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Pursuant to Article 112, paragraph 1, item 2 of the Constitution of the Republic of Serbia, I hereby

DECREE

on promulgation of the Law on Mining and Geological Exploration

The Law on Mining and Geological Exploration, which was passed by the National Assembly of the Republic of Serbia at the seventh session of the Second Regular Session in 2015, on 4 December 2015 is promulgated.

PR No. 152

In Belgrade, 8 December 2015

President of the Republic,
Tomislav Nikolic, signature

LAW

ON MINING AND GEOLOGICAL EXPLORATIONS

I BASIC PROVISIONS

1. Subject of the Law

Article 1

This Law shall regulate measures and activities of the mineral policy and the manner of implementation thereof, conditions and manner of execution of geological explorations of mineral and other geological resources, researching of geological environment, as well as geological explorations for the purpose of spatial and urban planning, designing, construction of buildings and remediation of site, manner of classification of resources and reserves of mineral raw materials and ground waters, exploitations of reserves of mineral raw materials and geothermal resources, construction, use and maintenance of mining facilities, plants, machines and equipment, execution of mining works, mining waste management, remediation and re-cultivation of abandoned mining facilities, as well as inspection over the implementation of the present Law.

Article 2

The Geological Institute of Serbia shall be established hereby as an individual organization with the capacity of a legal entity that carries out the basic geological explorations and other geological explorations as well as the works of applied geological explorations of importance for the Republic of Serbia, in accordance with this Law.

2 Terms

Article 3

The terms used in the present Law shall have the following meanings:

1) geological environment shall mean a part of the earth's crust consisting of: soil with aerated zones and zones of mineral nutrition of plants, rocks, surface and ground water, mineral and other geological resources;

2) geological resources shall include: space with its geological, environmental and other properties, mineral resources, ground water resources and geothermal resources;

3) mineral resources shall be a part of geological resources, established by adequate methods and procedures of geological explorations in a particular area which occur in a such form, quantity and quality that there are rational perspectives of their possible economic exploitation, but which are non-exploitative at the moment of exploration. Mineral resources shall include: solid mineral resources (metallic, non-metallic and energy) and liquid and gaseous mineral resources (oil, condensate and natural gas). Mineral resources shall be classified in accordance with the incremental degree of geological exploration and reliability thereof: probable, indicated and measured. Resources of liquid and gaseous mineral resources are divided into classes: prospective resources, conditional resources and produced resources and reserves;

4) resources of ground water shall mean renewable geological resources encompassing all types of ground water (drinking, mineral and thermal) regardless of their quality and temperature;

5) geothermal resources shall represent a set of renewable geological resources encompassing ground water and heat from rock masses from which thermal energy extraction is possible. Geothermal resources encompass: subgeothermal resources with the water temperature and the heat of rock masses up to 30 °C, resources of a low enthalpy from which it is possible to extract the thermal energy of temperature from 30 °C to - 100 °C and resources of medium and high enthalpy from which it is possible to extract the heat energy temperature of over 100 °C;

6) enthalpy is the total energy of a thermodynamic system that makes the sum of internal energy and the energy of product the pressure and volume of system;

7) technogenic mineral resources shall represent a part of mineral resources generated in the process of mining, preparation and processing of primary mineral raw materials, as well as the secondary concentrations and are found in the mine and flotation tailing dumps, ash dumps, metallurgical slag dumps and other dumps;

8) mineral raw materials shall be concentrations of mineral matters of organic and inorganic origin which at certain level of technical and technological development can be used in cost efficient manner, either in natural state or after appropriate processing. They encompass all types of coal and oil slates (shales), hydrocarbons in liquid and gaseous state (oil and gas) and other natural gases, radioactive mineral raw materials, metallic mineral raw materials, including precious and rare metals, non-metallic mineral raw materials, including raw materials for production of construction materials, precious and semi-precious stones, all types of salts and salt water, ground water from which the useful mineral raw materials and geothermal energy are obtained, ground water relating to the mining technology and accompanying gases and technogenic mineral raw materials;

9) reserves of mineral raw materials (hereinafter mineral reserves) shall be geologically determined quantities of mineral resources in a certain deposit for which it has been proven that at

certain technical, technological, economical and environmental conditions can be exploited. Mineral reserves are commercially exploitative part of measured and/or indicated mineral resources from which the projected losses and dilution in exploitation are deducted;

10) classification of mineral resource reserves shall be a classification of mineral resource reserves into appropriate classes, depending on: the degree of their geological prospecting and exploration, assessment the opportunities and feasibility of exploitation and the level of its profitability. Reserves of solid mineral resources, according to the incremental geological exploration, reliability and consideration of modifying factors (factors and indicators of technical economic assessment), are separated into classes: probable and proven reserves, and reserves of oil, condensate and natural gases into possible, probable and proven;

11) groundwater reserves shall be the quantities of free groundwater that are formed under the influence of natural and anthropogenic impacts and renewed within the saturation zone of some aquifers;

12) geological explorations shall be a complex process and a set of activities comprising the application of adequate methods and technical means, which are performed in order to look into the development, composition and structure of the Earth's crust, to find, test and assess the mineral and other geological resources in geological-economic terms, to prospect and determine the reserves of mineral raw materials and the possibility of their mining, to determine and assess the geological, engineering-geological and hydro-geological properties of the site being explored, particularly from the standpoint of spatial and town-planning, design and construction of facilities, and to identify and eliminate the harmful impacts of geological and technogenic processes on geological and living environment, and cultural assets and assets enjoying prior protection;

13) non-metallic mineral raw materials for construction materials shall include those mineral resources that are used as: technical-construction stone (TCS); architectural-construction (ornamental) stone (ACS); raw materials for production of clay, ceramic and refractory materials, raw materials for production of cement and lime as well as sand and gravel in the industry and construction;

14) natural construction material shall be a rock material obtained by exploitation of non-metallic mineral resources without the use of blasting agents, or only by using the traditional hand tools (hammer, chisel, mallet, jimmy, etc.), which can be used in the construction in the natural state (unprocessed, semi-processed or processed) as: construction stone (cut, split, broken); decorative stone (for floor and wall coating) as well as sand and gravel natural, unseparated state;

15) geological exploration works shall be all types of field, laboratory and cabinet trials and testing performed with the purpose of finding and research the mineral and other geological resources and reserves of mineral resources and ground water, as well as research of geological environment;

16) applied geological explorations shall be a set of processes and activities that are performed to obtain the relevant data on: geological structure, genesis, qualitatively and quantitatively characteristics of mineral and other geological resources, hydrogeological and geothermal, engineering-geological-geotechnical characteristics and geodynamic properties of geological environment as a part of the field of special interest to the needs of spatial and urban planning, design and building of construction, mining and other facilities;

17) geological hazard shall be a probability of activating a potentially hazardous geological process (landslide, mudslide, site subsidence, earthquake, flash flood, flood, etc.) in a certain area and within a certain period of time, which encompasses the size of activated process (surface site affected by sliding, subsidence, volume mass in motion, character of pollution the geological environment, strength of earthquake, etc.);

18) geological risk shall be the expected level of negative consequences from the operation of certain geological process in a particular area and at a particular time to the environment, material goods and people;

19) report on hydrogeothermal research shall be a document on: geological and hydrogeological characteristics of the source; the estimated quantity and temperature of groundwater resources; construction of wells; conditions of use and environmental protection, on the basis of which the use of groundwater resources can be approved for heating the family household of a natural person;

20) waste shall be a mine waste that needs to be removed in order to perform the mining of useful mineral raw material; and flotation tailings is the mine waste obtained in the flotation process of the mineral raw materials;

21) waste dump shall be an area designated for piling or arranging of mine waste, in an either solid or liquid state or in the form of solvents and suspensions;

22) annual report on results of geological explorations shall be a document on types, scope and results of performed geological exploration works. It shall pertain to the period of geological explorations, the duration of which shall be 12 months and shall commence as of the day of obtaining the approval for survey;

23) final report on results of geological explorations shall be a combined document on all types, scope and results of performed geological works over the approved period of exploration;

24) project study on engineering-geological-geotechnical conditions of construction the facilities shall be a document on engineering-geological and geotechnical explorations the geological environment for the needs of spatial and urban planning, general designs, conceptual designs, and projects for a construction permit for construction the facilities, mining facilities, infrastructure and transport facilities and rehabilitation and reclamation of the site, as well as environmental protection;

25) report on explored petrogeothermal resources shall be a document on terms of utilization the rock mass heat of the Earth's crust of temperature up to 30 °C to obtain the thermal energy for heating of buildings or other purpose;

26) report on estimated groundwater resources shall be a document on: geological and hydrogeological characteristics of the source; quality and estimated quantities of groundwater resources; construction of wells and/or catchments; conditions of sanitary protection of water sources and environmental protection, on the basis of which the use of groundwater resources can be approved for the needs of supplying to the family household of a natural person;

27) report on mineral resources for obtaining the natural construction materials shall be a document that contains the basic information on: geological characteristics, quality and estimated quantities of explored non-metallic mineral resource and in order to obtain the natural construction materials. In the case of sand and gravel exploitation, the same document beside the other conditions must include the assessment of impact the hydrogeological characteristic of site to determine the sanitary protection zone of the ground water sources;

28) project study on resources and reserves of mineral raw materials, ground water and geothermal resources shall be a document about the results of geological explorations of a specific deposit of mineral raw materials or ground water and geothermal resources, the quantities and quality of explored mineral raw materials or resources, their classification, technical possibilities and conditions for mining, as well as the expected economic effects.

