

99020020007000, 99020020007000

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

Heruntergeladen am 23.06.2025

<https://fimportal.de/xzufi-services/394175233/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99020020007000, 99020020007000
Leistungsbezeichnung I	Applying for an amendment or change to a main operating plan for mining
Leistungsbezeichnung II	
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Bodenschutz (020)
Verrichtungskennung	Zulassung (007)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und

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	Führung eines Unternehmens
Lagen Portalverbund	Tier-, Pflanzen- und Naturschutz (2130200), Bauplanung (2050400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	12.12.2023
Fachlich freigegen durch	Hessian Ministry for the Environment, Climate Protection, Agriculture and Consumer Protection (HMuKLV)
Handlungsgrundlage	https://www.gesetze-im-internet.de/bbergg/_51.html https://www.gesetze-im-internet.de/bbergg/_52.html https://www.gesetze-im-internet.de/bbergg/_55.html https://www.gesetze-im-internet.de/bbergg/_51.html https://www.gesetze-im-internet.de/bbergg/_52.html https://www.gesetze-im-internet.de/bbergg/_55.html
Teaser	If your company wants to explore, extract and process mineral resources, you must draw up a main operating plan, among other things. If you wish to amend or supplement it, you must apply for approval from the competent authority.
Volltext	<p>In order to set up and operate an exploration, extraction or processing facility, you as an entrepreneur need an approved main operating plan. If you wish to supplement this plan at a later date or change individual components, you must apply for approval.</p> <p>An operating plan is used to monitor operations. It generally includes comprehensive explanations and planning documents for planned mining measures, for example with regard to</p> <ul style="list-style-type: none"> • Location and extent, • technical implementation • scheduling, • possible effects on people and the environment, • Measures to avoid and minimize negative effects on the environment, • operational and occupational safety.

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With the amendment or modification of the license, 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.

Erforderliche Unterlagen

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

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

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
- authorization for the exploration and extraction of non-mining mineral resources, i.e:
 - a permit for exploration or
 - a permit for the extraction of a non-mining mineral resource
- proof of permission under water law, if applicable,
- a comprehensive description of the site situation, including the 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 (fulfillment of all relevant requirements)

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- Description and assessment of possible impacts on the environment and planned measures to avoid and reduce them, nature conservation contributions, noise reports
- Water management measures
- Measures to provide for the reutilization of the surface
- Measures for immission control
- Description of the operating facilities, such as offices and social rooms, parking spaces, storage areas, workshops, filling stations
- Details of responsible persons
- Guarantee certificate, if applicable

Voraussetzungen

You must have a valid approval for your main operating plan in order for it to be amended or supplemented by the competent authority. You must take the following points into account for all changes:

- Your project must not conflict with any overriding public interests.
- You must be able to prove that you have the officially issued authorization for the exploration or extraction of non-mining mineral resources or the rights over 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 made usable again to the extent required by the circumstances, the safety of other mining operations is not jeopardized, the search for or extraction of mineral resources does not result in any harmful consequences for the general public

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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 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 kept to a minimum

- 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

Verfahrensablauf

You can apply for approval for changes to your main operating plan online via the "BergPass" platform (if available in the relevant federal state) or in writing to your competent mining authority. Apply for approval online:

- Call up 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 directly to the competent mining authority for approval:

- You must prepare your amended main operating plan in such a way that both the approval 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 and the documents submitted. If any documents are missing, the authority will contact you.

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- The mining authority decides on the approval.
- You will receive a notification informing you of the decision on your application.
- The approval 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

1 Monat(e)

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 approval for the change to 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 2 years, you can legally continue to operate during this time. Only if the interruption lasts longer than 2 years do you have to obtain a permit 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 company and in doing so

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- are not planning to deepen the surface,
- do not use mechanical power,
- do not carry out any work underground 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 reutilization 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 finalized.

Rechtsbehelf

- Action before the administrative court

Kurztext

- Mining operating plan procedure Main operating plan - supplement or amendment Approval
- An approved main operating plan is a prerequisite for the establishment and management of mining exploration, extraction or processing operations that are subject to the subject to the Federal Mining Act
- Main operating plan comprehensively describes the planned mining measures for the extraction or processing of mineral resources
- Amendments or additions to the main operating plan must be approved
- Deviations from an approved operating plan that are immediately necessary due to danger to life and health must be reported to the competent authority without delay
- Application possible via online portal "Bergpass" (in

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	<p>preparation) or directly to the competent mining authority</p> <ul style="list-style-type: none"> • - Responsible: Mining department of the regional council responsible for the administrative district
Ansprechpunkt	
Zuständige Stelle	The mining department of the regional council responsible for the administrative district is responsible.
Formulare	
Ursprungsportal	Ergänzung oder Änderung eines Hauptbetriebsplans für Bergbau beantragen, Applying for an amendment or change to a main operating plan for mining