by straight lines on the surface and by vertical planes to depth, unless the boundaries of the area of application, such as state or federal borders, require a different course,
 - be marked on a map with a suitable scale and

- be shown on a map that meets the requirements of the Unterlagen-Bergverordnung.
- You must submit a work program that describes the nature, purpose and scope of your project.
- You must undertake to provide, at the request of the competent mining authority
 - to disclose the results of your exploration work to the authority immediately after its completion, at the latest when the permit expires (annual report or final report),
 - to involve other organizations that also hold an exploration permit and are searching for the same mineral resource in their commercial exploration areas in your exploration project or to be represented in this,
 - if your project is for scientific purposes: the holders of an exploration permit for commercial purposes,
 - if your project is for large-scale exploration: the holders of a permit for exploration for commercial purposes or an authorization or the mine owners,
- You, or your representatives, must have the necessary legal reliability.
- You must be able to credibly demonstrate that you can provide the necessary financing for proper exploration.
- You must be able to demonstrate that your exploration project will not jeopardize the exploration and extraction of non-mining or natural mineral resources.
- Your exploration project must not impair any mineral resources whose protection is in the public interest.
- Your exploration project must not affect any overriding public interests that preclude the search in the entire field to be allocated, for example environmental and animal protection.

Procedure

You can apply for the permit online via the "BergPass" platform or in writing to your local mountain authority.

Apply for a permit online via the "BergPass" platform:

- Go to the "BergPass" online platform and log in.
 - To register, you will need a bundID and an identity card or residence permit with an active online ID function.
- Call up the application form and fill it out completely and truthfully.
- Upload the required documents as a file and send the application.

Apply for a permit in writing to the responsible mining authority:

- Contact your responsible mining authority and coordinate the required application documents.
- Submit the application and all required documents to your competent mining authority.

Further procedural steps:

- The competent authority will review your application and the documents submitted. If any documents are missing, the authority will contact you.
- The mining authority alone decides on the permit, but usually carries out a participation process: If your work program contains measures and areas that affect

the remit of other authorities or the municipalities as planning authorities, it will then distribute it to all authorities affected by the project.

- You will receive a notification by post informing you of the decision on your application. In addition, the decision will be sent electronically to the relevant mailbox (bundID or ELSTER company account) in advance and information will be displayed in BergPass.
- You will also receive a notification of costs. Pay the fees.

Legal bases

- [§ 10 Bundesberggesetz \(BBergG\)](#)
- [§§ 3 bis 4 Bundesberggesetz \(BBergG\)](#)
- [§§ 6 bis 7 Bundesberggesetz \(BBergG\)](#)
- [§ 11 Bundesberggesetz \(BBergG\)](#)
- [§ 16 Bundesberggesetz \(BBergG\)](#)
- [§§ 1 bis 5 Unterlagen-Bergverordnung \(UnterlagenBergV\)](#)

What deadlines must be paid attention to?

The permit is issued for a maximum of 5 years and can be extended by 3 years if you have not yet been able to carry out your exploration activities sufficiently, despite carrying them out as planned and agreed with the competent authority. Which time limit is relevant in individual cases depends on the period required for your work program.

If you do not start exploration within one year of the permit being issued, the permit may be revoked. The same applies if you interrupt exploration for longer than 1 year.

Period of validity 1 - 5 years.

How long does it take to process

Notifications are normally sent within 3 months of the application being submitted.

What are the costs?

The fee varies depending on the type of mining permit.