**1724**

# REGULATION OF THE MINISTER OF THE ENVIRONMENT1)

of 20 December 2011

# on using geological information against remuneration

Pursuant to Article 100(10) of the Act of

9 June 2011 – Geological and Mining Law (Journal of laws [Dz.U.] No 163, item 981) the following is ordered:

Article 1. The Regulation shall specify:

1. terms and conditions and manner of using geological information against remuneration;
2. template of an application for entering into agreement for using geological information;
3. methods for estimating the value of geological information;
4. detailed requirements for the valuation of geological information.

Article 2. 1. The right to use geological information against remuneration shall be granted upon the application of the entity applying for using this information, hereinafter referred to as the ‘Applicant’.

* 1. The application shall include:

1. data of the Applicant;
2. description of the geological information;
3. type and form of the geological information;
4. place of storage of the geological information;
5. location of the area the geological information refers to;
6. information on the deposit development status, area of underground storage of substances; area of underground landfilling of waste or groundwater intake, including information on concessions or water-law permitsheld;
7. purpose of using the geological information;
8. intended period of using the geological information.
   1. The Application shall be accompanied by:
9. valuation of the geological information;
10. current copy, issued no later than 3 months before submitting the Application, from the relevant register of entrepreneurs or scientific institutes of the state where the applicant is registered, or a duplicate of the relevant copy certified by notary public, attorney-at-law or advocate, together with date and place of such a certification;

1) The Minister of the Environment shall manage the government administration department – the environment, on the basis of Article 1(2)(2) of the Regulation of the President of the Council of Ministers of 18 November 2011 on detailed scope of activity of the Minister of the Environment (Journal of Laws [Dz.U.] No 248, item 1493, and No 284, item 1671).

1. a graphic appendix presenting the location of the area which the geological information refers to, together with the list of coordinates of the border points of this area presented in the two-dimensional Cartesian coordinate system, belonging to the state spatial reference system2) – if the geological information concerns a part of the deposit;
2. copies of decisions regarding a concession or a water-law permit held – if the Applicant holds a concession or a water-law permit, and the purpose of the agreement is to amend or transfer the concession or the water-law permit.
   1. Documents referred to in section 3(2) prepared in a foreign language shall include translation into Polish drawn up by a certified translator.
   2. A template of the Application for entering into an agreement for using geological information is set out in Appendix No 1 to the Regulation.

Article 3. 1. Depending on the purpose of using the geological information, the Application shall be submitted to the competent authority referred to in Article 100(7) or 100(8) of the Act of 9 June 2011 – Geological and Mining Law.

1. The Application shall be subject to verification by the authority in terms of formal and substantive requirements.
2. If formal or substantive errors are found, the authority shall call the Applicant to supplement or correct the Application otherwise the Application will not be further considered, setting the time limit to supplement or correct the Application, however not shorter than 14 days.
3. If using the geological information takes place in order to perform operations in terms of mineral extraction from a deposit, underground tankless storage of substances or underground landfilling of waste, the Application shall be subject to an opinion of the competent concession-granting authority.

Article 4. 1.The value of the geological information shall be estimated using the following methods:

2) The state spatial reference system is defined in the Regulation of the Council of Ministers of 8 August 2000 on the state spatial reference system (Journal of Laws [Dz.U.] No 70, item 821).

1. calculation of the cost of obtaining the geological information, expressed in nominal prices from the year of its acquisition and adjusted to the level of prices from the year preceding the year of estimation;
2. calculation of the cost of obtaining the geological information, according to the scope and technology of geological development works that were used to obtain it, expressed in prices used for this type of work in the year of performing the estimation;
3. calculation of the cost of obtaining the geological information, using currently applied geological development works technologies and taking into account the requirements that geological documentation should correspond to, expressed in the prices applied for this type of work in the year of performing the estimation;
4. calculation of the flat-rate value of the geological information.
5. The costs of obtaining the geological information shall include:
6. designing geological development works;
7. performing geological development works;
8. presenting results of geological development works.
9. Adjustment of the costs referred to in section 1(1) shall be performed using average annual price indices of consumer goods and services, published by the President of the Statistics Poland [GUS] in the official gazette of the Republic of Poland – Dziennik Urzędowy Rzeczypospolitej Polskiej ‘Monitor Polski’.

