

**LAW No. 04/L-158
ON AMENDING AND SUPPLEMENTING THE LAW No.03/L-163 ON MINES AND MINERALS**

Assembly of Republic of Kosovo;

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAW No.03/L-163 ON MINES
AND MINERALS**

Article 1

Article 1 of the basic law, the phrase “**to the benefit of**” shall be replaced with the phrase “**in the function of economic development of**”.

Article 2

1. Article 3 of the basic law, paragraph 1 shall be reworded with the following text:

1. Terms used in this law shall have the following meaning.

2. Article 3 of the basic law, paragraph 1.sub-paragraph 1.1 shall be reworded with the following text:

1.1 **Zone of special interest** – a physical/geographic zone declared as such by competent body.

3. Article 3 of the basic law, paragraph 1 the following sub-paragraphs: 1.4; 1.7; .1.11; 1.12; 1.17; 1.23; 1.24; 1.26; 1.32; 1.45; 1.46; 1.47; 1.58 and 1.59; and paragraphs 4 , 5 and 6 shall be deleted.

4. Article 3 of the basic law, paragraph 1. sub-paragraph 1.8 the word „**devaluation**“ shall be replaced with word „**depreciation**“.

5. Article 3 of the basic law, paragraph 1. sub-paragraph 1.16 shall be reworded with the following text:

1.16. **Environmental impact assessment** – the basic document that is drafted in compliance with the Law on Environmental Impact Assessment.

6. Article 3 of the basic law, paragraph 1. sub-paragraph 1.18 shall be reworded with the following text:

1.18. **Exploration** – activities that aim to identify the presence, quality and quantity of the mineral resource.

7. Article 3 of the basic law, paragraph 1. sub-paragraph 1.20 shall be reworded with the following text:

1.20. **Licence for exploration** – the right obtained from the ICMM for conducting

geological exploration work.

8. Article 3 of the basic law, paragraph 1. sub-paragraph 1.22 shall be reworded with the following text:

1.22. **Exploration Program** – the basic document for applying for a licence for exploration, where the content is defined according to the regulation adopted by the respective institution.

1.22.1 **Physical samples** – any sample extracted during geological-mineral exploration work with the goal to define physical, mechanic, chemical and petrographic features.

9. Article 3 of the basic law, paragraph 1. sub-paragraph 1.27 shall be reworded with the following text:

1.27. **Mining Strategy** – the framework document which defines long-term policies of the mining sector.

10. Article 3 of the basic law, paragraph 1. sub-paragraph 1.29; 1.30 and 1.38 the word „**zone**“ shall be replaced with „**area/space**“.

11. Article 3 of the basic law, paragraph 1. sub-paragraph 1.33 shall be reworded with the following text:

1.33. **Mine** – the entirety of mining works above the ground or under the ground opened with the purposes of extracting minerals. Mine includes infrastructure premises and other premises in service of completing mining activities.

12. Article 3 of the basic law, paragraph 1. sub-paragraph 1.34 the word “**parts**” shall be replaced with the word “**processes**”. At the end of paragraph the text “**but excluding petroleum and natural gas**” shall be deleted.

12.1. After subparagraph 1.34, a new subparagraph 1.34.a shall be added with the following text:

1.34.a. **Mining** – the mining activity undertaken with the purpose of exploring, identifying, assessing, exploiting, processing and storing of mining resources.

13. Article 3 of the basic law, paragraph 1. subparagraph 1.40 the word „**digging**“ shall be replaced with „**extraction**“.

14. Article 3 of the basic law, paragraph 1. subparagraph 1.41, the reference 1.9 shall be replaced with reference 1.8.

15. Article 3 of the basic law, paragraph 1. subparagraph 1.42 shall be reworded with the following text:

1.42. **Minister** – the Minister of respective Ministry for the mining sector.

16. Article 3 of the basic law, paragraph 1. subparagraph 1.43 shall be reworded with the following text:

1.43. **Ministry** – respective Ministry for the mining sector.

17. Article 3 of the basic law, paragraph 1. subparagraph 1.44 shall be reworded with the following text:

1.44. **Museum „TREPÇA“**– the state institution for collecting, maintaining and exhibiting minerals/crystals established by this law.

18. Article 3 of the basic law, paragraph 1. subparagraph 1.53 the word „**European**“ shall be replaced with word „**international**“.

19. Article 3 of the basic law, paragraph 1. subparagraph 1.54 shall be reworded with the following text:

1.54. **Licence for holding mining rights** – holding mining right obtained from ICMM for a certain period of time.