29) geological prospecting area is a part of geological environment where geological explorations are performed. It is determined by the coordinates in the state coordinate system and on the topographic map of adequate scale marked by closed polygonal lines, and extends to the projected depth of geological prospecting;

30) exploration license holder shall be a company and/or another legal entity and entrepreneur approved by the competent authority to perform the applied geological explorations;

31) mining license holder shall be a company and/or another legal entity and entrepreneur approved by the competent authority for exploitation field and/or mining the reserves of mineral raw materials;

32) mining of mineral raw material reserves shall be the performance of mining works in preparation, opening, elaboration, mining, transportation, dumping, dewatering, ventilation and preparation of mineral raw materials deposits as well as execution the other mining works underground and on its surface. Mining of mineral raw materials also means execution of works in recovery of oil and natural gases and separation of oil and gas, preparation of oil and gas for transport and storage, segregation of natural liquid gases (ethane, propane, butane and natural gasoline) in gas stripping and similar plants, as well as the transport of these raw materials by collecting oil and gas pipelines when they are technologically linked with the mining fields;

33) utilization the underground water shall be conducting of mining works in preparation, drilling, mining and utilization of hydrogeothermal resources;

34) surface mining shall be the methods for performing mining works in preparation, opening, mining, transport, dumping, dewatering and recultivation at the open pits and dumps, complying to the occupational health and safety measures and environmental protection measures;

35) underground mining shall be the methods for conducting the mining works in opening, development, preparation, mining, drilling, transport, haulage and ventilation in the underground workings and excavation complying to the occupational health and safety measures and environmental protection measures;

36) underwater mining shall be the methods for execution of mining works in preparation, opening, mining, drilling, transport, dumping, dewatering and recultivation at the open pits under water and belonging waste dumps complying to the occupational health and safety measures and environment protection measures;

37) exploration drill hole shall be the mining facilities where mining works are performed in extracting the liquid and gaseous mineral raw materials and geothermal resources of high enthalpy;

38) mineral processing shall be all processes of: comminution of mineral raw materials (crushing, screening, grinding, classification), concentration and/or separation of useful minerals from waste (manual or automated selection, gravitational, flotation, magnetic and electrostatic concentration, leaching of mineral raw materials and excavations and further preparation of solutions to the aim of concentration the useful components), dewatering the products of concentration and/or separation (thickening, filtering and drying). Mineral processing also means all processes of hydro-transportation of pulp, ashes and/or concentrates, and dumping of flotation tailings and consolidation of mineral raw materials and concentrates (palletizing and briquetting), separation of sand, gravel and stone, as well as the processes of primary processing the decorative and other stones;

39) mining operations shall be the works of: drilling the drill holes for the purpose of mining the mineral raw materials and geothermal resources of high enthalpy in construction of horizontal, inclined and vertical mine workings; reconstruction the mining facilities, plants and devices; preparation, opening and mining of deposits; dumping of mine waste and stockpiling of useful mineral raw materials; all operations in the exploitation field in a function of mining, maintenance and mineral processing; as well as operations performed on the basis of mining projects and other projects which are an integral part of mining projects, and mining operations performed for the purpose of exploration the mineral raw materials (exploration adits, shafts, drill holes). Mining activities shall consider performing of works in the process of water drainage and pumping within the exploitation of mineral resources, or water injection within the exploitation of oil and natural gas, works in the separation of oil and gas, the preparation of oil and gas for gathering, transportation and storage, extraction of natural liquefied gases (ethane, propane, butane and natural gasoline) in the NGL plants, etc., plants in the exploitation field, as well as the transport of these raw materials by collection oil and gas pipelines when they are in technological connection to the exploitation fields;

40) mining facilities, plants and devices shall be the facilities, plants, machines and devices serving for exploration, mining and transport of mineral raw materials and other geological resources, namely: the facilities and plants within the mine that are directly linked with technological process of exploration, mining and preparation of mineral raw materials and dumping of waste and mineral raw materials on waste dumps for homogenization; machines and devices intended for all phases of technological processes of underground and surface mining of mineral raw materials; machines and devices intended for all phases of technological process of mining the solid mineral raw materials through drill holes; machines and devices intended for all phases of the technological process of mining of mineral resources under water; machines and devices intended for all phases of technological process of coal gasification directly in the fire place; facilities, plants and devices for mine protection against ground and surface water; facilities, plants and devices on oil and gas fields that are directly linked with technological process of exploration, mining, separation, preparation and transport of oil and collection of gas; facilities for underground storage of natural gas and crude oil, as well as the other matters in the exploitation field; facilities, plants and devices making up a whole with the electric network of the mine;

the main and auxiliary warehouses of explosives and blasting agents in the exploitation field; facilities, plants and devices for exploitation of mineral raw materials by the pipe system and drill holes, and facilities and plants serving to separate sand, gravel and stones;

41) exploitation field encompasses a space where the reserves of mineral raw materials and geothermal resources are situated, as well as a space envisaged for tailing dump and other mining waste, for construction the facilities for mineral processing, for construction the facilities for maintenance, water intake and others, and it is limited by adequate polygonal lines on surface and extends to the projected depth of mining;

42) protective area around the exploitation field shall be the area where mining is neither planned nor performed, but represents the space that separates the exploitation field and enables that at any point in time the holder of mining license may seek the exploration right if there are indications that the resources of mineral raw materials are also situated off the existing boundaries of the exploitation field;

43) mineral land represents a space which is defined by the approval for mining and exploitation field. Mining of mineral resources is carried out on the mineral land as well as construction of supporting infrastructure in order to organize the exploitation of mineral resources;

44) mining waste shall be the waste resulting from extractive industry or the waste occurring during geological explorations, mining, processing and storage of mineral raw materials, as well as the waste generated in the process of ore processing which involves mechanical, physical, biological, thermal or chemical process (change of dimensions, separation and leaching, processing of earlier discarded), excluding smelting, thermo processes of production (except lime roasting) and metallurgical processes, as well as oil mud;

45) mine surveying book shall be a traditional name for thematically archived documentation containing the realized tasks in the area of mine surveying, surveying data, processing of surveying results, and graphical presentations in analog and digital formats;

46) competent person of geology profession shall be a natural person with appropriate license who assesses the studies on resources and reserves of mineral raw materials and participate in development the feasibility study of mining and makes the public report on synthetic view the results of geological explorations, mineral resources and mineral reserves for different purposes (shareholders, brokers and investment analysts, web-sites, information for media), and/or other needs;

47) The chief designer in the field of geology shall be an expert of geology profession with the authority and appropriate license, and that was appointed by the decision of the responsible person of project organization to manage the project development of geological explorations;

48) The responsible designer in the field of geology shall be an expert of geology profession with the authority and appropriate license, and that was appointed by the decision of the responsible person of project organization to do a part of the project or project of certain specialist geological explorations; geological explorations;

49) The responsible manager of geological explorations shall be an expert of geology profession with the authority and appropriate license, and that was appointed by the decision of the responsible person of project organization to manage the implementation of designed geological explorations;

50) The competent person of mining profession shall be a professional natural person of mining profession with the appropriate license, which assesses the project studies on resources and reserves of mineral raw materials and makes the feasibility study on mining and makes the public report on synthetic view the results of geological explorations, mineral resources and mineral reserves for different purposes (shareholders, brokers and investment analysts, web - sites, information for media), and/or other needs;

51) The chief designer in the field of mining shall be an expert of mining profession with the authority and appropriate license, and that is responsible for technical solutions given in the basic concept and compliance the specific parts of the project, and that was appointed by the decision of the responsible person of project organization to manage the project development;

52) The responsible designer in the field of mining shall be an expert of appropriate profession with the authority and appropriate license, responsible for development a separate part of mining project for which is the expert, and that was appointed by the decision of the responsible person of project organization to do a separate part of mining project;

53) bill of exchange is a blank promissory note signed and verified by the holder of exploitation, with the clause "without protest", duly registered with the National Bank of Serbia, with the unconditional and irrevocable authorization to the competent authority to fill in accordance with the applicable regulations in the field of payment and the conditions laid down by this Law.

3. Conditions and Public Interest

Article 4

Mineral resources, ground water resources, geothermal resources as well as the other geological resources shall be the natural assets in the ownership of the Republic of Serbia may be used under the conditions and in the manner set forth by this Law.

Mineral resources or mineral raw materials of strategic importance for the Republic of Serbia are:

- 1) Oil and natural gas;
- 2) Coal ;
- 3) Copper and gold ore;
- 4) Lead and zinc ore;
- 5) Boron and lithium ore;
- 6) Oil slates (oil shales or shales);
- 7) Other mineral resources, as determined by a separate Act of the Serbian Government on a proposal of the Ministry responsible for geological explorations and/or

mining (hereinafter: the Ministry).

For the purpose of a business entity, in private or public ownership, which is a holder of exploration and/or a holder of exploitation the mineral resources, which are defined as the raw materials of importance in terms of paragraph 2 of this Article, the expropriation of real estate may be made.

The business entity referred to in paragraph 3 of this Article shall have the rights and obligations of the expropriation user.

In order to protect the strategic interest of the Republic of Serbia, a special act of the Government shall determine the representative of the Ministry as a representative of the national interest in the companies with state capital, which carry out the applied geological explorations and exploitation of mineral resources referred to in paragraph 2 of this Article.

Expropriation of the real estate referred to in paragraph 3 of this Article shall be conducted pursuant to the regulations governing the expropriation.

The applied geological explorations and exploitation of uranium may be done only with the prior approval of the Government on the proposal of the Ministry.

Article 5

Geological explorations, mining of mineral reserves and resources, utilization and maintenance of mining facilities shall be performed in a manner that ensures the optimal geological, technically feasible and economically profitable recovery of deposits of mineral raw materials and other geological resources, safety of people, facilities and property, and in compliance with contemporaneous scientific achievements and technologies, regulations and technical standards relating to such type of facilities and works, and the regulations stipulating the conditions with respect to the occupational health and safety, protection against fire and explosion, and environmental protection, and protection of cultural assets and assets enjoying previous protection.

Article 6

In the area which represents a protected space of nature, a whole of cultural-historical and construction significant, a tourist-recreational whole, a source of special importance for regional water supply and the like, performance of geological exploration and mining of mineral reserves may only be approved under the conditions which, in accordance with special law, are issued by the authorities and organizations competent for spatial development, nature and environment protection, cultural heritage and other authorities and organizations in charge of the specific area relating to protected natural space.

Article 7

The holder of exploration license and the holder of mining license cannot be a company or other legal entity and entrepreneur having unsettled debts in respect of: public revenue, public benefits in respect of earlier explorations or exploitation, illegal exploration or the illegal exploitation, and if there are the unfulfilled obligations related to the rehabilitation and protection of the environment and cultural goods and goods under previous protection.

Article 8

A company or another legal entity and entrepreneur performing geological explorations and/or mining of mineral resources or other geological resources without the necessary approvals, shall have to

compensate to owner the damage for occupied land, and to the Republic of Serbia or the budget of the autonomous province, when the not allowed geological explorations and/or mining are performed on its territory, the value of mined mineral raw material or other geological resources, and to remediate and recultivate the land on which it performed the geological exploration and/or mining the mineral resources or other geological resources.

Article 9

The approval for applied geological surveys of mineral and other geological resources, the license for retention the right on the exploration area, the license for exploitation field and/or the license for exploitation of mineral resources and/or other geological resources, resources may be assigned onto another company or another legal entity and entrepreneur, in accordance with the conditions set forth by this Law and the by-laws enacted on the basis of this Law.

By assigning the license from paragraph 1 of this Article onto another company or another legal entity and entrepreneur, shall also be assigned all the rights and obligations based on the license for geological explorations on the approved exploration field, the license for exploitation field and/or license for exploitation the mineral resources and/or other geological resources, as well as the license for construction the mining facilities and/or performing the mining operations.

The request for approval transfer shall be submitted to the Ministry, or to the competent authority of the autonomous province when the exploration or exploitation is performed on the territory of the province (hereinafter: the competent authority), which makes a decision on transfer of the approval.

