

General Assembly & Seminar

12 - 14 May 2022,
Skopje



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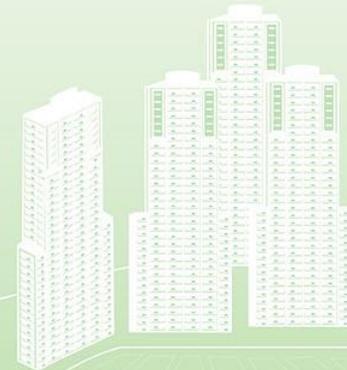
Council of European Geodetic Surveyors

MINING CADASTRE

Presenter: ing.Gavrilescu Teodora



Romania is known as a country with a great potential in the field of mineral resources, especially brute (unfiltered) oil, natural gas, salt, gold, silver and ferrous and non-ferrous metals.



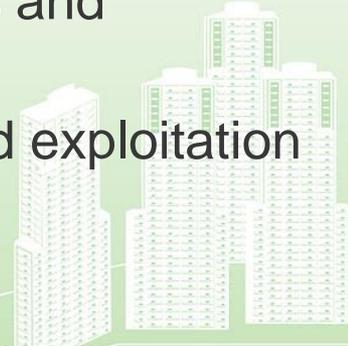
From a historical point of view, the extractive industry in Romania has often been at the forefront of the development of this industry in Europe, offering new methods of identifying and evaluating mineral and oil resources, methods that later proved to be of major importance worldwide.



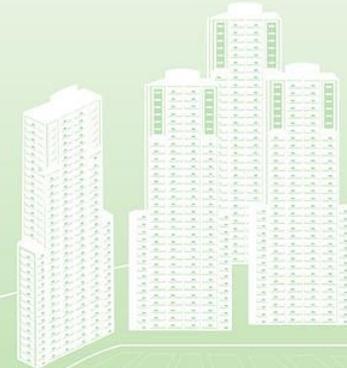
Currently, the activity in the mining sector in Romania is regulated by the Mining Law no. 85/2003 and the methodological norms for its application, approved by GD no. 1208/2003, representing the primary legislation in this field.

The two normative acts establish:

- the procedure for approving and issuing exploration permits and licenses, operating licenses;
- the procedure for approving activities for the exploration and exploitation of useful mineral substances;
- Council taxes;
- access to data and information on Romanian mineral resources.

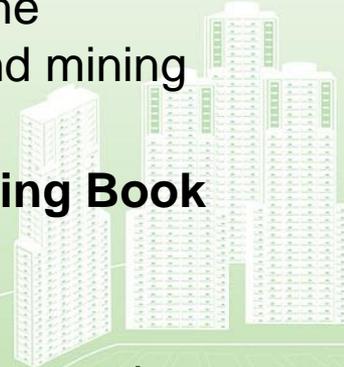


The competent authority empowered to apply the provisions of this law is the **National Agency for Mineral Resources**, a specialized body of the central public administration, with legal personality, subordinated to the Government and coordinated by the Prime Minister, through the Chancellery of the Prime Minister.



National Agency for Mineral Resources

- Approves documentation on the execution or exploration, mining and oil, as well as documentation on the ending mining activities;
- Approves the annual operating programs;
- Develops and approves specific regulations and technical prescriptions;
- Follows the application of stability measures for the protection of the environment, during and after the performance of oil operations and mining activities;
- **Elaborates and keeps records of the Petroleum Book, the Mining Book and the Mining Cadastre;**
- Collaborates with territorial authorities
- Certifies the professional competence of the natural and legal persons who execute works and documentation;
- Constant and sanctions the once that break the Petroleum Law and the Mining Law;



National Agency for Mineral Resources

The National Agency for Mineral Resources organizes and carries out:

- a) promotional activities for the development of oil and mineral resources, together with the ministries concerned, as the case may be;
- b) public auctions for the concession of mining activities and oil operations;
- c) database for own use;
- d) **attestation of the technical competence of the legal persons** who draw up documents and / or carry out geological research works, oil and mineral resources and expert works, as well as of the natural persons who draw up documents and / or carry out geological research works; and expertise;