20. Article 3 of the basic law, paragraph 1. subparagraph 1.56 shall be reworded with the following text:

1.56 **Agreement on the right to property access** – an agreement between an applicant, a Licensee or a Permit Holder and a third party having lawfully registered property rights to the surface area that such applicant, Licensee, or Permit Holder proposes to use or is using for the conduct of activities covered by this Law, and - authorizing such applicant, Licensee, or Permit Holder to conduct such activities.

21. Article 3 of the basic law, paragraph 1. subparagraph 1.57 shall be reworded with the following text:

1.57. **Enterprise** – an enterprise defined by the Law on Trading Associations.

22. Article 3 of the basic law, after subparagraph 1.59 a new definition 1.60. shall be added with the following text:

1.60. **Bank Guarantee** – a written promise made by a bank to make the payment for ICMM in case of a failure by the Licensee.

23. Article 3 of the basic law, paragraph 2. “Group 1- Energy Minerals”, after the word “**hydrogen**” the sentence „**but shall not mean or include petroleum and natural gas**” shall be deleted.

Article 3

Article 4 of the basic law shall be reworded with the following text:

Article 4 Authority Required for Exploration or Mining

No Person may carry out any activities involving the exploration, mining and/or processing of Mineral Resources or any other mining related activity without a License or Permit issued by ICMM in accordance with this law.

Article 4

Article 7 of the basic law, paragraph 3, the following text “**The amount of such fees shall be consistent with international best practice**” shall be deleted.

Article 5

Article 8 of the basic law, paragraph 3 shall be amended with the following text:

3. For handing in of the exploration licence zone, the applicant must bring to the ICMM the coordinates of the zone that will be held and the justification for handing in the zone. If the application is approved by ICMM, then an annex licence is issued with the reduced area. Whereas for handing in the zone of an exploitation licence, the applicant must bring to the ICMM coordinates of the zone to be held, the justification for handing in the zone, and if the zone of exploitation licence was partially exploited then the applicant is obliged to rehabilitate the exploited zone. If the application is approved by ICMM, then an annex licence is issued with the reduced area.

Article 6

1. Article 9 of the basic law, paragraph 1. subparagraph 1.2 the word „**sixty (60)**” shall be replaced with „**thirty (30) days**” and the word „**one hundred and twenty (120)**” shall be replaced with „**sixty (60) days**”. And at the end of subparagraph 1.2. shall be added the following text: “**In case of major failures, the Licensee shall submit to the ICMM the improved plan within thirty (30) days, including the implementation schedule for review and approval by ICMM**”;

2. Article 9 of the basic law, paragraph 1. subparagraph 1.3 shall be reworded with the following text:

1.3. to define measures which the Licence/Permit Holder is required to undertake to improve that failure, which might include paying the administrative fee in compliance with Article 79 paragraph 2 by the Licence/Permit Holder, if the failure has caused a seriously dangerous situation.

3. Article 9 of the basic law, paragraph 1, subparagraph 1.4., after subparagraph 1.4.2. a new subparagraph 1.4.3. shall be added with the following text:

1.4.3. priority was not revoked or suspended any Licence or Permit Holder or were collected the securities by ICMM, or by any other regulatory agency for environment of mines in Europe, unless such act is devaluated or cancelled by a competent court; and

Article 7

Article 10 of the basic law shall be amended with the following text:

Article 10 Transfer and Pledge of Licenses and Permits

1. No License or Permit shall be pledged or in any other form encumbered, whether by mutual agreement or by operation of law.

2. Current licence holder who wishes to transfer the licence must first fulfil all outstanding liabilities of the licence irrespective of the fact if those liabilities derived from the Licence, Permit, this law or any other element of the applicable law in Kosovo – before the date of the entry into force of the transfer.

3. ICMM within a timeline of two (2) months must respond to the applicant for transfer of licence whether the licence will be transferred or not. If the licence is not transferred then the ICMM Board will provide a justification for the non-transfer.

4. Licences for exploration for the minerals for which the duration is two (2) years, the transfer is not allowed before one (1) year of licence has passed.

5. Licences for Mineral Exploration for which duration is three (3) years (metal minerals), the transfer is not allowed before two (2) years of licence have passed.

Article 8

Article 11 of the basic law, paragraph 1., the word „**important**“ shall be deleted.

Article 9

1. Article 13 of the basic law, paragraph 1. subparagraph 1.1 shall be deleted from the text of the Law.

2. Article 13 of the basic law, paragraph 1. subparagraph 1.2 the word „**one hundred (100)**“ shall be replaced with „**two hundred and fifty (250) metres**“.