The request for transfer of the approval shall be submitted with:

- 1) the approval for the applied geological explorations, the approval for exploitation field and/or approval for exploitation the mineral resources and/or other geological resources, which is the subject of transfer;
- 2) proof on the ownership or use, lease and/or approval or easement for the surface on which the construction of facilities and realization the mining operations is planned for at least five years, and in the case of exploitation the mineral raw materials that are of strategic importance for the Republic of Serbia, a special act of the Government shall be submitted on establishing the public interest for a period of five years of exploitation, except in the case of transfer the approval for exploitation field;
- 3) report of the approval holder for exploration and/or exploitation on execution the obligations related to: rehabilitation and reclamation of the area; management of mining waste; involvement of people with appropriate qualifications on the activities of technical management; technical supervision and safety and health at work; timely reporting to the competent authorities and inspection services on performance of works on carrying out the geological exploration and/or exploitation;
- 4) proof of the fee settlement for the applied geological explorations of mineral and other geological resources, or the fee for use the mineral resources and/or other geological resources, in accordance with the situation on the date of application;
- 5) data on the qualification structure of employees and engaged technical staff of the new approval holder, if the approval transfer relates to the exploitation field and/or approval for exploitation the mineral resources;
- 6) data on the technical facilities and capacity of the new approval holder if the approval transfer relates to the exploitation field and/or approval for exploitation the mineral resources;

7) a written statement of the new approval holder on acceptance the approval transfer with all rights and obligations arising from it.

The decision referred to in paragraph 3 of this Article issued by the Ministry is final and it could be an administrative dispute.

The decision referred to in paragraph 3 of this Article issued by the competent authority of the autonomous province, the appeal is submitted to the minister responsible for geological explorations and/or mining activities (hereinafter: the Minister).

Article 10

The approval for exploitation the mineral raw materials and geothermal resources, issued to a legal entity, whose assets serving for exploitation, is sold in the privatization process, can be transferred to the buyer of that property by a contract to be concluded by the seller of assets, customer of assets, the Ministry and the Agency for privatization.

For the contract referred to in paragraph 1 of this Article, the prior approval shall be given by the Government, at the proposal of the Ministry.

The contract referred to in paragraph 1 of this Article, concluded without the consent of the Government shall be void.

The mandatory elements of the contract referred to in paragraph 1 of this Article are the provisions on the customer investments of assets and its liabilities arising from the social program.

II MINERAL POLICY AND DEVELOPMENT PLAN OF GEOLOGICAL EXPLORATIONS AND MINING INDUSTRY OF THE REPUBLIC OF SERBIA

1. Mineral Policy and Development Plan

Article 11

Mineral policy and development plan of geological explorations shall comprise the measures and activities taken to achieve the strategic long-term goals in the field of geological explorations of all types of mineral resources and reserves and other geological reserves, determining the hydrogeological and engineering-geological or geotechnical conditions for use the geological environment in planning, design and construction of all types of facilities, protection the geodiversity objects of special importance, as well as a geological hazard and risk in terms of activation the dangerous geological processes as natural disasters and possible negative processes on the nature and people.

In the field of mining, the mineral policy and development plan implies: the use of modern technologies in construction of mining infrastructure and mining facilities for the security of facilities and health and safety at work, ensuring the secure supply of the economy and market of the Republic of Serbia with mineral raw materials and other geological resources, compliance with the European Union regulations in the field of mining, mining promotion in order to create favorable conditions for investments in the field of sustainable development of the mining industry.

Mineral policy and development plan of geological explorations and mining is pursued through the implementation strategy for managing the mineral resources and other geological resources of the

Republic of Serbia.

2. Management Strategy of Mineral and Other Geological Resources of the Republic of Serbia

Article 12

The Republic of Serbia Strategy for Mineral Resource Management and other geological resources (hereinafter: the Strategy), shall determine the long-term development goals of development the mining and geological explorations of energy, metallic, non-metallic and technogenic mineral raw materials, ground water and geothermal resources.

The Strategy shall determine a projection of the needs for all types of mineral raw materials, development the sector for mining and geological explorations as well as the projection of export and import of all types of mineral raw materials in the Republic of Serbia taking into account the economic, regional, environmental and social aspects.

The Strategy shall be enacted by the National Assembly at the proposal of the Government, for a period of minimum 10 years.

The Government shall monitor the Strategy of implementation and, if necessary, launch its adjustment with the real needs for mineral raw materials.

Article 13

The Government shall at the proposal of the Ministry enact a Plan and Programs for implementation the Strategy.

The Plan and programs shall specify the conditions, mode and schedule of the Strategy implementation in the domain of the basic and other geological explorations, safe and reliable supply of thermoelectric plants with domestic coal, substitution of import the mineral resources increasing the domestic mining capacities, increased production of metallic and non-metallic mineral resources, increased production of liquid and gaseous mineral raw materials, production of liquid and gaseous mineral raw materials, promotion and sustainable development of the mining and geology, stimulating measures for construction the higher stages of mineral preparation and processing, stimulating measures for export the final products obtained by utilization the domestic raw materials, rehabilitation and recultivation of abandoned mining facilities, the use of old mining facilities for special purposes as well as the other aspects of relevance for implementation the Strategy.

The Plan shall be enacted for the period of Strategy implementation.

The Programs shall also stipulate the obligation of drawing up the certain spatial plans for the specific-purpose areas for certain mine basins and deposits of mineral raw materials of exceptional relevance for the overall development of the Republic of Serbia.

The Programs shall be adopted for a time period of minimum two to ten years.

A competent authority of the Autonomous Province shall propose a part of the program on its territory in accordance with the development plan of the Autonomous Province and the Republic of Serbia.

III GEOLOGICAL INSTITUTE OF THE REPUBLIC OF SERBIA

Article 14

The Geological Institute of Serbia (hereinafter: the Institute) shall perform the basic geological explorations pursuant to Articles 17 and 18 of this Law and other geological explorations included in the

annual program referred to in Article 20 of this Law, as well as the activities of applied geological explorations of importance for the Republic of Serbia, on the basis of a special decision by the Government on the proposal of the Ministry.

The Institute shall also perform the other activities of interest for the Republic of Serbia, such as: elaboration and printing of geological maps at a scale of 1:25,000 and more detailed; elaboration of specialized and thematic geological maps (metalogenetic or mineralgenetic, geomagnetic, gravimetric, radiogravimetric, geochemical, hydrogeological, engineering-geological, structural-tectonic, seismic, geocologic, etc.); including development the geological bases for the needs of spatial, then carries out the explorations and monitoring of landslides and elaboration the geological maps of hazard and risks to the level of scale 1: 25,000 and smaller, regional geophysical survey operations; laboratory tests in the field of mineralogy, petrography and sedimentology as well as paleontological, chemical, geomechanical and other tests.

The Institute carries out the activities of implementation the development, scientific research and international projects in the field of geology, organizing the observation network for monitoring the groundwater regime under special programs, collecting, updating and storage of data and technical documentation of importance for geological information system of the Republic of Serbia, preparation of the project tasks for the local governments for engineering geological and geotechnical explorations and remediation of landslides, as well as the other activities in accordance with the law.

The Institute may also perform the activities of geological exploration abroad on the basis of a special decision by the Government on the proposal of the Ministry.

Assets for the Institute operation shall be provided from the budget of the Republic of Serbia and from other sources in accordance with the law.

The Ministry protection shall supervise the operation of the Institute and execution the geological explorations from paragraphs 1 and 2 of this Article, as well as the professional control of performed works by the Ministry.

Article 15

The Institute shall once a year submit to the Ministry or to the competent authority of autonomous province the Report on realization the geological projects for explorations that are performed on the territory of autonomous province according to the annual program for last year by the end of January of the next year.

IV GEOLOGICAL EXPLORATIONS

1. Types of Geological Explorations

Article 16

For the purposes of this Law, geological explorations are the basic and applied.

The basic and applied geological explorations shall be performed based on the project of geological explorations, in accordance with contemporaneous scientific achievements and technologies, regulations relating to such type of geological explorations, as well as the regulations that establish the conditions for occupational health and safety, protection against fire and explosion, and protection of environment and cultural assets and assets enjoying prior protection.

2. The Basic Geological Explorations

Article 17

The basic geological explorations, pursuant to this Law, shall mean the explorations which are performed in order to study the development, composition and structure of the Earth's crust; discovering the mineral resources, ground water resources and geothermal resources and their initial study thereof; evaluation the total potentials of a geological environment as a space for the needs of spatial and town planning and to establish suitability for the construction of facilities; establishing and elimination the harmful effects of natural and technogeneous processes on geological and living environment.

Basic geological explorations are the activities of public interest and shall be financed from the Republic of Serbia budget.

The Autonomous Province shall finance the basic geological explorations on the territory of the Autonomous Province.

The Autonomous Province shall perform the operations from paragraph 3 of this Article as entrusted operations.

Article 18

The basic geological explorations shall involve the preparation of basic, overview and specialist geological maps at a scale of 1:25,000 and more detailed (also at a scale of 1:10,000, exceptionally for the specific-purpose regions); studies of the potentiality of geological environments in terms of presence the mineral and other geological resources; geological studies for the needs of consideration the potentiality of geological environment in terms of presence the mineral and other geological resources, hydrodynamic and other properties of geological environment in order to use and protect the ground water and geothermal resources, suitability of geological environment for the needs of planning as well as the studies for the needs of environmental protection; preservation the geo-diversity and protection the objects of geo-heritage, etc.

The basic geological explorations shall be performed for the needs of spatial planning and evaluation the total geological potential of a certain area, the purpose and suitability of geological environment as a space for the construction of facilities.

Elaboration of geological maps from paragraph 1 of this Article, preparation for printing, receipt of authorial original geological maps and interpreters shall be done under the professional help of the working group set up by the Minister.

The Act on establishing the working groups from paragraph 3 of this Article shall determine the tasks, obligations and compensation for the work of its members.

The Minister shall define more specifically the expert-technical bases for elaboration the geological maps from paragraph 1 of this Article.

Article 19

The basic geological explorations shall be performed by the Institute according to the Long-term Basic Geological Prospecting Development Program (hereinafter: the Long-term Program) and the Annual Basic Geological Explorations Program (hereinafter: the Annual Program).

The Long-term Program shall comprise the strategic priorities and long-term objectives of performance the basic geological explorations serving to overall economic and social development, and in compliance with the spatial plan of the Republic of Serbia, the Strategy of Sustainable Development, as well as the Strategy.

The competent authority of the Autonomous Province shall propose a part of the Long-term Program on its territory in accordance with the regional spatial plan of the Autonomous Province, the

plans and programs of sustainable use the natural resources and assets, as well as the Strategy.