Article 5. 1. The value of the geological information used in order to perform operations in terms of mineral extraction from a deposit shall be estimated using one of the methods specified in Article 4(1)(1)–(3).

1. In the case of the estimation referred to in section 1, the valuation shall require presenting:
2. history of exploration and exploitation of the deposit;
3. list of archival materials used to perform the estimation;
4. copies of approving decisions or notifications on receiving geological documentation which is a source of the geological information;
5. graphic appendices with marked boundaries of the deposit and the area which the geological information covered by the Application refers to.
6. If the estimation referred to in Article 4(1)(3) is carried out, the valuation shall require also additional justification of type and number of the scheduled geological development works, taking the deposit development status into account, and indicating location thereof in a graphic appendix.
7. If the value of an indicated part of the geological information is estimated, the valuation shall require determining the manner of such indication

and presenting documents enabling its verification.

1. If the geological information is included in more than one geological document, the estimation shall take all the geological documents into account.

Article 6. 1. The value of the geological information used in order to extract therapeutic waters shall be subject to a reduction by 90% of the value calculated in accordance with Article 5.

1. The value of the geological information used in order to extract thermal waters shall be subject to a reduction by 95% of the value calculated in accordance with Article 5, whereas for agreements for using the geological information entered into by 31 December 2020 this value shall be subject to reduction by 99% of the value calculated in accordance with Article 5.
2. The value of the geological information regarding the undeveloped deposits of methane-poor natural gas shall be subject to a reduction by 50% of the value calculated in accordance with Article 5. The undeveloped deposits of methane-poor natural gas are specified in Appendix No 2 to the Regulation.
3. The value of the geological information used in order to extract methane from hard coal shall be subject to a reduction by 90% of the value calculated in accordance with Article 5.
4. The value of the geological information used for injecting into rock mass waters originating from the drainage of mining excavations, deposit waters, used therapeutic waters, thermal waters and brines shall be subject to a reduction by 99% of the value calculated in accordance with Article 5.

Article 7. 1. The value of the geological information estimated using methods determined in Articles 4(1)(1) and 4(1)(2) shall be subject to reduction due to the period that has passed since the year of the geological development works, by:

1. 1% for each year that has passed since the year of the geological development works in a period not exceeding 30 years;
2. 30% and additionally by 2% for each year, which has passed since the year of the geological development works in a period exceeding 30 years.
3. The value of the geological information estimated by the methods specified in Articles 4(1)(1) and 4(1)(2), after taking the reduction referred to in section 1 into account, shall be subject to a reduction due to the category of recognition of the mineral deposit, determined in the last of the geological documents being the subject of the estimation, by:
4. 10% – for geological documentation of mineral deposits identified in category B;
5. 20% – for geological documentation of solid minerals deposits identified in category C1;
6. 30% – for geological documentation of solid minerals deposits identified in category C2 and hydrocarbon deposits identified in category C;
7. 40% – for geological documentation of solid minerals deposits identified in category D as well as registration sheets for deposits and simplified geological documentation prepared by 2 September 1994.
8. The value of the geological information estimated by the methods specified in Articles 4(1)(1) and 4(1)(2), after taking into account the reduction referred to in sections 1 and 2, shall be subject to a reduction due to loss of recoverable deposit resources

– in proportion to the loss that has occurred since the date of approval or acceptance of the last of the geological documents being the subject of the estimation to the last day of the year preceding the year of the estimation. When estimating the value of the geological information relating to an indicated part of the deposit, the basis for reducing its value shall be the loss of resources that has occurred in the part of the deposit which the geological information covered by the valuation refers to.

1. The value of the geological information estimated using the method determined in Article 4(1)(3) shall be subject to reduction due to the period that has passed since the year of the geological development works, by:
2. 1% for each year that has passed since the year of the geological development works in a period not exceeding 30 years;
3. 30% and additionally by 2% for each year, which has passed since the year of the geological development works in a period exceeding 30 years.
4. When estimating the value of the indicated part of the geological information, referred to in Article 5(4), whereas this part is the geological information relating only to boreholes, provisions of sections 2 and 3 shall not apply.