3. Article 13 of the basic law, paragraph 1. subparagraph 1.3 shall be reworded with the following text:

1.3. is located at minimum within twenty (20) metres and more (depending on the allowed slope of the incline of exploitation planned in the exploitation project) from a parcel of land that was cleared or ploughed, or prepared in any other way for planting agricultural seeds or on which agricultural crops are already being grown, except when Licence or Permit Holder has obtained the area rights for that land;

4. Article 13 of the basic law, paragraph 1. subparagraph 1.6 shall be reworded with the following text:

1.6. is a location of any power plant, 35 KW electrical conductor or river or is not further than one hundred and fifty (150) metres from them; Power plant must be one hundred and fifty (150) metres or not further than twenty-five (25) metres from conductors if mining activity is realised without mining.

5. Article 13 of the basic law, paragraph 1. subparagraph 1.7 shall be reworded with the following text:

1.7. ICMM to issue an AI on distances with regard to road categories and mine exploitation system.

6. Article 13 of the basic law, paragraph 1. subparagraph 1.8 shall be deleted from the text of the law.

7. Article 13 of the basic law, paragraph 1. subparagraph 1.9 shall be reworded with the following text:

1.9. is closer than one hundred (100) metres from cemetery;

8. Article 13 of the basic law, paragraph 1. subparagraph 1.10 shall be reworded with the following text:

1.10. is the location of any ancient monument or national monument designated as such by the law and formally and is further than one hundred (100) metres if explosives are not used or five hundred (500) metres if explosives are used.

9. Article 13 of the basic law, paragraph 1. subparagraph 1.11 shall be reworded with the following text:

1.11. is part of a public or private airport or safety aviation zone in the vicinity of airport in a distance of five hundred (500) metres.

10. Article 13 of the basic law, paragraph 1. subparagraph 1.13 shall be reworded with the following text:

1.13. in case explosive is used and it is nearer than five hundred (500) metres from residence buildings and other public and institutional buildings.

Article 10

Article 14 of the basic law, the phrase „with reasonable care“ shall be replaced with phrase „in compliance with criteria defined by this law“.

Article 11

1. Article 16 of the basic law, paragraph 1., the word „to keep” shall be replaced with the word „to have“.

2. Article 16 of the basic law, after paragraph 1. a paragraph 2. shall be added with the following text:

2. Each Licence or Permit Holder must keep in the office designated by this article all notes and documents required by this law. Physical samples that are required by this law must also be kept in this office, except when a provision of the law allows for those samples to be kept in another location within Kosovo.

Article 12

Article 17 of the basic law shall be deleted from the text of the law.

Article 13

1. Article 18 of the basic law, paragraph 2. sub paragraph 2.1 shall be reworded with the following text:

2.1 it has been documented that that zone contains sources of valuable metal, industrial minerals and/or valuable or semi-valuable rocks in the quantity and with features which reasonably are expected to attract the interest of experienced and sound-funding sources mining enterprises; and

2. Article 18 of the basic law, paragraph 3. shall be reworded with the following text:

3. Competitive process envisioned by paragraph 1. of this Article – except as defined in paragraph 4. of this Article – will be exercised by Public-Private Partnerships Committee (PPPC) established according to the Law on Public-Private Partnerships.

3.1 all public authorities, including ICMM, will provide to tendering commission all assistance, advice and information which tendering commission might ask for to exercise regular tendering process.

3. Article 18 of the basic law, paragraph 6. the term “within thirty (30) days” shall be replaced with “within sixty (60) days”.

4. Article 18 of the basic law, paragraph 7. shall be reworded with the following text:

7. Irrespective of above provisions of this Article, it is explicitly determined that tendering competitive process according to paragraph 1. of this article will not apply for Licence for an Energy Mineral if, for reasons that are directly related to the need for securing energy

supply or attraction of considerable direct investments in Kosovo, the PPP Committee recommends a decision for approval to the Government which states that there is a public interest in issuing of this licence for a specific investor, the Government makes such a decision which is then sent to the Assembly for approval. Upon approval from the Assembly, the ICMM must issue the licence to the investor, given than conditions of the Licence are in compliance with applicable provisions of this law and the investor meets all qualification criteria defined by this Law.

5. Article 18 of the basic law, paragraph 8. shall be reworded with the following text:

8. After making such a decision by the Government, it may be entered into an agreement for investment with the specific investor given that:

8.1. the agreement for investment is in compliance the applicable law;

8.2. the agreement for investment meets all licensing criteria as defined by the law; and

8.3. the agreement for investment includes benefits and optimum distribution of risk for the Republic of Kosovo by attracting considerable direct investments or securing energy supply.