The Long-term Program shall be adopted by the Government at the proposal of the Ministry for a period of 10 years.

Article 20

The Annual Program shall include the objectives, type and scope of geological exploration works, schedule and conditions for their performance, as well as the necessary financial assets and material-technical assets and human resources for its implementation.

The Annual Program may also encompass the other geological explorations, if their performance shall be necessary for risk assessment and elimination the consequences of geological hazards (landslides, mudslides, floods, earthquakes, etc.) as well as the applied geological explorations of mineral and other geological resources, as well as the others, if the implementation of such explorations shall be of interest for the Republic of Serbia.

The Annual Program is adopted by the Ministry in accordance with the Long-term Program by the end of February of the current year.

The competent authority of the Autonomous Province adopts the Annual Program on its territory, in accordance with the Long-term Program.

The Minister shall prescribe the criteria and conditions for performance of works and suspension of works in the field of the basic geological explorations.

The activity from paragraph 4 of this Article shall be performed as entrusted.

3. The Applied Geological Explorations

Article 21

The applied geological explorations, pursuant to this Law, shall include the explorations performed in order to determine the resources and reserves and engineering-geological and hydrogeological conditions of their exploitation, hydrogeological exploitations for the needs of utilization and protection the resources and reserves of ground water and geothermal resources, engineering-geological-geotechnical and hydrogeological explorations of geological environment for the needs of spatial and urban planning, designing and construction the construction, mining and other facilities, environmental protection and natural assets and geoh heritage objects, remediation and recultivation of the site, including the underground storages for natural gas and other matters, separation of suitable geological formations and structures as well as of depleted deposits of mineral raw materials for storage the natural gas and/or CO₂.

The applied engineering-geological-geotechnical explorations shall be obligatory performed for the needs of spatial and urban planning, designing and construction of construction, mining and other facilities in order to define the engineering-geological-geotechnical conditions for construction and/or remediation as well as the other characteristics of geological environment.

The applied geological explorations are also performed for the needs of use the hydrogeothermal or petrogeothermal resources, or use the internal heat of the Earth's crust.

The Government shall define by Decision the conditions, criteria, procedure and manners for issuance the approvals, and the other special conditions in connection to the geological explorations related to the separation the favorable geological formations and structures, as well as depleted deposits of mineral raw material for storage of CO₂.

4. Conditions and Manner of Performing the Geological Explorations

Article 22

Performing the geological explorations, development of geological exploration projects, project studies of mineral resources and ground water reserves and geothermal resources, reports on geological exploration results including the resources and reserves of ground water and geothermal resources, project studies in engineering-geological-geotechnical conditions of construction and remediation the facilities and sites, reports on mineral resources for obtaining the natural construction materials, reports on geothermal resources as well as the reports (project studies) of various expert tests as well as the operations of geological supervision shall be carried out by a company or another legal entity and entrepreneur registered in the Company Register for the performance of that activity, and who has a license to perform these tasks.

The activities of geological explorations and preparing the reports on the results of geological explorations, reports on mineral resources to obtain the natural construction materials, project studies on engineering-geological-geotechnical conditions for construction of facilities and rehabilitation of site, reports on geothermal resources, as well as the reports (project studies) of various expert tests may be performed by a person with acquired the university degree at the second degree studies (master academic studies, vocational master studies, specialist academic studies and specialist professional studies) in the field of geological engineering in the educational and scientific fields: technical and technological sciences, with the authority and license to perform these tasks, who has at least three years of working experience in performing the appropriate tasks.

The assignments of the chief designer, responsible designer and responsible manager for implementation the geological explorations, as well as the assignments of expert supervision and technical control the projects on geological explorations, development and evaluation the project studies on resources and reserves of mineral resources and project studies on geothermal resources can be performed by a person with acquired the university degree at the second degree studies (master academic studies, vocational master studies, specialist academic studies and specialist professional studies) in the field of geological engineering in the educational and scientific fields: technical and technological sciences, with the authority and license to perform these tasks, who has at least five years of working experience in performing the appropriate jobs, and for a competent person at least ten years of work experience.

Participation in performance of less complex geological exploration works and development of technical documentation for such works may be performed by a person with the secondary education in the field of geology, mining and metallurgy, with the appropriate educational profile, who has at least three years of work experience in respective positions and authority to carry out these activities.

Geological explorations can be conducted by the foreign legal entities under conditions and in the manner prescribed by this Law and the law which establishes the rights of foreign persons in respect of the use of assets of the public interest and in accordance with the laws governing the area of defense and the confidentiality of data.

Article 23

Authorization for performing the activities from Article 22, paragraphs 2, 3 and 4 of this Law shall be acquired upon passing the state examination.

The state examination from paragraph 1 of this Article shall be taken before a commission set up by the Minister and/or the competent authority of the Autonomous Province for candidates from the Autonomous Province territory.

The Minister shall prescribe the conditions, program and manner of taking the state

examination from paragraph 1 of this Article.

The activities from paragraphs 1 and 2 of this Article shall be performed as entrusted.

5. Conducting of Geological Explorations

Article 24

Geological explorations shall be conducted according to a geological prospecting project which shall include in particular:

- 1) documents on fulfillment the conditions from Article 22 of this Law;
- 2) textual part;
- 3) graphic attachments;

The Minister shall prescribe the conditions, criteria and content of the geological explorations projects for all types of geological explorations, as well as for the projects and reports referred to the explorations of mineral resources for obtaining the natural construction materials and explorations the hydrothermal and petrogeothermal resources.

Personal data on projects and reports referred to in paragraph 2 of this Article shall contain the name and surname of the person.

Article 25

A project on geological explorations, as well as the amendments and supplements to the same shall be subjected to the technical control.

Technical control from paragraph 1 of this Article shall involve the control in terms of application of the contemporary achievements and methods of geological science and engineering, the conditions of the competent institutions for nature protection and protection of cultural heritage and compliance of the project with the law and other regulations in the field of geology and mining; and compliance of the project with the applicable technical regulations, as well as corresponding measures to the occupational health and safety, fire protection measures, safety of people and facilities, and environmental protection.

For the quality of engineering supervision the geological explorations shall be responsible a business entity that performed the technical control. A company or other legal entity or entrepreneur that performs the tasks of development the technical documentation, must be insured against liability for damage that may be caused to the other, or the third party.

Technical control from paragraph 1 of this Article may be performed by a company and entrepreneur, or another legal entity which meets the requirements from Article 22 of this Law.

The Minister shall prescribe the conditions and manner of performing the technical control of geological exploration projects.

Article 26

Technical control of the project of geological explorations may not be performed by or in the control shall not participate:

- 1) the company or other legal entity and entrepreneur which prepared that project or is a holder of the exploration license;

- 2) the person employed with the company or another legal entity and entrepreneur that prepared the geological explorations project or participated in development of that project;
- 3) the person employed with the holder of exploration license;
- 4) the person employed in the Ministry, competent authority of the Autonomous Province and in the unit of local government.

Article 27

In the course of performing the geological explorations, the holder of exploration license shall have to provide for expert supervision over the geological explorations.

Expert supervision from paragraph 1 of this Article shall include the control in terms of whether the explorations are executed according to the project of geological explorations and realized the designed dynamics of explorations; checking the quality of performing the explorations and application the regulations from the field of geological explorations and technical norms and quality norms; checking the application of the occupational health and safety measures, fire protection measures and environmental protection measures.

The holder of exploration license may directly perform the expert supervision over the execution of geological explorations or may entrust such supervision to another legal entity.

A person who performs the professional supervision is obliged to promptly carry out the holder of exploration license of any omissions and deficiencies identified in the course of performing the professional supervision.

The holder of exploration license is required that a copy of the report on technical inspection which contains information on: performer of geological explorations, the type and volume of realized exploration works and the date of their execution, as well as the other information concerning the observation of professional supervision, to submit with the annual report under Article 29, paragraph 1 of this law and the final report on the results of geological explorations referred to in Article 28, paragraph 1 hereof.

Article 28

Upon completion of the project anticipated geological explorations of mineral raw materials, underground water and geothermal resources, the final report shall be made on the results of geological explorations (hereinafter: the Final report).

After completion of the realized engineering-geological-geotechnical explorations under Article 30, paragraph 2 of this Law, a project study shall be prepared on engineering-geological-geotechnical conditions for construction of facilities.

The exploration holder is obliged to submit a copy of the final report referred to in paragraph 1 and the project study referred to in paragraph 2 above, as well as the reports referred to in Article 31, paragraph 7 of this Law to the agency that issued the study in writing and in electronic rSK format in the language in official use in the Republic of Serbia, no later than 30 days from the date of expiry of the exploration period, and in case of extension the exploration period within the meaning of Article 39 of this Law, no later than the end of the exploration period previously approved.

The Minister shall prescribe the content of the final report referred to in paragraph 1 of this Article, and the project study referred to in paragraph 2 above, as well as the annual report on the results

of geological explorations referred to in Article 29, paragraph 1 hereof.

Article 29

In the case of many years of explorations, the exploration holder is obliged, after expiry the exploration period of a year, as well as in the case of giving up the explorations, not later than 30 days from the expiration of the exploration period of one year, or of giving up the exploration, to the authority which issued the approval. The Annual Report on the results of geological explorations in writing and in electronic format RSK, in the language in official use in the Republic of Serbia (hereinafter: the Annual Report).

The final report and the project study referred to in Article 28, paragraphs 1 and 2 of this Law, as well as the Annual Report referred to in paragraph 1 of this Article, have the character of archive material and shall be kept permanently, in accordance with the Law.

6. Approval for the Applied Geological Explorations

Article 30

The applied geological explorations of mineral and other geological resources are carried out on the basis of Decision on approval for geological explorations issued by the Ministry, at the request of the company, or other legal entities and entrepreneurs.

The applied engineering-geological-geotechnical explorations for the needs of construction the infrastructure facilities (high dams, hydropower plants, thermal power plants, regional roads and railways, oil pipelines, gas pipelines, airports, etc.) of strategic importance for the Republic of Serbia, as well as the engineering-geological-geotechnical explorations for the needs of construction and rehabilitation the facilities of mining infrastructure shall be performed on the basis of the Decision on approval of geological explorations issued by the Ministry, at the request of a company or other legal entity.

In the case that engineering-geological-geotechnical explorations for the needs of construction the infrastructure facilities are performed on the territory of the Autonomous Province, the Decision if issued by the competent authority of the Autonomous Province, a decision against which an appeal may be lodged to the Minister.

In the areas around facilities of special importance to defense, and soil explorations (geodetic, geophysical, geological, hydrological, etc.) can be performed by legal entities that receive approval for that from the competent authority, upon prior opinion of the Ministry of Defense in respect of measures to protect secret data.

The Decision of the Ministry from paragraphs 1 and 2 of this Article shall be final and an administrative dispute may be initiated against it.

