

Using mineral resources: significant changes from September 1

FAO directors, environmentalists, and engineers of enterprises engaged in subsurface activities or the exploration of mineral deposits, and in extracting mineral resources.

Pepeliaev Group advises about the most important new developments in the field of using mineral resources, which will come into force on 1 September 2025.

1. New rules for developing deposits of solid industrial minerals

By Order No. 209 of the Russian Ministry of Natural Resources and No. 3 of the regulator Rosnedr dated 15 April 2025, new rules were introduced for the development of deposits of solid mineral deposits.

These rules apply to subsoil plots (or parts of them) where development is conducted in accordance with:

- a pilot project for the industrial development of a deposit;
- a technical development project for a deposit;
- a technological scheme for the primary processing of mineral raw materials.

Pepeliaev Group's comment

Technical development projects for deposits of solid industrial minerals, which have been approved and previously authorised by the subsoil user, will remain valid until the end of their validity period. There is no need to align them with the new regulations.

Let us consider the key updates.

1. The opportunity is envisaged to carry out the industrial development of parts of deposits of solid industrial minerals if:

- it is established based on the results of a state expert review of the reserves, as well as ensures that natural resources are used rationally and are protected (article 23 of the Law on the Subsoil);
- it does not lead to the selective processing of reserves of minerals and allows accurate accounting for extractable and remaining reserves in the subsoil of the main minerals and components associated with them;

- the subsoil plot granted under a licence contains a part of a deposit of solid minerals.

2. The phased industrial development of solid mineral deposits and the sequence of involving individual sections or units in extraction are justified in a technical project based on:

- the geological structure of the deposit;
- geotechnical and mining conditions;
- other development conditions,

with the aim of ensuring safe development conditions and optimal technical and economic indicators, while excluding the selective processing of solid mineral reserves that leads to excessive losses of minerals, quality being lost above the established limits of solid minerals, and the irrational use of subsoil resources resulting in excessive losses when solid minerals are extracted, while leaving reserves of solid minerals in the subsoil under conditions that preclude them from subsequently being extracted.

3. The joint industrial development of several deposits of solid minerals granted to a single subsoil user under one or several licences based on a single project is possible if this does not contradict:

- the results of the state expert review of the reserves;
- requirements for rational use and protection of the subsoil and the safe conduct of activities relating to the use of the subsoil;
- requirements in the field of environmental protection.

4. The unified industrial development of several deposits of solid minerals (or parts of such deposits) granted to different subsoil users based on a single Technical Development Project (TDP) with an agreement concerning the procedure for joint industrial development is possible if this does not contradict:

- the terms and conditions of the licences;
- the results of state expert review of the reserves;
- requirements for the rational use and protection of natural resources and the safe conduct of activities relating to subsoil use;
- requirements in the field of environmental protection.

5. The following are not permitted during mining operations:

- leaving mineral reserves in the subsoil that, according to current mining technologies, would be difficult or impossible to extract in the future;

- secondary processing of mineral reserves that, owing to current mining technologies, complicates the conditions for their extraction or results in losses;
- losses in excess of the set standards;
- violations of deadlines set for extracting mineral reserves within the technical bounds of mining works.

There is an exception for cases where modern technologies cannot be applied to carry out the work.

Pepeliaev Group's comment

According to clause 61 of the Rules, when carrying out the partial liquidation or conservation of mine workings, backfilling is carried out with subsurface use waste classified as being of hazard class V as well as overburden and host rock directly during mining operations in the industrial development of a deposit of solid minerals. The deadlines for completing development and starting full liquidation or conservation are determined by the subsoil user and justified in the Technical Development Project.

This provision helps to mitigate the position of environmental regulator Rosprirodnadzor that the placement within the mine area of overburden and subsurface use waste during liquidation or conservation constitutes the placement of waste.

We note that this provision of the Rules was adopted in accordance with Federal Law No. 343-FZ dated 14 July 2022, which introduced significant changes to the Law on the Subsoil concerning waste from subsoil use, including overburden and host rocks.