Article 14

Article 19 of the basic law, paragraph 1. subparagraph 1.3. shall be reworded with the following text:

1.3. to be exercised in full compliance with procedures defined according to the Law on Public-Private Partnership.

Article 15

Article 20 of the basic law, the title of the Article shall be reworded with the following text:

Article 20 **Register of Licences for Exploitation, Exploration or Permit for Special Activities**

Article 16

1. Article 21 of the basic law, paragraph 1. subparagraph 1.2 shall be reworded with the following text:

1.2. is valid for a zone which is not larger than fifty (50) hectares.

2. Article 21 of the basic law, paragraph 2. subparagraph 2.3 shall be reworded with the following text:

2.3. it may be extended up to two (2) times, where each extension cannot be longer than two (2) years; given that, in case of each such extension, the zone which Exploration Licence will be valid for, will be reduced for at least by fifty percent (50%).

3. Article 21 of the basic law, after paragraph 5. a new paragraph 6. shall be added with the following text:

6. Irrespective of subparagraph 2.2 and 5 of the basic law, an Exploration Licence issued based on Article 18 of the basic law may include a zone with an area sufficient to carry out exploration activity.

Article 17

Article 22 of the basic law, paragraph 1. the word „wishes” shall be replaced with word „**shows interest**“.

Article 18

1. Article 23 of the basic law, paragraph 1., subparagraph 1.6. the following sentence shall be added: **“the applicant’s proposed Exploration Program is based on best practices of exploration, mining and environmental protection, as approved by the ICMM in consultation with MESP and KFA, in appropriate way”**.

2. Article 23 of the basic law, paragraph 2, the first part of the sentence shall be reworded with the following text:

2. Within three (3) months after receiving a complete application in administrative and technical aspect from an eligible applicant, the ICMM shall either issue the concerned License or provide the applicant with:

3. Article 23 of the basic law , after paragraph 4. a new paragraph 5., shall be added with the following text:

5. The person authorized with a Permit for conducting a special activity does not need to submit a request for obtaining a Permit for exercising those special activities.

Article 19

1. Article 24 of the basic law, paragraph 4. subparagraph 4.2 shall be reworded with the following text:

4.2. store and maintain in good condition in Kosovo each core sample obtained in a manner that clearly identifies the date and location of its extraction. At the end of exploration license, cores or other geological samples shall be transferred to a geological institution or an agency as addressed by ICMM.

2. Article 24 of the basic law, paragraph 4. subparagraph 4.4. shall be reworded with the following text:

4.4. submit to the ICMM, not later than October 31 of each calendar year, an exploration program for the following calendar year.

Article 20

Article 26 of the basic law, paragraph 1. subparagraph 1.2, the time period from „**five (5) years**” shall be replaced with „**three (3) years**“.

Article 21

Article 28 of the basic law, paragraph 1., the time period from „**five (5) years**” shall be replaced with „**three (3) years**“.

Article 22

Article 30 of the basic law, paragraph 2. subparagraph 2.1 shall be reworded with the following text:

2.1. has maximum duration of thirty (30) years, except if life cycle of the investment requires other conditions in order to ensure security of supply, to ensure considerable direct investments, or to ensure integration and harmonization with energy production or processing establishments („Energy Establishments“) according to conditions for Energy Establishments defined by the Law on Energy.

Article 23

1. Article 31 of the basic law, paragraph 1, in subparagraph 1.8.2. at the end of subparagraph shall be added the following text: **“Ministry in cooperation with ICMM shall issue sub-legal acts regarding the description in details of information which shall be included in the mining program;”**

2. Article 31 of the basic law, paragraph 1, subparagraph 1.9. at the end of subparagraph shall be added the following text: “defined in sub-legal acts approved by the Ministry based on the law”.

3. Article 31 of the basic law, paragraph 1, subparagraph 1.11 shall be reworded with the following text:

1.11. a performance bond in the format prescribed by the ICMM guaranteeing the availability of sufficient funds to carry out, when and as needed, the mine closure plan and rehabilitation program, such bond to be in an amount equal to or greater than the estimated cost of such plan and program, including emergencies and shall remain in force for full performance period.

4. Article 31 of the basic law, paragraph 1, subparagraph 1.11 the following text shall be added: **“as well as prediction of ICMM regarding the engineering cost to rehabilitate the location in compliance with the approved plan for closure of mine and its rehabilitation. This prediction should be made in cooperation with MESP, Kosovo Forest Agency, and Ministry”.**

5. Article 31 of the basic law, paragraph 1., to subparagraph 1.11 the following subparagraphs shall be added as following:

1.11.1 the amount of the bond to be paid based on the engineering estimations of ICMM to rehabilitate the location of mine according to the approved plan for mine closure and rehabilitation. Such calculation shall be carried out in cooperation with KFA, MESP and Ministry.

