

**The Royal Decree of 7 October 1974 on the
Granting of Concessions for the Exploration and Exploitation of the Mineral
and Other Non-living Resources of the Continental Shelf**

Having regard to the Act of 13 June 1969 concerning the continental shelf of Belgium, in particular article 3 thereof;

Having regard to the opinion of the Council of State;

At the proposal of our Minister for Economic Affairs and of our Secretary of State assigned to assist the Minister for Economic Affairs,

We have adopted and hereby decree:

Article 1

Applications for concessions to prospect for and exploit mineral resources and other non-living resources on the continental shelf shall be addressed to the Minister responsible for mines, hereinafter referred to as "the Minister".

The application shall be submitted in the form of a request in seven copies. It shall mention the nature of the substance to be prospected for and exploited and shall contain the following information:

The name, first name, occupation, place of residence and nationality of the applicant. If the applicant has no place of residence in Belgium, he shall be required to elect domicile there;

In the case of a corporation, its statutes and also documents attesting to the powers of the signatories of the request;

A plan to the scale of 1/100,000 indicating the outer limits of the area of prospection and exploitation and also the boundaries of neighbouring areas for which a concession has already been granted;

Information giving an idea of the applicant's technical and financial capacities;

A note containing a description of the establishment and indicating the purpose of the exploration or exploitation, specifying the substance to be prospected for and the depth of exploitation or exploration, the equipment and procedures to be used, the number of workers, the nature and power of each engine and the approximate quantities of materials to be extracted, manufactured or stored;

A note describing the means to be used to combat pollution;

A note describing the means to be used to ensure the preservation of fish stocks and to prevent the destruction of fish spawn and fry and their natural environment.

Article 2

1. On the day of filing, the application shall be entered in an ad hoc register on the instructions of the Director-General of Mines. The entry shall mention the information given in the request and shall refer to the file set

up as a result of the application.

The applicant shall receive notification of the entry.

Any interested party may examine the entry, the application and its annexes.

2. No application shall be registered until it is complete as stipulated in article 1.

The Director General of Mines may set a time-limit within which the application must be completed, after which it shall no longer be admissible.

Article 3

On the day of its entry in the register, a copy of the application and its annexes shall be transmitted, on the instructions of the Director-General of Mines, to the Ministers responsible for, respectively, foreign affairs, communications, public works, agriculture, public health and national defence, for their opinion. The ministers shall give their opinion within the 90 days following receipt of the request for such opinion, failing which the opinion shall be disregarded.

Article 4

The application shall be published in the Moniteur belge at least twice, at a 30-day interval. It shall be published, on the instructions of the Director-General of Mines, within the 30 days following its registration as provided for in article 2.

Such publication shall include the information given in the application and mention the place where the application for a concession and its annexes can be consulted. The applicant shall bear the costs of publication.

Article 5

1. Any interested party may file a competing application or object to an application submitted pursuant to article 1.

Competing applications must be submitted and objections made within the 30 days following the second publication in the Moniteur belge. They shall be notified to the Minister by registered letter and entered in the register of applications for concessions pursuant to article 2, on the instructions of the Director-General of Mines. At their authors' request, they shall be notified to the persons concerned by sheriff's officer's writ.

Competing applications shall contain the same information as that specified in article 1 for applications for a concession. Objections must be substantiated.

Competing applications and objections shall be notified, on the day of their registration and on the instructions of the Director-General of Mines, to the Ministers referred to in article 3.

Article 6

In the 60 days following expiry of the time-limit for the submission of competing applications and objections, the Director-General of Mines shall report to the Minister. Such report shall be drawn up after receiving the opinion of the Ministers referred to in article 3. It shall mention, inter alia, any information which gives an idea of the technical and financial capacities of the applicant and, where appropriate, of the competing applicant.

Article 7

The Minister shall transmit the file and the report of the Director-General of Mines to the Ministerial Committee for Economic and Social Co-ordination. The Committee shall take a decision within 30 days and return the file to the Minister.

Article 8

The concession shall be granted or withheld by order of the Minister; the order must be substantiated and have received the approval of the Ministerial Committee for Economic and Social Co-ordination.

Article 9

The concession shall be granted for a specified period only, up to a maximum of 30 years and provided that the permitted depth and the specific area in which exploration or exploitation is to be carried out are established precisely.

Article 10

The exploration or exploitation conditions for each concession shall be established by royal decree.

Such decree shall also establish the minimum annual level of activity required and only cases in which the concession might be withdrawn or relinquished.

Article 11

Requests to sell, to fully or partially transfer, to share, to lease out or to sublease the rights conferred by concessions, and also requests for approval of the transfer of these rights, shall be subject to the same requirements as applications for a concession.

Article 12

Applications for a concession to prospect for and exploit mineral and other non-living resources on the continental shelf, which were submitted pursuant to articles 1, 2 and 3 of the Royal Decree of 7 April 1953 on prospection for and the exploitation of bituminous rocks, petroleum, and combustible gases, as amended by the Royal Decree of 15 April 1960, and which have already been published in the Moniteur belge, shall continue to be considered in accordance with the provisions of the present Decree.

Article 13

Our Minister for Economic Affairs and our Secretary of State assigned to assist the Minister for Economic Affairs shall be responsible for implementing this Decree.

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