These provisions apply to the full volume of already accumulated overburden, enabling subsoil users to establish positive judicial precedents, including within the context of existing technical projects. See, for instance, the cases of JSC Yakutugol Holding (case No. A40-143369/2023), JSC Apatit (case No. A42-650/2022), LLC Amikan GRK (case No. A33-5998/2023), and LLC Sovrudnik (case No. A33-15815/2022).

2. New rules for developing deposits of hydrocarbon raw materials

Order No. 110 of the Russian Ministry of Natural Resources and No. 2 of Rosnedr dated 17 March 2025 has approved new rules for developing deposits of hydrocarbon raw materials.

These rules apply to deposits (or parts of them) of hydrocarbon raw materials located within the Russian Federation, in its internal marine waters, in subsurface plots on Russia's continental shelf, and within its exclusive

economic zone, as well as those situated in the Black Sea, on the bottom of the Caspian Sea, and in the World Ocean.

There is an exception for subsoil plots allocated for the use of technologies for geological exploration, prospecting, and the extraction of hard-to-recover minerals.

The document regulates:

- the procedure for preparing deposits of hydrocarbon raw materials for industrial development and requirements for conducting such development;
- permissible deviations from the development figures for deposits of hydrocarbon raw materials and requirements for the system for developing them;
- the designation of wells, as well as requirements for their structures, and technologies for opening them, reinforcing them, perforating productive strata, and developing them;
- the procedure for recording the pool of wells, bringing wells into operation, as well as requirements for operating and maintaining them;
- requirements for the construction of oil fields, as well as for collecting, preparing, and transporting hydrocarbon raw materials;
- the procedure of accounting for extraction and reporting during the development of deposits of hydrocarbon raw materials;
- requirements for documentation in relation to developing deposits of hydrocarbon raw materials and operating wells, including completing the development of a deposit;
- permissible deviations between the actual production of oil/free gas and the projected volume as approved in the Technical Development Project.

We note certain new developments:

1. Industrial development is permitted in accordance with:

- the Field Development Strategy (DFS), Development Project (DP), Amendments to the DFS (ADFS), and Amendments to the DP (ADP)¹, prepared for an individual subsoil plot of large and unique deposits of hydrocarbon raw materials, with approved technological development parameters for one or several extraction facilities (EFs) sharing a common system for collecting and preparing products;
- DFS, ADFS, DP, and ADP documents, created for one or several EFs that are being developed using a shared system for collecting and preparing products, for large and unique deposits of hydrocarbon raw materials

¹ Field Development Scheme (DFS) and amendments to it (ADFS), Field Development Project (DP) and its amendments (ADP).

belonging to a single subsoil user where there is no current single overall technical project across the deposit.

2. It has been established that the subsoil user determines the seasonal operation for deposits of hydrocarbon raw materials and justifies this in technical projects.

Pepeliaev Group's comment

Technical development projects for deposits of hydrocarbon raw materials (including individual strata or sections of them) that the subsoil user has previously agreed remain valid until the end of their specified validity period. There is no requirement to align them with the new rules.

3. The procedure for the restoration and conservation of land has been updated

The Russian Government's Resolution No. 781 dated 29 May 2025 has approved new rules for the restoration and conservation of land.

Let us review the main provisions of these Rules.

1. Key performance indicators have been set, namely:

compliance with the quality of the ground:

- the established environmental quality standards for soil (the ground), including regional standards;
- if there are no such standards (for a specific pollutant), the concentration values of pollutants for which regulatory measures are applied in the field of environmental protection in adjacent territories with a similar designated purpose and type of use;
- for land within populated areas, the requirements of Russian legislation in the field of ensuring public sanitary and epidemiological welfare;

Pepeliaev Group's comment

The application of hygiene standards has been limited to solely this category of land, which, in our opinion, contradicts paragraph 20 of the Russian Government's Resolution No. 149 dated 13 February 2019 "On developing, establishing, and reviewing environmental quality standards for chemical and physical indicators of the state of the environment, as well as on approving standards in the field of environmental protection establishing technological indicators of the best available technologies".