1.11.2. the guarantee is made in form of bank guarantee or in form of securities of company investments or governmental (AAA), or euro-sovereign bond shall be submitted to the ICMM to be kept in an approved or licensed bank by the Kosovo Central Bank The payment is made to the bank account of the Kosovo Budget on quarterly basis according to regular reporting to the ICMM for exploitation.

1.11.3 review and recalculation, as needed, of costs on approved closure of mine and obligation for rehabilitation, to be carried out as needed but at least once every three calendar years by ICMM in accordance with requests of Article 31.11 of the basic law

1.11.4. until complete deposition of guarantee according to paragraph 1.11.2 of this Article, the Licensee shall deposit a part of guarantee in the amount set out by ICMM quarterly

1.11.5. means paid as guarantee for rehabilitation is reimbursed to the company after completion of rehabilitation in accordance with projects approved by ICMM, MESP and KFA.

1.11.6. after submission of the request for reimbursement by the company, a commission composed of ICMM, MESP and KFA officers will assess the situation in the field and will submit a report to the ICMM Board. If the report is positive, the Board shall reimburse the securities or funds in the bank of the Licensee.

1.11.7. if the report is negative and/or company has not completed mine's in accordance with rehabilitation plan for closure and rehabilitation, then shall be collected the securities and/or funds will be required from the approved bank to be given to ICMM Board for proceeding and rehabilitation. Rehabilitated land shall become property of Republic of Kosovo unless the property is provided by private owners during the period of mining license. ICMM Board is obliged to make e decision within thirty (30) days to confiscate the funds deposited for rehabilitation.

Article 24

1. Article 32 of the basic law, in paragraph 2. and 3., the timeline is replaced from „**three (3) months**” into „**sixty (60) days**“.

2. Article 32 of the basic law, paragraph 2. subparagraph 2.2. at the end of subparagraph shall be added the following sentence:” **A written list on lacks of application including and/or required changes together with an explanation of ICMM on reasons for taking such decision, and**”.

3. Article 32 of the basic law, paragraph 2. subparagraph 2.3. at the end of subparagraph the following sentence shall be added:” **A written information regarding the applicant's regal rights of submission, appeal and judicial review with respect to such decision.**

4. Article 32 of the basic law, after paragraph 3. a new paragraph 4. shall be added with the following text:

4. Whenever before expiration of the one (1) month period specified in paragraph 1. of this Article, ICMM, in extraordinary circumstances and by exercising the reasonable right, may extend period for two (2) additional months. In such case, ICMM shall notify immediately the applicant in written for such extension and for its reasons.

Article 25

1. Article 33 of the basic law, paragraph 1.3. shall be reworted with the following text:

1.3. the applicant's proposed Mining Program, approved by ICMM, is based on best practices of mining and environmental protection, and ensures the efficient and beneficial use of the concerned Mineral Resources in the concerned area.

2. Article 33 of the basic law, after paragraph 2. a new paragraph 3 shall be added with the following text:

3. If Government have to expropriate the surface rights as defined in paragraph 2. Article 33 of the basic law or, if ICMM determines, after consultations with Ministry of Economic Development, that the public interest shall be best served in this way, ICMM may require from the Licensee to pay the tantiemes in advance.

3.1. such paid tantiemes in advance should be lower than thirty percent (30%) of production tantieme which shall be paid in the first year of exploitation or the actual expropriation cost. The amount of production tantiemes paid for each year should be deducted (but not under zero from the amount of paid tantiemes in advance according to the agreement, provided that such paid tantieme was not

used to reduce the production tantieme for a previous year. No tantieme of advance paid during the initial duration may be used to reduce the tantieme of production for additional period of agreement;

3.2. if the Licensee cancels production according to Article 35 of the basic law, it may be requested from the Licensee to pay the tantiemes in advance or up to the continuance of production or the license shall be suspended, unless the operations were suspended due to strikes, elements or consequences that may not be attributed to the Licensee.

Article 26

1. Article 34 of the basic law, paragraph 1. shall be reworted with the following text:

1. A Mining License confers on the Licensee the exclusive right - subject to the terms and provisions of such Mining License, the provisions of this law including any sub-normative acts issued under the authority of this law and any relevant Surface Rights Agreement or surface rights assigned to the Licensee pursuant to paragraph 2. of Article 33 of the basic law - to carry out the specified Mining Operations and related Exploration activities, including

2. Article 34 of the basic law, paragraph 4. subparagraph 4.1 shall be reworted with the following text:

4.1. within thirty (30) days upon completion of each quarter.