For the applied geological explorations of mineral and other geological resources from paragraph 1 of this Article, which are performed on the territory of the Autonomous Province, the authorization shall be issued by the competent authority of the Autonomous Province by a Decision against which an appeal may be lodged to the Minister.

The competent authority of the Autonomous Province of the Ministry is obliged to deliver a copy of Decision and issued a Report on the approved explorations for the previous year, no later than 31 January of the following year.

The activities of paragraphs 3 and 6 of this Article shall be performed as entrusted.

Article 31

Geological explorations of mineral resources for obtaining the natural construction materials

shall be carried out on the basis of Decision on the approval for exploration issued by the Ministry, or competent authority of the Autonomous Province if the exploration is carried out on the territory of the Autonomous Province, issued at the request of the entrepreneur.

The request for approval under paragraph 1 of this Article shall contain the data on: the entrepreneur who is the applicant, type and purpose of explorations, site of exploration, and coordinates and cadastral parcel number of the planned execution of explorations.

In addition to the requirements set out in paragraph 2 of this Article shall submit a proof of payment the republic, and provincial administrative fee shall be submitted when exploration are carried out is done on the territory of province.

If the competent authority regarding the request referred to in paragraph 1 of this Article, on the basis of the register of exploration areas and Cadastre of mining fields established that the exploration area is free, the same shall inform the applicant, which shall be responsible, within 30 days of receipt the response on the access to cadastre, to submit to the competent authority:

- 1) an excerpt from the Register of business entities on registration of entrepreneurs - applicants;
- 2) surveying plan in scale 1: 1,000 or topographic view map in appropriate scale with the marked boundary and coordinates of the explored space, and number of cadastral parcel where the exploration is planned;
- 3) the project of geological research, in two copies;
- 4) the report and confirmation of the technical control of the project;
- 5) proof of the land ownership or easements on land for the planned exploration;
- 6) evidence of payment the republic, provincial and administrative fee when exploration is done on the territory of province.

The competent authority shall reject the application for exploration referred to in paragraph 1 of this Article, if the exploration area is not free, if all necessary documents referred to in paragraph 4 of this Article are not submitted or if based on the official records of protected natural areas is established that there are limitations to perform e in relation to the protection of: landscapes of exceptional natural characteristics, source of groundwater for public supply, endemic plants and animal species, cultural heritage sites or geoheritage, religious buildings, etc.

Length of exploration period determined by the decision referred to in paragraph 1 of this Article shall be one year and can be extended.

Upon completion the project, the geological explorations stipulated in paragraph 1 of this Article, a Report shall be made on the mineral resources for preparation the natural construction materials.

The Decision from paragraphs 1 and 5 of this Article issued by the Ministry shall be finally and an administrative dispute may be initiated against it against, a decision issued by the competent authority of the autonomous province may be appealed to the Minister.

The competent authority of the Autonomous Province of the Ministry is obliged to submit a copy of the issued Decision and a Report on the approved explorations for the previous calendar year, no later than 31 January of the following year.

The activities of paragraph 1 of this Article shall be performed as entrusted.

Article 32

Monitoring and control the engineering-geological-geotechnical explorations under Article 21,

paragraph 1 hereof, undertaken with the aim of defining the engineering-geological-geotechnical conditions of construction and/or rehabilitation, as well as the other characteristics of geological environment for the needs of spatial and urban planning, construction of buildings, protection of natural and cultural assets and the objects of geoheritage, rehabilitation and remediation of the terrain shall be performed by the local government.

A company or other legal entity or entrepreneur who conducts the explorations referred to in paragraph 1 of this Article shall be obliged to inform the start of explorations to the competent authority of local government for urban planning activities and competent Institute for Protection of Cultural Monuments and submit the basic data on type, purpose and dynamics of explorations, the name of the site, as well as the performer of explorations..

The application referred to in paragraph 2 above, shall be submitted with:

1) surveying plan at a scale of 1: 1000 (or the appropriate ratio) with a clearly indicated boundary and numbers of cadastral parcels on which the exploration is planned; project on engineering-geological-geotechnical explorations, made by the legal entity that fulfilled the conditions from Article 22 hereof;

3) photocopy of the payment the municipality administrative fee.

The results of performed explorations referred to in paragraph 1 of this Article are shown in the project study on engineering-geological-geotechnical conditions of construction the facilities.

The project study referred to in paragraph 4 of this Article shall be subject to the technical control - revision carried out by a legal entity with a valid license in accordance with this Law.

The user of exploration shall be responsible to submit a copy of the project study referred to in paragraph 4 of this Article to the competent authority of local government for urban planning in written form and in electronic format pck form, in the language in official use in the Republic of Serbia within 30 days after implementation the explorations.

The competent authority of the local government unit shall be responsible to keep records of Cadastre and reports on completed explorations referred to in paragraph 1 of this Article, to permanently keep the project studies referred to in paragraph 4 of this Article, and to submit a Report to the Ministry or competent authority of Autonomous Province and if the explorations are carried out on the territory of the Autonomous Province to submit a report on the submitted applications and performed control for the previous calendar year, no later than 31 January of the following year.

Personal data in the reports referred to in paragraph 7 of this Article shall contain: name and surname of a natural person.

The activities of paragraph 7 of this Article shall be performed as entrusted.

Article 33

Monitoring and control of geological explorations of geothermal resources for the needs of thermal energy supply to the family household of natural person shall be performed by the unit of local government.

A natural person who does the explorations referred to in paragraph 1 of this Article shall be responsible to inform on starting the explorations to the competent authority of local government for urban planning and delivery and to submit the basic data on the manner, aim and dynamics of explorations, site name, and performer of explorations.

The application referred to in paragraph 2 above, shall be submitted with:

1) a certified photocopy of the identity card of a natural person;

2) surveying plan at a scale of 1: 1000 (or the appropriate ratio) with a clearly indicated boundary and numbers of cadastral and indicated microlocation prospecting probe.

3) Project of exploration the petrogeothermal resources made by an expert person of geological profession who fulfills the conditions referred to Article 22 of this Law;

4) a photocopy of payment the municipality administrative fee.

After carried out explorations referred to in paragraph 1 of this Article, a report shall be made on explored petrogeothermal resources, on the basis of which the use of petrogeothermal resources can be approved for the needs of geothermal energy supply of the family household of a natural person, in accordance with Article 64 of this Law.

The user of exploration is responsible to submit to a copy of the report referred to in paragraph 4 of this Article to the competent authority for urban planning in written form and in electronic pck form in the language in official use in the Republic of Serbia within 30 days after implementation the explorations.

The competent authority of the local government unit shall be responsible to keep records of Cadastre and reports on completed explorations referred to in paragraph 1 of this Article and permanently keep the reports referred to in paragraph 4 of this Article, and to submit a Report to the Ministry or competent authority of Autonomous Province and if the explorations are carried out on the territory of the Autonomous Province to submit a report on the submitted applications and performed control for the previous calendar year, no later than 31 January of the following year.

Personal data in the reports referred to in paragraph 6 of this Article shall contain: name and surname of a natural person who submitted a report.

The activities of paragraphs 1 and 6 of this Article shall be performed as entrusted.

Article 34

The request for issuance the approval under Article 30 paragraphs 1 and 2 of this Law shall include data concerning the company or other legal entity or entrepreneur who is the applicant, type of geological explorations and the size of exploration area, as well as duration of exploration, pursuant to Article 41 of this Law.

In addition to the requirements of paragraph 1 of this Article, a proof of payment the republic, and province administrative fees shall be submitted when the exploration is done on the territory of province.

If the competent authority regarding the request referred to in paragraph 1 of this Article, on the basis of the register of exploration areas and Cadastre of mining areas and fields found that the exploration area is free and if in the case referred to Article 42 of this Law estimates that there are geological and other conditions for undisturbed carrying out the explorations, the applicant shall be informed on the same, who shall, within 90 days of receiving the response, submit to the competent authority:

1) extract from the register of business entities on registration the applicant;

2) topographic map in a scale 1:25,000 or smaller scale, with marked border and coordinates of exploration area;

- 3) project of geological explorations, in two copies;
- 4) report and confirmation of carried out technical control of the project;
- 5) proof of payment the republic, and provincial administrative fees if the exploration is carried out on the territory of province for issuing the approval;
- 6) proof of right to use data and exploration results that are the result of geological exploration of another business entity, or are the result of basic and applied geological explorations if they were used in project development.

The applicant referred to in paragraph 1 of this Article shall be responsible, before the development the project of geological explorations, to obtain the act on conditions for project design and implementation the planned geological explorations, issued by the competent Institute for Nature Protection and the competent institute for protection of cultural heritage or other competent entity.

Acts concerning the conditions of the competent authorities referred to in paragraph 4 of this Article are an integral part of the project of geological explorations.

If the project referred to in paragraph 3, item 3) of this Article provided performing the mining exploration works on research in order to take mineral raw materials for technological tests, a separate application shall be submitted for issuing the approval for the works implementation pursuant to the mining project referred to in Article 93, paragraph 1 of this Law except in the case when the allowed amount of mineral resources in accordance with Article 45, paragraph 1 of this Law may be taken from the exploration drill hole, exploration trench and natural mineral outcrop, and in accordance with the project on state of carried out geological explorations.

If it is the exploration or test operation of exploration drill hole for oil and natural gas, referred to in Article 94, paragraph 1, item 2) of this Law, an application for the work implementation shall be submitted according to this project, in accordance with Article 106 of this Law.

In the case of test operation of exploration drill hole for oil and natural gas referred to in paragraph 7 of this Article in the mining project, the time/duration of test period should be noted in accordance with Article 45, paragraph 3 of this Law, and describe in detail the manner of their storage.

Article 35

The competent authority shall reject by decision the request for authorization referred to in Article 34, paragraph 1 and Article 39 paragraph 2 of this Law in the case:

- 1) if the proceedings were initiated on a request for exploration on the same exploration area by another legal entity;
- 2) If the complete documentation was not submitted with the request referred to in Article 34, paragraph 4, or in Article 39, paragraph 2 of this Law;
- 3) if the area, for which the approval for exploration is required, was already issued to another person for: exploration, retention the rights to the exploration area; exploitation field or exploitation the same mineral or the same geological resources;
- 4) if the applicant has debts within the meaning of Article 7 of this Law;
- 5) if it is found that the submitted documents contain inaccurate data.

In the case of items 3) - 5) of paragraph 1 of this Article, the competent authority shall first ask the applicant to make a correction or amendment of the request within 30 days of receipt the notification.

The decision referred to in paragraph 1 of this Article issued by the Ministry, is finally and against it an administrative dispute may be initiated.

To the decision referred to in paragraph 1 of this Article issued by the competent authority of the autonomous province, the appeal is submitted to the Minister.