Article 8. When estimating the value of the geological information using more than one of the methods referred to in Articles 4(1)(1)–(3), the lowest of the obtained results shall be assumed as the basis for determining the value of remuneration.

Article 9. 1. The value of the geological information used in order to perform operations within the scope of underground tankless storage of substances or underground landfilling of waste shall be estimated using the method specified in Article 4(1)(4).

1. The flat-rate value of the geological information referred to in section 1, included in the geological documentation of the mineral deposit within which the operations will be carried out, shall be estimated on the basis of the surface area of the deposit area being the map of area on the surface, and the number of boreholes located in this area, irrespective of their depth and diameter, assuming the following flat-rate values:
2. PLN 500 for 1 ha of the area used – each of the commenced hectares of the deposit area counts as a whole;
3. PLN 20,000 for each borehole used covered by the Application, and in the case of a borehole used for the exploitation of a warehouse or landfill – PLN 50,000.
4. The flat-rate value of the geological information referred to in section 1, included in the hydrogeological documentation shall be estimated on the basis of the surface area of the used area being the map of area on the surface, and the number of boreholes located in this area, assuming the following flat-rate values:
5. PLN 500 for 1 ha of the area used – each of the commenced hectares of the deposit area counts as a whole;
6. PLN 10,000 for each used borehole covered with the Application.
7. The flat-rate value of the geological information referred to in section 1, included in the geological documentation specifying geological and engineering conditions within the area where the operations are to be performed, shall be estimated on the basis of the surface area of the used area being the map of area on the surface, and the number of boreholes located in this area, irrespective of their depth and diameter, assuming the following flat-rate values:
8. PLN 500 for 1 ha of the area used – each of the commenced hectares of the deposit area counts as a whole;
9. PLN 1,000 for each used borehole covered with the Application.

Article 10. 1. The value of the geological information used in order to perform operations within the scope for which a water-law permit is necessary shall be estimated using the method specified in Article 4(1)(4).

2. The flat-rate value of the geological information included in the hydrogeological documentation establishing exploitation resources of groundwater intake shall be performed on the basis of the number and depth of boreholes, irrespective of their diameter, assuming the following flat-rate values:

1. PLN 300 for each used borehole of a depth not exceeding 100 m;
2. PLN 300 for each used borehole of a depth exceeding 100 m, and additionally

PLN 10 for each metre exceeding the depth of 100 m.

Article 11. 1. The value of the geological information made available in the form of geological data shall be estimated using the method specified in Article 4(1)(4).

1. The flat-rate value of the geological information shall be estimated on the basis of number and type of data, assuming the following flat-rate values:
2. for the data collection from surface geophysics measurements:
   1. three-dimensional seismic (3D type)

— PLN 50,000/km2,

* 1. two-dimensional seismic (2D type)

— PLN 25,000/km,

* 1. shallow refractory seismic — PLN 5000/km,
  2. electro-resistance tomography — PLN 3000/km,
  3. electro-resistance profiling — PLN 1000/km,
  4. radar method — PLN 750/km,
  5. conductometry — PLN 300/km,
  6. magnetotelluric continuous profiling

— PLN 10,000/km,

* 1. magnetotelluric probing

— PLN 3000/point,

* 1. electro-resistance probing — PLN 100/point,
  2. thermal profiling — PLN 200/point,
  3. gravimetric testing — PLN 50/point,
  4. magnetic testing — PLN 10/point;

1. data collection from geophysical borehole logging measurements including:
   1. electrical measurements — PLN 15/lm,
   2. radiometric measurements — PLN 20/lm,
   3. acoustic measurements — PLN 15/lm,
   4. magnetic measurements — PLN 10/lm,
   5. measurements with an acoustic scanner — PLN 50/lm,
   6. measurements with an electrical scanner — PLN 100/lm,
   7. average speed measurements — PLN 30/lm,
   8. vertical seismic profiling — PLN 80/lm,
   9. measurements with clinometer — PLN 20/lm;
2. for the collection of observation results and physical and chemical properties of geological samples — PLN 10/result.
3. The value of the geological information estimated on the basis of sections 1 and 2 shall be subject to a reduction due to the period that has passed since the year of the geological development works, by 2% for each year that has passed since the year of the geological development works.
4. The value of the geological information regarding the geological data made available exclusively in the form of analogue data, stored as hard copies, on magnetic or IT media, shall be subject to a reduction by 50% of the value calculated in accordance with section 3.
5. The value of the geological information regarding the geological data used for the performance of bachelor’s, master’s and doctoral theses or a study funded from public funds shall be subject to a reduction by 99.9% of the value calculated in accordance with sections 3 and 4.