3. Article 34 of the basic law, paragraph 4. subparagraph 4.2 shall be reworted with the following text:

4.2. within sixty (60) days upon completion of each calendar year:

4. Article 34 of the basic law, paragraph 4. subparagraph 4.3. shall be reworted with the following text: „**not later than October 31st of each calendar year, an updated program for exploration for the following calendar year;**“

Article 27

Article 35 of the basic law, paragraph 1. shall be reworted with the following text:

1. The Mining Licensee shall give written notification to the ICMM three (3) months in advance if he intends to suspend or substantially reduce production. Such notification shall include a detailed justification for such suspension or reduction and shall include the time duration of temporary suspension

2. Article 35 of the basic law, paragraph 2. at the end of the sentence shall be added the word „**major force**“.

3. Article 35 of the basic law, after paragraph 2. a new paragraph 3. shall be added with the following text:

3. The Mining Licensee shall continue to carry out all reasonable activities to be in accordance with environment permissions and health care and security requirements according to the law during the period of temporary suspension.

Article 28

Article 39 of the basic law, paragraph 1, timeline „**three (3) months**“ shall be replaced to „**two (2)**“

months“.

Article 29

Article 44 of the basic law, paragraph 2. subparagraph 2.2 shall be reworded with the following text:

2.2. to include or affect the land or property administered directly and legally by the Municipality, or to be a private property but within the borders of the Municipality where the Licence is requested for.

Article 30

Article 45 of the basic law, paragraph 1 subparagraph 1.2. shall be reworded with the following text;

1.2. a written list on application lacks and/or requested amendments to explain reasons of ICMM for such decisions, and

Article 31

Article 51 of the basic law, paragraph 2. the following subparagraphs 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 shall be added with the following text:

2.1. upon request of the licence holder, the ICMM may enter into a renting agreement with the payer of the mining fees to pay in instalments, through which the remaining mining fees can be paid, in accordance with paragraph 2. of Article 52 of the basic law, and with timelines and conditions of the agreement;

2.2. when rent payment is requested, and the payer wants an agreement for a period longer than twelve (12) months, the interest continues to be collected during the duration of the agreement;

2.3. payer of the mining rent must agree to continue to pay regularly all other liabilities and to execute those in addition to the signed agreement, including timely and accurate execution of the quarterly payments and other payments if they are applicable as per the conditions of the licence and applicable law;

2.4. if the payer of the rent does not respect the agreement for paying in instalments, interest will be re-established retroactively up to the date when the agreement was signed. If the payer of the rent cannot meet liabilities as per the instalment agreement and wants to re-enter a new instalment agreement, the subsequent instalment agreement will not include writing off of interest. Interest will continue to accrue in each subsequent instalment agreement for the duration of the agreement;

2.5. if the Licence holder does not pay the mining rent according to required timelines specified by the law and other sub-legal acts, the ICMM besides notification for failure in accordance with Article 9 of the basic Law will apply interest for untimely payments;

2.6. interest rate will be based on the interest rates for loans from commercial banks in Kosovo, but it must be at minimum of 0.5% per month higher than those rates. ICMM through other sub-legal acts will determine once a year, not later than December 1st, changes to interest rates for the subsequent year.

Article 32

1. Article 54 of the basic law, paragraph 1. subparagraph 1.1. shall be reworded with the following

text:

- 1.1. an amount that is reasonably calculated to compensate the ICMM for the administrative costs of processing such an application or fulfilling such a request as well as inspection and application of the license during its duration; and

Article 33

1. Article 55 of the basic law paragraph 1. shall be reworded with the following text:

1. The Independent Commission for Mines and Minerals -ICMM is an independent agency determined by the Constitution of the Republic of Kosovo.

2. Article 55 of the basic law paragraph 4. shall be deleted from the text of the law.

3. Article 55 of the basic law paragraph 5 shall be reworded with the following text:

5. It shall be a criminal violation of the law for any person to exert or to attempt to exert any political, administrative, financial or other influence over the ICMM or its staff or management personnel.

Article 34

Article 56 of the basic law, paragraph 1. subparagraph 1.2. shall be reworded with the following text:

1.2. the compliance of mining operations with the law, the sub-legal acts issued pursuant to the law and the terms of Licenses and Permits issued by the ICMM, or issued consents as precondition for approval by the ICMM, pursuant to the law.

Article 35

Article 57 of the basic law shall be deleted from the text of the law.

Article 36

1. Article 59 of the basic law, paragraph 5. after the word "**Secretary**" the word "**Permanent**" shall be replaced with "**General**".