Article 36

If the application for issuance the approval in accordance with the provisions of Article 34, paragraph 1 of this Law for exploration the same mineral or another geological resource in the same exploration area was submitted by two or more legal entities or entrepreneurs, the priority of issuance the approval to any legal entity or entrepreneur, who first submitted an application for explorations, pursuant to the provisions of Article 34 of this Law.

Article 37

Decision on approval for the applied geological explorations contains information on:

- 1) name of the holder of exploration with address of its headquarters;
- 2) subject and type of exploration;
- 3) surface and coordinates of breaking points of the exploration area;
- 4) name of the project of geological explorations;
- 5) length of the exploration period in accordance with the request of exploration holder.

Article 38

Approval for the performing the applied geological explorations of mineral resources is determined by the exploration deadline in accordance with the request of the exploration holder lasting up to three years, with the possibility of extending the exploration period twice in continuity, wherein the length of the first exploration period can be up to three years, and the second up to two years, except for the exploration referred to in paragraph 4 of this Article, provided that the exploration period begins to run from the date of delivery the decision on the approval of explorations.

In the event that the exploration holder of mineral resources referred to in paragraph 1 of this Article in the second extension of the exploration period develops the project study on reserves and resources of mineral raw materials and in the same project study for due to lack of data presents only the mineral resources, the proof of mineral resources forms the basis for obtain an approval for additional extension the exploration period for a further two years in order to collect the data necessary to determine the classification of mineral reserves or to transform the mineral resources into the ore reserves.

Approval for exploration the underground water and geothermal resources shall determine the length of exploration deadline by two years, with the possibility of extending the exploration period twice in continuity, wherein the length of each of the extended exploration periods can be up to a year.

Approval for exploration the non-metallic mineral raw materials for obtaining the construction materials to be used as: technical-construction stone; architectural-construction (ornamental) stone; raw materials for the production of clay, ceramic and refractory materials; production of cement and lime as well as sand and gravel in the industry and construction shall determine the length of exploration deadline up to two years, with the possibility of extending the exploration period up to one year.

Article 39

The request for an extension of exploration period referred to in Article 38 of this Law shall be submitted not later than 30 days before the expiration of exploration deadline determined by the approval of exploration, provided that at least 75% was carried out of the project planned volume and dynamics of explorations work, in accordance with Article 44, paragraph 1 hereof.

In addition to the application referred to in paragraph 1 of this Article shall be submitted:

- 1) topographic map in a scale 1: 25,000, or an appropriate scale, with drawn border and coordinates the exploration area for continuation of exploration;
- 2) project of geological explorations in two copies;
- 3) project of geological reports and certificates on completed technical control of the project;
- 3) final report, and in the case of explorations referred to in Article 30, paragraph 2 of this Law, the project study on engineering-geological-geotechnical conditions for construction of facilities;
- 4) proof of payment the republic, i.e. provincial and administrative fee if the exploration is carried out on the territory of province.

Surface of exploration area for the extension of exploration period shall be determined by the project of geological explorations from paragraph 2, item 2) of this Article and may remain the same or be reduced regarded to the surface determined by the approval for exploration, in accordance with the request of exploration holder.

If the project referred to in paragraph 2, item 2) of this Article provided performance the mining exploration works and/or taking a sample for technological tests, along with the request for an extension of exploration period, the mining project shall be submitted referred to in Article 93, paragraph 1, and in the case of oil and natural gas exploration, the mining project referred to in Article 94, paragraph 1, item 2) of this Law.

The project referred to in paragraph 2 item 2) of this Article, and amendments (hereinafter referred to as the annex to the project) project referred to in Article 44, paragraph 3 of this Law shall be issued in accordance with the terms of the competent institutions for the protection of nature and cultural heritage protection on which the basic project was developed, except in the case referred to in paragraph 4 of this Article when the project or annex of the mining project plans the mining exploration works referred to in Article 93, paragraph 1 or Article 94, paragraph 1, item 2) of this Law, when it is required to obtain previously the conditions by the competent Institute for nature protection.

The extension of exploration period shall be approved by a decision issued by the Ministry, i.e. competent authority of autonomous province.

The decision referred to in paragraph 6 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it, to the decision issued by the competent authority of the autonomous province, the appeal is submitted to the Minister.

Article 40

The holder of exploration the mineral and other geological resources may apply for retention the rights on exploration area in order to prepare documentation for approval for exploitation, i.e. approval for exploitation field, at least 30 days before the expiration of exploration deadline determined by a decision that approved the explorations.

With the application in paragraph 1 of this Article, the following shall be submitted:

- 1) a program of activities which the holder of approval for exploration plans to carry out during

the period for requesting the retention of rights on the exploration area, pursuant to paragraph 5 of this Article;

2) overview situational map in the appropriate scale with the marked border and coordinates of field for which the retention the right for exploration area is required;

3) proof of payment of the fee on the basis of previously approved explorations;

4) proof of payment the republic, and provincial administrative fees if the exploration is carried out on the territory of province.

Overview situational map referred to in paragraph 2 of this Article shall contain data on the position of realized exploration works, contours of identified mineral resources and reserves if they are identified by the competent state authority, public roads and other facilities that may have affected the future exploitation, such as: transformer stations, power lines, gas lines, water sources and water supply facilities, the geological heritage facilities, religious sites, etc.

The request referred to in paragraph 1 of this Article shall be approved by a decision issued by the Ministry, i.e. competent authority of autonomous province where the deadline for retention the right for exploration area is determined by the length of two years and cannot be extended, and in the case of mineral raw materials of strategic importance pursuant to Article 4 of this Law may be up to three years and cannot be extended.

Within a period of a given decision referred to in paragraph 4 of this Article may be:

1) carried out the necessary research studies and economic analysis;

2) collect data on a set observation network for monitoring the hydrodynamic regime of underground water, as well as the information on the so-called "zero" state of the environment (on composition/water quality, air, soil);

3) done and/or certified the project study on reserves and resources, if the same was not done in the previous period.

The Ministry, i.e. competent authority of autonomous province shall repeal the decision approving the retention of the right to the exploration area in case the fees are not paid for retention the right of the exploration area for the current year and/or if it is established that the holder of approval fails to comply with the approved program referred to in paragraph 2, item 1 of this Article.

The decision from paragraphs 4 and 6 of this Article issued by the Ministry is final and an administrative dispute cannot be initiated.

An appeal on the decision from paragraphs 4 and 6 of this Article issued by the competent authority of the autonomous province shall be appealed to the Minister.

The decision to the retention of the rights to the exploration area referred to in paragraph 4 of this Article shall cease to be valid on the date of application for approval for the exploitation field.

Article 41

Surface of the exploration area for performing the applied geological explorations of mineral and other geological resources can be to a maximum of 100 km², except for:

1) exploration the oil and natural gas, where it amounts up to 5,000 km²;

2) exploration the underground water and geothermal resources can be a maximum of 10 km²;

3) exploration the non-metallic mineral raw material for obtaining the construction and

industrial materials where it amounts up to 2 km².

Article 42

Within the same exploration area where the applied geological explorations of some mineral or geological resources were approved, the applied explorations of other mineral or geological resources may be approved, only if there are geological and other conditions for the smooth performance of these explorations.

The assessment on existence the conditions for the smooth performance of these explorations referred to in paragraph 1 of this Article shall be issued on the basis of: type of explored and other geological and mineral resources for which the request was applied; geological structure, or geological-metallogenic (mineralgenetic) characteristics of the terrain in which the appearance of another mineral or geological resources is expected in relation to the geological formation where the mineral or another geological resource are explored, whereby the competent authority shall, prior to making a final decision on the submitted request, obtain the consent of the holder of approval for exploration.

In the case of approved applied geological explorations of oil and gas and groundwater for water supply provides, only an opinion of the holder of exploration is provided.

Article 43

Start of work on geological explorations, the holder of explorations is responsible to report 15 days before the start of the projected exploration works to the competent authority of the local government unit on whose territory the exploration area is situated, to the body that issued the decision on approval for exploration and geological and/or mining inspection, and if the works are performed in the area of Article 6 of this law and organization or body that manages this area or department for protection the cultural heritage.

Notification on commencement the works on geological explorations contains the information on: the holder of explorations, the number of decision and date of issuance, the number of exploration area, as well as the data about the performance the geological explorations and performace the professional supervision, and in the case of a trial exploration drill holes of oil and natural gas under Article 45, paragraph 3 of this Law, the date of start and end of the trial period the exploration drill holes, according to the mining project referred to in Article 94, paragraph 1, item 2) of this Law.

Article 44

Minimum size of the projected volume of geological and mining exploration works, which have to be performed in the approved exploration deadline is 75% of the project planned volume of exploration works.

In the case of many years explorations the mineral and other geological resources, the type and volume of the projected exploration works, as well as the dynamics of exploration thereof, an approval shall be granted for the entire exploration period, as well as separately for each exploration year.

If the project of geological explorations has not shown the type, volume and dynamics of exploration works separately for each exploration year or when during the exploration there is a need to change the type and volume of the project planned works for more than 25%, the holder of exploration is required to make the change and amendment of the project with a view the newly designed works and submit the same to the competent authority which issued the approval for exploration, at the latest before the beginning of works according to the annex to the project.

Annex of the project referred to in paragraph 3 of this Article, in the case of the last year approved exploration period, cannot decrease the total volume of exploration works determined by the project of geological explorations.

Article 45

The allowed quantities of mineral resources that can be used for technological tests during performing the approved geological explorations to determine the technological properties and proving the reserves of mineral raw materials, in accordance with the project of geological explorations and mining projects in Article 93, paragraph 1 of this Law shall be determined in the amounts, as follows:

- 1) sand and gravel (as construction material) 10 m³
- 2) quartz sand (for glass and other industry) 10 m³
- 3) brick, ceramic and refractory clays 20 m³
- 4) architectural-construction stone 20 m³
- 5) technical-construction stone 50 m³
- 6) marl, marly limestone, gypsum and all types of tuffs for manufacturing of cement and lime 500 m³
- 7) phosphates, magnesites and other non-metallic mineral resources 500 t
- 8) coal and oil slates (oil shales) 500 t
- 9) metallic mineral raw materials (per technology type) 2000 t
- 10) lithium and boron ore (borates) 2000 t

Mineral raw materials for the formation of technological samples can be taken from a number of exploration works, or from different parts of the ore body/deposit, whereby the total allowed quantities cannot be exceeded for technological tests referred to in paragraph 1 of this Article.

In the case of oil and natural gas, taking of oil and natural gas is allowed from the exploration drill hole operation for a period not longer than a year to examine the production - technical characteristics of discovered oil and natural gas deposits and defining the parameters of their possible exploitation.