Article 12. To determine the remuneration for using geological information collected in geological databases, the provisions of Articles 4–11 shall apply accordingly.

Article 13. 1. The value of the geological information made available in the form of geological samples shall be estimated using the method specified in Article 4(1)(4).

1. The flat-rate value of the geological information shall be estimated on the basis of number and type of size of the sample, assuming the following flat-rate values:
2. for a sample from a uniform core, constituting 1 cm of length of 1/4 of the core diameter:
   1. obtained from a depth of up to 500 m — PLN 80,
   2. obtained from a depth between 500 and 1000 m — PLN 160,
   3. obtained from a depth between 1000 and 2000 m — PLN 240,
   4. obtained from a depth over 2000 — PLN 320;
3. for a sample from a broken core and a bore dust sample, constituting 1 cm3 of the volume of a broken core – 25% of the price of a given sample from a uniform core.
4. The value of the geological information regarding geological samples used to prepare a study funded from public funds shall be subject to a reduction by 90% of the value calculated in accordance with section 2.

Article 14. The Regulation shall come into force on 1 January 2012.3)

Minister of the Environment: *M. Korolec*

3) This Regulation of the Minister of the Environment was preceded by the Regulation of the Minister of the Environment of 22 June 2005 on disposal of the right to geological information against remuneration and the provision of geological information used free of charge (Journal of Laws [Dz.U.] No 116, item 982, of 2006, No 164, item 1159, of 2007, No 207, item 1501, and of 2010, No 249, item 1676), which pursuant to Article 224 of the Act of 9 June 2011 – Geological and Mining Law (Journal of Laws [Dz.U.] No 163, item 981) expires as at the date this Regulation enters into force.

*TEMPLATE*

# APPLICATION FORM

Appendices to the Regulation of the Minister of the Environment of 20 December 2011 (item 1724)

**Appendix No 1**

.....................................................

(place and date)

# to ................................................

**for entering into an agreement for using geological information against remuneration**

**Data of the Applicant**

1. First name and surname / name: ..................................................................................................................................

......................................................................................................................................................................................

2. Address of residence / registered office: ......................................................................................................................

......................................................................................................................................................................................

3. Polish Resident Identification Number (PESEL) and Tax Identification Number (NIP):\*) .....................................................................................................................................................

4. Type, number and series of identity document\*): ......................................................................................................

5. Address for deliveries: ..........................................................................................................................................

.......................................................................................................................................................

.................................................................................................................................................................................

6. Phone number: ...................................................................................................................................................

Fax number: .............................................................................................................................................................................

E-mail address: ..........................................................................................................................................................................

\*) If the Applicant has it.

# Description of the geological information

The geological information shall refer to:

* mineral deposit .............................................................................................................................................................
* underground storage area or underground landfilling of waste

.....................................................................................................................................................................................

* groundwater intake ...........................................................................................................................................
* other .............................................................................................................................................................................

The geological information shall be included in:\*)

* **geological documentation** of the mineral deposit .....................................................................................................

of ......................................., approved by the decision / accepted by the notification ..............................................

.............................................................................. of ....................................., ref. No: ...........................................

* **hydrogeological documentation** .............................................................................................................................

of ......................................., approved by the decision / accepted by the notification ...................................................

.............................................................................. of ....................................., ref. No: ...........................................

* **geological and engineering documentation** .................................................................................................................

of ......................................., approved by the decision / accepted by the notification ...................................................

.............................................................................. of ....................................., ref. No: ...........................................

# geological sample

– boreholes names and depth of sampling: ............................................................................................

