



Warsaw, 29<sup>th</sup> December 2011

# MINISTER OF THE ENVIRONMENT

DGiKGe-4770-227/57494/11/MO

## DECISION

Acting pursuant to Article 155 of the Code of Administrative Procedure and Article 16 Section 1 Item 2 and Section 5a and Article 85 and Section 5 of the Geological and Mining Law of 4 February 1004 (Dz.U. of 2005, No. 228, Item 1947, as amended) upon the application of Energia Zachód Sp. z o.o., a company based in Warsaw, and having consulted the competent authorities as required under the *Geological and Mining Law*,

I hereby decide to

amend the concession No. 4/03/p of 19 February 2003 as per the wording set forth by decision of 10 December 2003, ref. No.: DGn/BB/487-8834/2003, decision of 16 December 2005, ref. No.: DGe-4770-3/8978/05/AP, decision of 31 January 2008, ref. No.: DGe-4770-5/842/08/MO and decision of 15 December 2008, ref. No.: DGiKGe-4770-67/7055/08/MO, granted by the Minister of the Environment to Energia Zachód Sp. z o.o., a company based in Warsaw, to prospect for and explore natural gas deposits within the area of the concession block No. 207, located in the territory of the communes of: Czerwonak, Łubowo, Dominowo, Kleszczewo, Nekła, the towns and communes of: Czerniejewo, Kostrzyn, Pobiedziska, Swarzędz, Września and the towns of: Poznań and Kórnik, located within Wielkopolskie Voivodeship, as follows:

1. Section 3 of the concession shall have the following wording:

"3. The conditions to be fulfilled by the entrepreneur holding the concession are set forth in the mining usufruct agreement of 27 August 2002 between the State Treasury, represented by the Minister of Environment, and Ramco Energy Plc (subsequently assigned by Ramco Energy Plc to Energia Zachód Sp. z o.o. on 30 September 2002), as amended by Annex No. 1 of 18 February 2003, Annex No. 2 of and Annex No. 3 of 15 December 2008, and Annex No. 3 of 29<sup>th</sup> December 2011.";

2. Section 4 of the concession shall have the following wording:

"4. The concession is issued for the term of 12 years starting from the date of concession issuance.";

3. after Section 5b of the concession, a new Section 5c shall be added and have the following wording:

"5 c. The additional scope of work shall include data analysis and interpretation and the performance of a production test on wells drilled by the company on the "Siekierki" structure."

4. Section 14 of the concession shall have the following wording:

"14. The fee in consideration of the activity contemplated in this concession shall amount to PLN 138,804.13 (in words: one hundred and thirty eight thousand eight hundred and four zlotys; 13/00), and shall be payable within 14 days of the date of obtaining the concession.

The fee in respect of the activity contemplated in the concession shall be appropriated as follows: 60% constitutes the revenue of the communes in whose territories the activity is to be carried out, proportionally to the surface of the concession area falling within the boundaries of each commune, and the remaining 40% constitutes the revenue of the National Fund for Environmental Protection and Water Management – account number BGK III/o Warszawa 92 1130 1062 0000 0109 9520 0013.

Energia Zachód Sp. z o.o. with its registered office in Warsaw is hereby obligated to present forthwith the concession authority and the entities referred to in Article 86 of the *Geological and Mining Law* with the copies of receipts for the payments made pursuant to Article 85 of the *Geological and Mining Law*."

#### Grounds:

On 19 February 2003, the Minister of Environment issued the concession No. 4/03/p for prospecting for and exploration of crude oil and natural gas deposits within the concession block No. 207 to Energia Zachód Sp. z o.o.

Upon the application of the entrepreneur the concession was amended by decision of 10 December 2003, ref. No. DGn/BB/487-8834/2003, decision of 16 December 2005, ref. No.: DGe-4770-3/8978/05/AP, decision of 31 January 2008, ref. No.: DGe-4770-5/842/08/MO and decision of 15 December 2008, ref. No.: DGiKGe-4770-67/7055/08/MO as regards the changes to the concession term, and the scope and time schedule for the research works.

In the application of 16 September 2011 Energia Zachód Sp. z o.o. requested the Minister of the Environment to amend the above-mentioned concession as regards the extension of its term (from 9 to 12 years), and the change of the scope of the research works with a view to carrying out further analyses and a production test on wells drilled by the company on the "Siekierki" structure.

In accordance with the Act of 3 October 2008 *on access to information on the environment and its protection, public participation in environmental protection, and on environmental impact assessments* (Dz. U. No. 199, Item 1227) and the related secondary legislation (Regulation of the Council of Ministers of 9 November 2010 *concerning the types of projects with potentially significant environmental impact* (Dz. U. No. 213, Item 1397, as amended), the contemplated activity, as defined in the concession application, is not deemed to be a project with potentially significant environmental impact.

In the view of the above, no procedure in respect of environmental impact assessment of the contemplated project was undertaken by the competent environmental authority, and the entrepreneur was not required to obtain an environmental decision.

Pursuant to Article 16 Section 4 and Section 5a of the *Geological and Mining Law* the concession authority has consulted the competent heads of communes and mayors of towns and communes, who expressed their positive opinions on the proposed draft of this decision, except for the mayors of the towns and communes of Kostrzyn and Swarzędz who did not take any position on the matter in question within the statutory time limit. In accordance with Article 105a of the *Geological and Mining Law*, the failure to take a position within the above-mentioned time limit was deemed as the acceptance of the decision, as per the wording proposed by the Minister of the Environment.

The entrepreneur has been obligated to pay a fee in consideration of the prospecting for and exploration of mineral deposits. The fee has been set on the basis of Article 85.4 of the *Geological and Mining Law* as the product of the rate per square kilometre for hydrocarbons (PLN 219.94) and the number of square kilometres of the area (631.1 km<sup>2</sup>) where the activities are to be carried out.

In the course of the procedure, the Minister of Environment ascertained, as required under Article 155 of the Code of Administrative Procedure, that the amendment of the decision with respect to

prospecting for and exploration of crude oil and natural gas deposits within the concession block 207 is in the interest of the party while it is neither in conflict with the relevant specific regulations nor does it contravene the public interest.

In view of the above, it has been resolved as first written above.

A party not satisfied with this decision may submit, within 14 days of its receipt (appeal regulations applying accordingly) a request to the Minister of Environment for the case to be reconsidered.

Recipients:

Energia Zachód Sp. z o.o.  
To file

Cc.:

1. Municipality of Poznań
2. Municipality of Kórnik
3. Municipality and Commune of Czarniejewo
4. Municipality and Commune of Kostrzyn
5. Municipality and Commune of Pobiedziska
6. Municipality and Commune of Swarzędz
7. Municipality and Commune of Września
8. Commune of Czerwonak
9. Commune of Łubowo
10. Commune of Dominowo
11. Commune of Kleszczewo
12. Commune of Nekla
13. District Governor's Office in Gniezno
14. District Governor's Office in Poznań
15. District Governor's Office in Środa Wielkopolska
16. District Governor's Office in Września
17. Voivodeship Marshal's Office in Poznań
18. Regional Mining Authority in Poznań
19. National Fund for Environmental Protection and Water Management in Warsaw
20. Ministry of Economy in Warsaw

stamp and signature of the Minister of Environment  
MARCIN KOROLEC