The holder of exploration is required to present faithfully the received quantities of oil and natural gas, obtained by trial work of paragraph 3 of this Article in the annual report for the previous exploration year in which the trial operation of exploratory drill holes was carried out, as well as in the project study on resources and reserves.

The quantities of oil and natural gas obtained by trial operation of exploration drill holes are subject to payment of the fee referred to in Article 159, paragraph 2, item 2) of this Law.

Article 46

Geological explorations of mineral and other geological resources within the approved exploitation field are carried out without the approval for exploration.

The holder of exploitation is responsible to commence the start of exploration works to the competent authority which issued the approval for exploitation.

Geological exploration referred to in paragraph 1 of this Article shall be carried out by this Law and other regulations in the field of geology and mining.

Article 47

The competent authority shall abolish the decision on the approval for exploration prior the expiry of the determined exploration period in the following cases:

- 1) if the explorations are not performed in accordance with the project of geological explorations;
- 2) if the professional supervision is not provided on performing the geological explorations;
- 3) if the explorations are performed out of the approved exploration area;
- 4) if the Annual Report for previous exploration year is not submitted;
- 5) if under the aspect of explorations, the mining of mineral raw materials, ground water and geothermal resources are performed;
- 6) if the land, on which the exploration works are performed, is not returned to the original state;
- 7) if the prescribed occupational health and safety measures, measures necessary to protect property, people's health and environment and protection of cultural assets and assets that enjoyed previous protection are not implemented;
- 8) if do not pay a fee for the applied geological explorations for the current year, as well as a fee for oil and natural gas, obtained by the trial operation of exploration drill holes in the previous year of exploration;
- 9) if it shall be subsequently found that the enclosed documentation, based on which the approval was issued, includes the incorrect or untrue data.

The Decision on approval for exploration shall cease to be valid:

- 1) upon request of the holder of exploration;
- 2) by suspension of explorations based on the report of geological inspector;
- 3) by expiry of the exploration period;

In the cases from paragraphs 1 and 2 of this Article, the holder of exploration shall have to remediate the area in which the exploration was performed and to implement, in the case of performing the exploration of underground mining works based on the project from Article 93, paragraph 1 of this Law, the measures for maintenance the underground rooms, facilities and installations upon completion the exploration works.

The Decision from paragraphs 1 and 2 of this Article, issued by the Ministry, shall be final, and administrative procedure may be initiated against the same.

Complaints against the Decision from paragraphs 1 and 2 of this Article, issued by the competent authority of the Autonomous Province shall be submitted to the Minister.

In the case of items.1) - 9) of paragraph 1 of this Article, the competent authority shall previously seek from the exploration holder to remove the irregularity found within a specified period by the competent authority.

Article 48

The authority that has issued the approval for exploration shall keep the records on the approved explorations and cadastre of the approved exploration areas.

Data on the holder of exploration, subject of geological explorations, exploration area, and duration of explorations shall be entered in the cadastre of approved exploration areas.

Interested parties shall have the right to inspect the cadastre of approved exploration areas.

Article 49

The holder of exploration shall be entitled to use and dispose the results of the applied geological explorations and documents which contain the geological exploration results.

Three years after termination the applied geological explorations, the Republic of Serbia can use the results of the same explorations in a way that does not jeopardize the interests of the data owner, taking into account the rules governing the protection of data, and only in the case of: defense of the country and raising the level of general security of the population, rehabilitation the results of geological hazards (earthquakes, floods, landslides, rockslides, etc.), development the strategic study research for the purpose of determining and evaluating the overall mineral potentials of geological environment or other geological resources, as well as the needs of spatial planning and other long-term strategic documents of general interest.

Mining facilities arising in the process of geological explorations, which are not recorded as the property of the holder of explorations, are not considered as the results of explorations referred to in paragraph 1 of this Article, and upon completion of exploration shall become the property of the Republic of Serbia and can be used by the holder of approval for exploration or the holder of approval for exploitation, where the same facilities are located on his exploration or exploitation field.

The holder of exploration that uses data and exploration results that are the result of geological explorations of another business entity or resulting from the basic and applied geological exploration, funded from the budget of the Republic of Serbia, is obliged to submit a proof of legal right to use these data for preparation of geological exploration projects, reports and project studies on the results of the same explorations and/or project studies on resources and reserves.

In the case where the geological exploration results and documents from paragraph 1 of this Article include data considered as the secret data in accordance with applicable regulations establishing the protection of secret data, the holder of explorations may assign such data to the third parties only in the manner and under the conditions set forth by those regulations.

7. Obligations of the Holder of Explorations

Article 50

The holder of explorations shall have a duty to:

1) provide the required financial assets for performing the licensed geological explorations and undertake all other necessary measures and activities and access performing of explorations in accordance with determined schedule;

2) obtain a proof of the right to use, lease, the owner's consent, concerning easements on the land as well as on the conditions for taking the measures of technical protection by the competent institution for protection of monuments of culture, where it intends to carry out the projected exploration works (exploration drill hole, trenches, exploration levels, exploration mining activities, etc.), before the start of performing the same works;

- 3) perform the type and volume of prospecting works according to the geological exploration project, with maximum permitted deviations from the approved volume and type of works up to 25%;
- 4) report commencement of the exploration works;
- 5) ensure the expert supervision over the execution of geological explorations;
- 6) pay a fee for approved geological explorations, as well as a fee for extracted amount of oil and natural gas, in the case of approved trial operation of exploration drill holes;
- 7) submit the annual report and final report on the results of explorations, continuously during the exploration in the official language of the Republic of Serbia;
- 8) implement the prescribed measures of safety and health at work, necessary measures to secure the property, health of people and environmental protection;
- 9) return the land on which the exploration works are performed to its original state;
- 10) record the other mineral raw materials and geological resources if they shall be found within the approved exploration area, and notify thereof the authority which issued the approval for performance the geological explorations;
- 11) keep in the prescribed manner, in the course of exploration, the reports and project studies on the results of geological explorations and other geological documentation, as well as the cores of prospecting drill holes and samples and analyses relating to all exploration works and, if necessary, make them available for insight by the Ministry or the competent authority of the Autonomous Province for the purposes of checking the exploration results;
- 12) comply while exploring the cores of geological prospecting holes and other samples with the positive geological practice for such testing and thus ensure checkability of the obtained testing results.
- 13) extracted amounts of mineral raw materials intended for technological tests on an industrial scale to secure and protect them from decay, and the amounts of extracted oil and gas, obtained by test run of the exploration drill holes, store in a project intended manner and keep tidy records of the available quantities;
- 14) to allow the geological inspector to enter the business and site premises or inspection the projects and plans, reports and other documentation on the state of geological works.

The holder of explorations the mineral resources and other geological resources shall obtain from the competent authority of urban planning at the local level the information on the possible restriction to carry out such explorations in relation to the spatial or urban plan or other limitations.

8. Classification of Mineral Resources and Reserves, Ground Water Resources and Reserves, and Geothermal Resources

Article 51

Classification of mineral resources and reserves, ground water and geothermal resources and reserves and geothermal resources shall be made in accordance with the adequate regulations and

rulebooks concerning the reporting and classification of solid, liquid and gaseous mineral resources, ground water and geothermal resources agreed with the recognized international methods of reporting and classification.

The explored resources and reserves of mineral raw materials shall be presented in a project study on resources and reserves of solid mineral raw materials, and in a project study on resources and reserves of oil, condensates and natural gases.

The explored resources and reserves of groundwater and hydrogeothermal resources shall be presented in the project study on resources and reserves of groundwater.

The estimated resources of internal heat of the earth's crust rock masses shall be presented in the project study on petrogeothermal resources for the purposes of obtaining the geothermal energy.

The holder of exploitation the mineral resources is obliged that in the case of discovery the new ore bodies or mineral raw materials or deposits for oil and gas to submit to the Ministry, i.e. competent authority of autonomous province, a project study referred to in paragraph 2 of this Article, drafted on the basis of adequate data on: the actual quantities and quality of resources and reserves in the deposit, the relevant technical-technological parameters of production, as well as economic, market, environmental and other indicators on the basis of which the consideration of modifying factors is carried out in order to develop the adequate study analyses, and verification of newly created conditions of company business.

The holder of approval for exploitation area for the use of underground water shall be obliged every five years from the date of previously recorded state of identified resources and reserves of underground water, to submit to the Ministry, i.e. competent authority of autonomous province, a project study referred to in paragraph 2 of this Article, drafted on the basis of the newly - modern observations of hydrodynamic regime of groundwater and the new control analyses the quality of those waters in order to determine the actual quantities and qualitative characteristics of exploitable groundwater reserves in the deposit, which are the subject of use.

The Minister shall prescribe the conditions, criteria and method for classification of resources and reserves of mineral resources and other geological, resources and the way of their presentation in the project study referred to in paragraph 1 of this Article.

Article 52

Based on the project study of Article 51, paragraphs 2 and 3 of this, the explored resources and reserves of mineral resources and groundwater are determined, and on the basis of the project study referred to in Article 51, paragraph 4 hereof, the recorded petrogeothermal resources shall be determined.

Review and record the identified resources and reserves of mineral resources and groundwater, as well as the geothermal resources is conducted by the Ministry, i.e. competent authority of autonomous province with the expert assistance of working groups established by the Minister or the competent authority of the autonomous province for the transitional period necessary for the licensing of competent person in geology and competent person and mining, except in the case of certification the reserves of ground water, as well as development and implementation of the Rulebook on establishing the resources and reserves of mineral resources and their classification, which may not be longer than three years from the date of adoption the Act on establishing the working groups.

The Act on establishing the working groups referred to in paragraph 2 of this Article shall determine the tasks, duties and fees for the work of its members.

Resources and reserves of mineral raw materials, resources and reserves of groundwater and geothermal resources shall be established by a certificate on reserves and/or resources of mineral raw materials and groundwater, as well as petrogeothermal resources, which is issued by a Decision of the

Ministry, i.e. competent authority of autonomous province, on the request of the holder of exploitation or the holder of exploitation.

In addition to the request in paragraph 4 of this Article, the following shall be submitted:

- 1) a photocopy of the approval for exploration or approval for retention the rights to the exploration area, i.e. the approval for exploitation and/or exploitation field;
- 2) a view map in a appropriate scale with coordinates of breakpoints of identified resources and reserves of mineral resources and groundwater and geothermal resources;
- 3) a project study of Article 51, paragraphs 2, 3 or 4 of this Law;
- 4) a Report of a competent person in geology and competent persons in mining profession of professional assessment – an audit of project studies on resources and reserves of mineral raw materials, or a geological report of the expert person in geology profession on professional assessment – an audit of the project study on resources and reserves of groundwater or petrogeothermal resources;
- 5) a proof of payment of the republic, or the provincial administrative fees for the certification of resources and reserves of mineral resources, groundwater and geothermal resources;
- 6) a proof on the right of use the data and results of explorations that are a result of geological explorations of another business entity or a result of the basic and applied geological explorations funded by the budget of the Republic of Serbia, if they are used in the preparation of project studies.