2. Article 59 of the basic law, paragraph 6. subparagraph 6.2 and 6.3 shall be deleted from the text of the law.

3. Article 59 of the basic law, paragraph 7. the words „**valuable**“and „**qualitative**“shall be deleted.

4. Article 59 of the basic law, paragraph 8. the text „**Mandates of all successors of initial members are four (4) years.** “ shall be replaced with „**Mandates of all successors of initial members are five (5) years.** “

5. Article 59 of the basic law, paragraph 10 the timeline from "**six (6) months**" shall be replaced with "**three (3) months**".

Article 37

Article 60 of the basic law, paragraph 1. after subparagraph 1.3 a new subparagraph 1.4. shall be added with the following text:

1.4. did not exercise its mandate in compliance with this law, and other applicable laws

and sub-legal acts.

Article 38

1. Article 61 of the basic law, paragraph 1. subparagraph 1.1 shall be reworded with the following text:

1.1. accept or take into consideration any employment, or offer from any Person who has a business or other relation with the ICMM or had such relations with ICMM, excluding public and social enterprises;

Article 39

1. Article 63 of the basic law, paragraph .1 shall be reworded with the following text:

1. The ICMM Board elects the Director in compliance with the applicable Law on civil service.

2. Article 63 of the basic law paragraph 2., the word “**appointed**” shall be replaced with “**selected**”.

3. Article 63 of the basic law paragraph 3. shall be reworded with the following text:

3. The ICMM Director directs the usual ICMM activity. He/she also does organization, appointment and dismissal of the ICMM personnel in compliance with the applicable legislation.

4. Article 63 of the basic law, paragraph 6. shall be reworded with the following text:

6. The Board shall dismiss the Director if it is noted that he/she:

5. Article 63 of the basic law paragraph 7. the word „**must be**“ shall be replaced with „**becomes**“.

Article 40

Article 65 of the basic law, paragraph 2. at the end of paragraph the following text shall be added: “**are general revenues for economic development**”.

Article 41

After Article 66 of the Basic Law PART X.A with Articles 66.A and 66.B shall be added with the following text:

PART X.A PAYMENT

Article 66.A Types of Payment

1. The ICMM shall collect payments for:

1.1. modification and changing the licenses and license applications;

1.2. initial annual payment for licensing;

1.3. other payments that may be needed for monitoring, inspection and implementation activities, provided that no payment shall exceed the real cost that ICMM had in review, proceed, and/or administration of the activity

for which the payment is done.

2. For purposes of the Law on Management of Public Finances and Accountability, all specified payments in paragraph 1. of this Article shall be 'payments dedicated ' to ICMM.
3. ICMM shall prepare and publish details of all applicable payments for the moment.

Article 66.B Payments

1. Payments for review of application shall be paid at the moment the application is submitted.
2. Payments for permits/licenses shall consist of:
 - 2.1. initial payment for issuing or amending of the permit/license, expenses for preparation of permit/license and realization of activity regulation until the end of recent calendar year; and
 - 2.2. annual payments for realization of the licensed activity until the end of the coming year.
3. Annual payments shall be paid by the Licensee at the beginning of each calendar year or through monthly rates for which is achieved the agreement with ICMM.
4. Except for the annual payments, the collected payments according to this law shall be calculated in accordance with specific administrative expenses which were collected while proceeding the acts to which refer such payments.
5. Procedures and terms for payments shall be determined in rules that shall be prepared and published by ICMM. ICMM shall ensure that all such received payments by ICMM are deposited in the account of ICMM's dedicated revenues, which was established in accordance with Rules of financial control and management and with the Law on Management of Public Finances and Accountability.

Article 42

1. Article 68 of the basic law, paragraph 1. shall be reworded with the following text:
 1. Chief Inspector leads the Mining Inspectorate, who is elected by the ICMM Board in compliance with the applicable Law on civil service. The ICMM Board must ensure that the given person:
2. Article 68 of the basic law paragraph 2. shall be reworded with the following text:
 2. The ICMM Board can dismiss the Chief Inspector if there are well-grounded and convincing reasons for dismissal. These reasons include, but are not limited to:
3. Article 68 of the basic law paragraph 3. shall be reworded with the following text:
 3. Decision of the Board to dismiss the Chief Inspector must be in writing and must contain the justification for making such a decision. The dismissed Chief Inspector has the right to appeal to the decision in compliance with the Law on Civil Service.
4. Article 68 of the basic law, paragraph 5. the word „**Ministry**” shall be deleted.
5. Article 68 of the basic law, paragraph 6. the word „**Assembly**” shall be deleted.

Article 43

Article 70 of the basic law, paragraph 3. the word “**confiscation**” shall be replaced with “**sequestration**”.