- for land designated as agricultural land, the standards and rules for ensuring the fertility of agricultural land, but not lower than the indicators of which the procedure for state record keeping is established by the Russian Ministry of Agriculture in relation to land plots that are homogeneous in terms of soil type and occupied by homogeneous vegetation, broken down by agricultural holdings;
- for specifically designated forests, for lands referred to in article 60.12(2) of the Russian Forestry Code.

2. The use of the following is stipulated when restoration work is carried out:

- exposed and host rock types;
- waste from mineral resource use of hazard class V, waste from the production of iron and steel of hazard classes IV and V, ash and slag waste from coal combustion of hazard class V and phosphogypsum of hazard class V, provided that the classification of such waste in a specific hazard class has been confirmed.

3. There is a ban on the use of the following:

- production and consumption waste, when restoration work is carried out on land referred to in article 60.12(2) of the Russian Forestry Code;
- for carrying out work aimed at restoring the fertile soil layer: waste of hazard class V from mineral resource use (except for exposed and host rock types), waste of hazard classes IV and V from iron and steel production, and ash and slag waste of hazard class V from coal combustion.

Pepeliaev Group's comment

The Rules that were approved by the Russian Government's Resolution No. 800 dated 10 July 2018, which were in effect until 1 September 2025, contained prohibitions on:

- using production and consumption waste;
- disposing of toxic overburden during the restoration of lands specified in article 60.12(2) of the Russian Forestry Code.

Taking into account the provisions of Federal Law No. 343-FZ dated 14 July 2022, the new Rules allow waste from the use of mineral resources to be deployed based on the project documentation specified in article 23.2 of the Law on the Subsoil.

Also of importance is the direct reference to the possibility to use exposed and host rock types for restoring the fertile soil layer, as exposed material is generally suitable for use as a fertile or potentially fertile layer (State Standard GOST 17.5.1.03-86). However, the suitability of the exposed material must be confirmed by appropriate research, such as when engineering surveys are carried out.

4. The composition of information for projects involving the restoration and conservation of land has been supplemented with:

- information about whether land plots are classified as particularly valuable productive agricultural land;
- a description of the results of an environmental impact assessment with respect to the planned restoration and conservation of land, in cases where Russian legislation so provides;
- a description of the results of engineering surveys, in cases where Russian legislation so provides;
- information about the establishment of Sanitary Protection Zones (SPZ) and their boundaries within the limits of the restored or conserved land plot, for the entity that developed the zone.

5. The following time limits have been set for restoration work to be completed under a project:

- not more than 15 years, while the limit is not more than 25 years for conservation work.

6. The procedure is regulated for carrying out and completing work:

- a notification that work for the restoration or conservation of land is to begin must be submitted no later than 10 working days beforehand;

- a notification of that work has been completed must be sent no later than the fifth working day after the work (or stages of it) is (are) completed to the entity that approved the project and also to the relevant federal executive authority;
- the certificate of the completion of the work must be signed within 30 business days after the notice is received;
- for lands owned by the federal government, a commission is created in relation to issues concerning acceptance of the results of the work (or stages of it) to confirm that the work is complete and sufficient;
- a notification of the completion of the work (or stages of it) or of a refusal to accept the work must be sent within five business days from the date of the rightholder or authorised body receiving the conclusion.

Pepeliaev Group's comment

The restoration/conservation of land carried out in accordance with a project approved before 1 September 2025 and the acceptance of the work are carried out under the procedure established by the Russian Government's Resolution No. 800 dated 10 July 2018.

What to think about and what to do

The legislation has been amended to provide mineral resource users with new opportunities, yet they create fresh risks. For instance, at the same time as granting the right to use waste from mineral use, the legislature is introducing new requirements for executing documentation relating to subsoil use and new provisions for controlling the use of such waste.

Furthermore, mining companies encounter challenges when having technical projects approved that envisage solutions for using mineral waste in conserving mine workings and restoring land that has been ruined.

Thus, the revised legal and regulatory provisions do not mean that disputes with government authorities will not arise. Instead, in each specific case, a favourable outcome of any judicial proceedings depends on the particular circumstances, proper documentation, and access to reliable legal support.

Help from your adviser

The lawyers of Pepeliaev Group stand ready to advise on issues connected with meeting the new requirements. They will offer assistance in interacting with regulatory authorities should any disputes arise.

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