MINING CADASTRE

The mining cadastre, is a subsystem of evidence and systematic inventory of real estate related to mining activities (land, construction and surface and underground installations) from a technical, economic and legal point of view, correlated with works required in the following research in the technical documents of the general cadastre and in the real estate advertising documentation in the mining field.

pentru INFORMARE

Ziua	12
Luna	12
Anul	2012

ANCPI AGENCIJA NAZIONALA PENTRU CADASTRU SI PUBLICITATE IMOBILIARA
Oficiul de Cadastru și Publicitate Imobiliară BIHOR
Biroul de Cadastru și Publicitate Imobiliară Oradea

A. Partea I. (Foale de avere) CARTE FUNCIARA NR. 176824
Comuna/Oras/Municipiu: Oradea

TEREN intravilan
Adresa: Oradea, Strada Nucetului, nr. 9

Nr crt	Nr.cadastral Nr.topografic	Suprafata* (mp)	Observatii / Referinte
A1	176824	Din acte: 1719; Masurata: 1719	

CONSTRUCTII

Nr. Crt.	Nr.cadastral Nr.topografic	Adresa	Observatii / Referinte
A1.1	176824-C1	Oradea, Strada Nucetului, nr. 9, bloc A5	Bloc de locuinte(P+8E), An constructie: 2012;fundatie beton, zidarie caramida, acoperis: beton cu membrana caucuciata;Decline certificat energetic, are un lift; Total suprafata construita desfasurata=5446mp

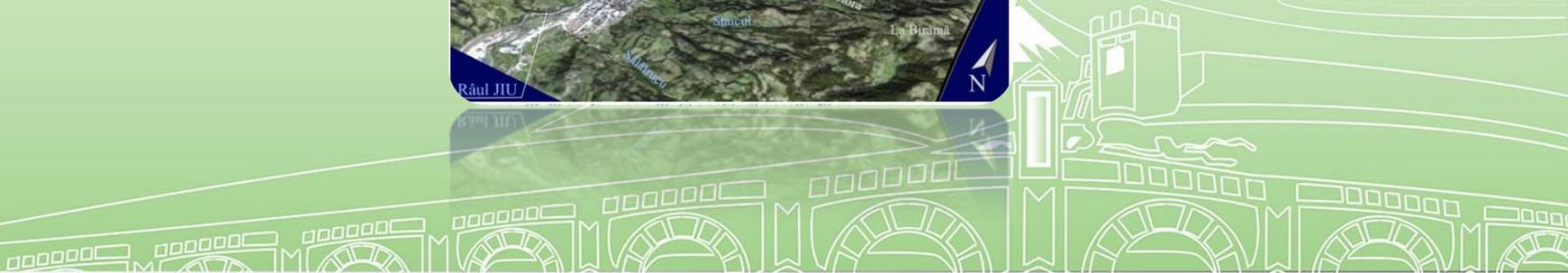
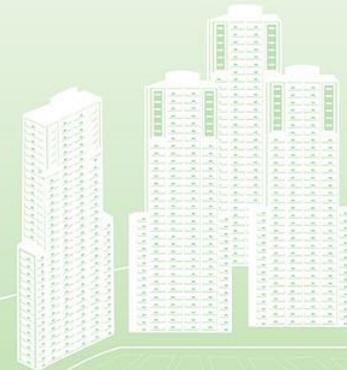
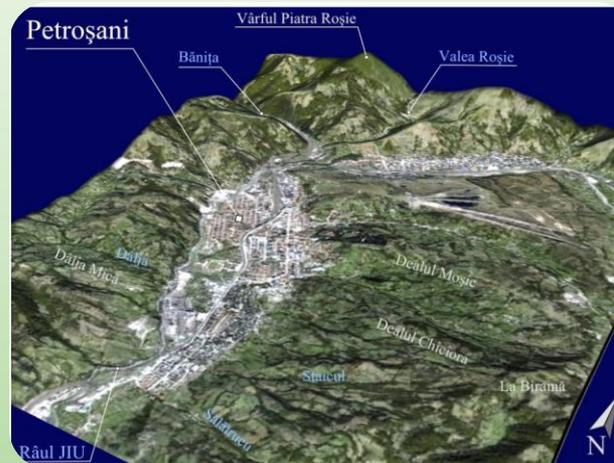
B. Partea II. (Foaie de proprietate)