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* + uniform / crushed samples or bore dust\*\*)
* **geological data collection** .................................................................................................................................

.....................................................................................................................................................................................

* other: ............................................................................................................................................................................

\*) If there is more documentation or samples, provide the description thereof in an appendix.

\*\*) Underline as appropriate.

# Type and form of the geological information

* geological document
  + hard copy form — electronic form\*)
* geological data collection
  + analogue form — digital form\*)

\*) Underline as appropriate.

# Place of storage of the geological information

* Central Geological Archive ............................................................................................................................
* Province Geological Archive in ..................................................................................................................
* Poviat Geological Archives in .....................................................................................................................
* other archives: ..............................................................................................................................................................

# Location of the area the geological information refers to:

– province: ............................................................................................................................................................

– poviat: ........................................................................................................................................................................

– commune/municipality: .........................................................................................................................................................................

# Deposit development status

..........................................................................................................................................................................................

# Purpose of using the geological information

* Using the geological information in order to perform operations in terms of extraction of minerals from deposits for the needs of:
* obtaining a license for extracting minerals from the deposit .....................................................................................

................................................................................................................................................................................

* amending the current license (to what extent) .............................................................................................

................................................................................................................................................................................

* transferring the license ..........................................................................................................................................
* preparing supplement / geological documentation\*) and obtaining a license for extracting minerals from the deposit ...................................................................................................................................................................
* preparing supplement / geological documentation\*) and amending the license (to what extent) .......................

................................................................................................................................................................................

\*) Underline as appropriate.

* Using the geological information in order to perform operations in terms of underground tankless storage of substances .......................................................................................................

.....................................................................................................................................................................................

* Using the geological information in order to perform operations in terms of underground landfilling of waste .....................................................................................................................................................................
* Using the geological information in order to perform operations in terms of where a water-law permit is required..............................................................................................................

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* Using the geological information included in the geological samples in order to:

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* Using the geological information in the form of geological data in order to:

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*In the case of a study funded from public funds, provide the title of the study and the source of funding:*

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# Intended period of using the geological information

..........................................................................................................................................................................................

# APPENDICES TO THE APPLICATION FORM

1. Valuation of the geological information.
2. Current copy, issued no later than 3 months before submitting the Application, from the relevant register of entrepreneurs or scientific institutes of the state where the applicant is registered, or a duplicate of the relevant copy certified by notary public, legal advisor or advocate, together with date and place of such a certification.
3. Graphic appendices presenting the location of the area which the geological information refers to, together with the list of coordinates of the border points of this area presented in the two-dimensional Cartesian coordinate system, belonging to the state spatial reference system – if the geological information concerns a part of the deposit.
4. Copies of decisions regarding a concession or a water-law permit– if the Applicant holds a concession or a water-law permit, and the purpose of the agreement is to amend or transfer the concession or the water-law permit.

..................................................

(Applicant’s signature)

UNDEVELOPED METHAN-POOR NATURAL GAS DEPOSITS

**Appendix No 2**

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Deposit name** | **Poviat** | **Province** |
| 1 | Babimost | Zielona Góra | Lubuskie |
| 2 | Czeklin | Krosno | Lubuskie |
| 3 | Dębina | Głogów, Wschowa | Dolnośląskie, Lubuskie |
| 4 | Kandlewo | Góra, Wschowa | Dolnośląskie, Lubuskie |
| 5 | Kargowa | Zielona Góra | Lubuskie |
| 6 | Kąkolewo | Leszno | Wielkopolskie |
| 7 | Międzyzdroje E | Kamień Pomorski | Zachodniopomorskie |
| 8 | Międzyzdroje W | Kamień Pomorski | Zachodniopomorskie |
| 9 | Przytór | Świnoujście | Zachodniopomorskie |
| 10 | Rawicz-main dolomite | Rawicz | Wielkopolskie |
| 11 | Stanowice | Gorzów | Lubuskie |
| 12 | Uników | Wieruszów | Łódzkie |
| 13 | Wilcze-main dolomite | Zielona Góra | Lubuskie |
| 14 | Zakrzewo | Rawicz | Wielkopolskie |
| 15 | Żakowo | Leszno | Wielkopolskie |

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