Article 44

1. Article 73 of the basic law , paragraph 4. shall be reworded with the following text:

4. No Public Authority cannot approve or implement any spatial or urban plan with consent of the Ministry. Prior to giving this consent, the Ministry must consult the ICMM. The Ministry must provide the given consent except when ICMM submits the Ministry a written explanation which clearly shows that implementation of such a plan will interfere considerably with the coordinated and sustainable exploration of the Mineral Resources in Kosovo.

2. Article 73 of the basic law , after paragraph 4., new paragraphs 5., 6., 7. and 8. shall be added with the following text:

5. Based on the Mining Strategy, the Ministry in cooperation with the Geological Institute of Kosovo (GIK) and the ICMM prepares, and the Government of the Republic of Kosovo approves the Programme for Implementation of the Mining Strategy for a period of at least three (3) years. The Ministry is responsible for monitoring and implementation of the programme.

6. The Programme for Implementation of the Mining Strategy defines measures and activities that need to be implemented including forecast of expenditures and expected funding sources, expected timelines for implementation and defines persons/institutions in charge for implementation.

6.1. for implementation of Mining Strategy policies, the Government can approve secondary legislation, if necessary.

7. All relevant institutions in the field of mining sector are obliged to fulfil obligations deriving from the Mining Strategy and the Programme for Implementation of the Mining Strategy.

8. At the end of each calendar year, the Ministry drafts and presents annual progress report to the Government of the Republic of Kosovo, on the progress in implementing the Programme for Implementation of the Mining Strategy. The report must be presented within the first quarter of the subsequent calendar year.

Article 45

Article 74 of the basic law shall be reworded with the following text:

Article 74

Management of Mineral Resources

1. During third quarter of each calendar year, the ICMM prepares and submits to the Ministry draft plan for Managing Mineral Resources for the subsequent year. The plan needs to be in compliance with the Kosovo Mining Strategy.

2. The Ministry, within thirty (30) days from the receiving date, reviews, amends if it deems necessary, approves and publishes the Plan for Managing Mineral Resources. The ICMM implements the plan as such and if needed, makes recommendations to the Ministry

regarding its modification or implementation.

Article 46

1. Title of Chapter III of the basic Law shall be amended with the following text: **“Kosovo Geological Agency (KGA)”**. And, this amendment shall be valid in the whole text of the Draft Law.
2. Article 77 of the basic law, paragraph 2. subparagraph 2.1, the scale is changed from **„one to fifty thousands (1:50,000)”** to **“one to twenty five thousands (1:25,000)”**.

Article 47

1. Article 78 of the basic law, name **„TREPÇA“** shall be added to the title.
2. Article 78 of the basic law, paragraph 1. shall be reworded with the following text:
 1. State Museum of Crystals and Minerals - **„TREPÇA“**(“Museum”) is established with this law within GIK.
3. Article 78 of the basic law, paragraph 2. and 5. the word **„Ministry or Minister“** shall be replaced with **„GIK“**.
4. Article 78 of the basic law, paragraph 3. and 4. shall be deleted from the text of the law.
5. Article 78 of the basic law, paragraph 5. shall be reworded with the following text:
 5. The Ministry shall issue a sub-normative act for specific types of crystal structures and crystal containing structures that Exploration and Mining Licensees are required to collect, preserve and deliver to the Museum;

Article 48

After Article 78 of the basic law, a new Article 78.A shall be added with the following text:

Article 78 A

Obligation to lead, composing parts of the register and evidence

1. With the purpose of sustainable management and protection of mineral resources, the ICMM and respective Ministry for mining sector, run a unified information system, which is a composing part of the register of allowed fields for exploration and register of exploitation fields of mineral resources.
2. The ICMM is obliged that in addition to the register from paragraph 1. of this article to keep evidence of all requests for exploration and exploitation and data for licence/permit holders.
3. The ICMM is obliged to convey data from the unified information system for mineral resources collected as per paragraphs 1. and 2. of this Article to the respective Ministry for the mining sector.
4. Unified information system for mineral resources, the register of allowed fields for exploration, the register of the approved fields for exploitation of mineral resources and the manner of running and maintaining documentation of licence/permit holders, will be defined with a regulation issued by the respective Ministry for the mining sector in cooperation with the ICMM.

Article 49

Article 80 of the basic law, paragraph 1., after the word „**minerals**“ the phrase „**permits for special activities**“ shall be added.

Article 50

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

Law No. 04/L-158
28 March 2013

Promulgated by Decree No.DL-015-2013, dated 18.04.2013, President of the Republic of Kosovo Atifete Jahjaga.