MINING CADASTRE

By executing the mining cadastre works, the following objectives are achieved:

- a) **the determination of the land surfaces, with or without constructions**, owned by the mining units subordinated to the Ministry of Economy and Trade, hereinafter referred to as MEC, or, as the case may be, by the national mining companies, commercial companies and other providers of mining activities;
- b) **the correct administration and management of the patrimony of the mining units** and the defense of the real rights of the concessionaires over the real estates, through their reservations in the cadastral registers and in the land and mining books;

- c) **ensuring a fair basis for the stability of taxes, duties and royalties** due to the state for surface and underground mining activities, according to the legislation in the respective field;
- d) **establishing the legal mining areas** (exploitation / exploration perimeters) by including the lands with mining use in the general cadastre.





The purpose of this system is:

a) determining the technical, economic and legal information regarding the building;

b) ensuring the publicity of real estate rights, personal rights, legal acts and facts, as well as and any other legal report, through the official book;

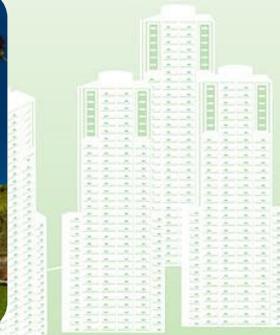
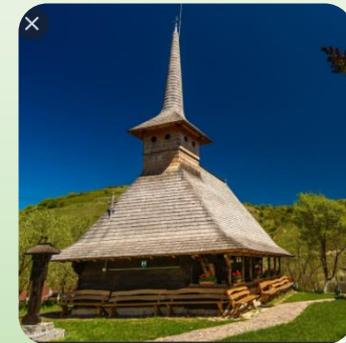
c) the provision of data to the public institutions of the state, necessary for the taxation system and the real estate market;

d) contributes to ensuring the security of real estate transactions and to facilitate the mortgage loan.

The right to use the land necessary for the development of mining activities in the perimeter of exploration / exploitation is acquired, in accordance with the law, by:

- a) the sale-purchase of the lands and, as the case may be, of the constructions located on them, at the price agreed between the parties;
- b) the exchange of land, along with the relocation of the affected owner and the reconstruction of the buildings on the newly granted land, at the expense of the owner who benefits from the vacated land, according to the agreement concluded between the parties;
- c) the lease of the land for a determined duration, based on contracts concluded between the parties;
- d) expropriation for reasons of public utility, in accordance with the law;
- e) land concession;
- f) the association between the landowner and the licensee;
- g) other procedures provided by law.

Carrying out mining activities on the lands where **historical, cultural, religious monuments**, archeological sites, nature reserves, sanitary protection areas and hydrogeological protection perimeters of the water supply sources **mining on such land is strictly forbidden.**



In this paper I will deal with the mining cadastre. An underground perimeter will be studied and all the buildings on the surface will be analyzed. Emphasis is on a systematic inventory of real estate related to mining activities, such as land, construction and surface and underground installations. This must be done technically, economically and legally.

I consider it very important or such an inventory because it is necessary to know the history of these lands that must be stipulated in the functional book. It is necessary that when a building is above an already known mining perimeter or around a quarry to have a mention in the functional book. Once in order not to be put up for sale and if this happens, the buyer must be informed.

Another important matter that I would like to address in this paper is the tracking of the terrain in time. I measured this area in 2002 and now I will take measurements again.

How to give a land for sale and how to set a price considering that there is no transparency to that land. It is very difficult for the stability of that building given the fact that at any moment the land can collapse, that is, it can be devalued.

I would like more information on how properties are tabulated above mining areas in your country.

The people are buying but they not know what.



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Thank you for your attention!