The applicant referred to in paragraph 4 of this Article shall borne the costs of professional-audit assessment of the project study referred to in paragraph 5, item 4) of this Article.

The Decision referred to in paragraph 4 of this Article, issued by the Ministry is the final and an administrative dispute can be initiated against it, and the decision issued by the competent authority of the autonomous province, may be appealed to the Minister.

9. Balance of Mineral Resources and Reserves, Groundwater Resources and Reserves, and Geothermal Resources

Article 53

The holder of exploration and holder of exploitation shall be obliged to maintain a book on the state of resources and reserves of mineral raw materials and resources and reserves of groundwater, as well as geothermal resources on the approved exploration area or exploitation field, and to annually submit the data on the state of resources and reserves to the Ministry or the competent authority of the Autonomous Province by 15th March of the current year according to the state and reserves on 31st December of the previous year in a written or electronic form.

On the basis of received data and issued certificates on determined and classified resources and reserves of mineral raw materials and groundwater, as well as geothermal resources, the Ministry shall prepare a balance of resources and reserves of mineral raw materials, a balance of resources and reserves of groundwater, and a balance of geothermal resources in the Republic of Serbia.

Balance of resources and reserves referred to in paragraph 1 of this Article shall be in compliance with the established state of resources and reserves that have been registered by the Decision of the Ministry on reserves and resources of mineral raw materials and groundwater, as well as geothermal resources, i.e. the Decision of the competent authority of the autonomous province and carried out (realized) production capacities in the previous calendar year. The competent authority of the autonomous province draw up a balance of resources and reserves of mineral raw materials and other geological resources in the territory of the autonomous province, referred to in paragraph 1 of

this Article, which is an integral part of the balance of resources and reserves of the Republic of Serbia and submit it to the Ministry by 30th June of the current year, in a written and electronic version.

The balance referred to in paragraph 2 of this Article shall be made until 31st July of the current year for the previous year.

Activities under Paragraph 4 of this Article shall be performed as entrusted tasks.

10. Procedure for Issuing the Approvals for Exploration of Hydrocarbons in Liquid and Gaseous State

Article 54

The approval for exploration the hydrocarbons in liquid and gaseous state (oil and gas) and other natural gases shall be given to a company or other legal entity or entrepreneur, selected on the basis of conducted a public tender procedure.

Article 55

Decision on conducting a public tender for exploration the hydrocarbons in liquid and gaseous state (oil and gas) and other natural gases shall be made by the Ministry or the competent provincial authority if the raw material is on the territory of the Autonomous Province, if it assesses that there is a need for establishing the same mineral raw materials in a certain area or on the basis of a proposal by a company or another legal entity and entrepreneur registered for exploration the mineral raw materials.

Article 56

Announcement of the public tender for the issuance of approval for geological explorations of mineral resources shall be published in the "Official Gazette of the Republic of Serbia" and the Official Journal of the European Union.

The announcement from paragraph 1 of this Article shall include:

- 1) mineral raw material intended to be explored;
- 2) size and name of the exploration area;
- 3) program of overall exploration works, per type and volume;
- 4) deadline by which the exploration is intended to be performed;
- 5) amount of planned cash assets for implementation the exploration works as well as the way of provision for such cash assets;
- 6) remediation plan for the exploration area.

Article 57

With the bid for issuance the approvals for geological explorations of mineral resources, the following shall be submitted:

- 1) an extract from the Company Register confirming that the bidder is registered for exploration or mining the mineral raw materials;
- 2) a topographic map in a scale 1:25,000, or a more detailed, with the drawn-in boundary of the geological exploration area determined by coordinates of the breaking points of a closed polygon;
- 2) other documentation defined by the public tender.

The Government shall prescribe the criteria, conditions and manner of conducting the public tender procedure for granting the approvals for exploration the mineral raw materials from Article 48 of this Law.

11. Approval for Determining the Exploitation Area and Amount of Reserves and/or Resources of Groundwater and Geothermal Resources

Article 58

Determining the exploitation area and the amount of reserves and/or resources of groundwater and geothermal resources of low enthalpy shall be carried out on the basis of a Decision on approval for the exploitation area and the amount of reserves and/or resources, issued by the Ministry, or the competent authority of the autonomous province, at the request of the company or the other legal entity and entrepreneur.

Determining the space and the amount of reserves and resources of groundwater and geothermal resources shall be made on the basis of project study on the conditions of exploitation the groundwater resources or hydrogeothermal, i.e. petrogeothermal resources.

The Minister shall prescribe the content of project study on the conditions of exploitation the groundwater or hydrogeothermal resources, i.e. petrogeothermal resources and the conditions and way of performing the technical control of the same project study.

The decision issuing the approval for the exploitation area and the amount of reserves and/or resources referred to in paragraph 1 of this Article issued by the Ministry is the final and an administrative dispute can be initiated against it, and the decision on the approval referred to in paragraph 1 of this Article issued by the competent authority of the autonomous province, may be appealed to the Minister.

The competent authority of the autonomous province is obliged to submit to the Ministry a copy of the issued decision on the mining area and the amount of reserves and/or resources referred to in paragraph 1 of this Article and as well as the report on all issued approvals for the previous calendar year, no later than 31st January of the following year.

Activities under Paragraph 1 of this Article in the territory of the autonomous province, shall be performed as entrusted tasks.

Article 59

Request for approval the exploitation area and the amount of reserves and/or resources referred to in Article 58 of this Law shall be submitted by the end of the expiry of deadline determined by the decision for exploration or decision on retaining the rights to the exploration area.

To the application for approval under paragraph 1 of this Article, the following shall be submitted:

1) a surveying plan in a scale 1: 1,000 or a view topographic map in the appropriate ratio with the drawn-in boundary and coordinates of breaking points exploitation area, as well as drawn and registered numbers of cadastral parcels for which there is a right of ownership or a right of easement on the land;

2) a certificate on resources and reserves of groundwater or geothermal resources, issued on the basis of project study on resources and reserves of groundwater, or project study on petrogeothermal resources for the needs to obtain the geothermal energy;

3) a project study on conditions of exploitation the ground water or hydrogeothermal resources, or petrogeothermal resources and a certificate on completed technical control of a project study;

4) the act of the competent institution for nature protection on measures and conditions under which the use of groundwater and geothermal resources or petrogeothermal resources can be carried out;

5) the act of the Ministry in charge for sanitary protection of water supply sources, confirming that the applicant did an appropriate project study on the sanitary protection zones of groundwater reservoirs;

6) a proof of the ownership right or the right of easement on the land where there are facilities in the function of use the groundwater or geothermal resources;

7) a proof of payment the national, or provincial administrative fee, when the exploitation area is located on the territory of the Autonomous province.

The competent authority shall reject the request by the Decision from Article 58 of this Law, if:

1) with the application, a complete documentation referred to in paragraph 2 of this Article was not submitted;

2) the applicant has outstanding obligations in terms of compensation for geological explorations and/or retention the exploration area;

3) if the liquidation or bankruptcy procedure is initiated to the applicant.

The decision referred to in paragraph 3 of this Article issued by the Ministry is the final and an administrative dispute may be initiated against it, and the decision referred to in paragraph 3 of this Article issued by the competent authority of the autonomous province, may be appealed to the Minister.

Article 60

The decision issuing the approval referred to in Article 58 of this Law shall contain the data on:

2) the name of the holder of exploitation area with address of its headquarters;

3) the name of the project study, the name of the legal entity that has developed the project study and the legal entity that has done the technical control of the project study;

4) coordinates and surface of exploitation area, which cannot be greater than the exploration area in which the explorations of groundwater and geothermal resources were previously conducted;

5) cadastre number of parcels covered by the exploitation area;

6) approved type and amount of resources and reserves that can be used in accordance with the project study o the resources and reserves for the appropriate category of exploration for which the approval can be issued;

7) the period of validity the decision on exploitation area for up to five years, which may be extended.

Article 61

Request for extension the validity period of approval shall be made before the expiry of deadline determined by the decision on approval in accordance with Article 60, paragraph 1, item 6) of this Law.

The request for extension the validity period of paragraph 1 of this Article shall be with:

1) confirmation on established and certified resources and reserves of groundwater and geothermal resources issued on the basis of the project study on resources on resources and reserves of groundwater, which set the conditions of use the groundwater or geothermal resources in the next five years;

2) a project study of the conditions of exploitation the groundwater, or geothermal resources, only if the certificate, or innovated project study on resources and reserves of groundwater has changed the conditions of hydrodynamic regime of groundwater, or changed the quality and quantity of groundwater;

3) a proof of payment the republic, i.e. provincial administrative fee when the exploitation area is located on the territory of the Autonomous Province.

Extension of approval establishing the exploitation area and the amount of groundwater reserves and geothermal resources, a decision shall be issued on extension the validity of approval to a new period up to five years.

The decision referred to in paragraph 3 of this Article issued by the Ministry is the final and an administrative dispute may be initiated against it, and the decision referred to in paragraph 3 of this Article issued by the competent authority of the autonomous province, may be appealed to the Minister.

Article 62

The Ministry or the competent authority of the autonomous province shall abolish the decision determining the exploitation area and quantity of groundwater or geothermal resources, if:

- 1) the use the exploitation area does not start;
- 2) it is established that threatens the sustainable use of groundwater reserves and hydrogeothermal resources or the existing uses;
- 3) it is established that the use is carried with greater capacity than approved;
- 4) it fails to submit an annual report on the state of groundwater reserves, or hydrogeothermal, or petrogeothermal resources;
- 5) the use of groundwater or geothermal resources is not done in accordance with the approval for exploitation field, or not to implement the prescribed safety precautions necessary measures, the required measures to secure the property, health and environmental protection.

The approval for exploitation area and the amount of groundwater or geothermal resources shall be repealed by:

- 1) the expiry date of decision;
- 2) at the request of the holder of exploitation area.

The decision referred to in paragraphs 1 and 2 of this Article issued by the Ministry is the final and an administrative dispute may be initiated against it, and the decision referred to in paragraph 1 of this Article issued by the competent authority of the autonomous province, may be appealed to the Minister.

Article 63

Within the same exploitation area established in accordance with Article 58 of this Law the

overlapping of exploitation areas of groundwater or geothermal resource may be allowed, upon completion the procedure for issuance the approval authorization for establishing the exploitation area, only if there is no mutual detrimental influence on the use of groundwater, or only if there are geological conditions for uninterrupted use of these resources, under the condition and in a way that does not threaten the current use of groundwater or geothermal resource, what is confirmed by the project study referred to in Article 61, paragraph 2, item 2) of this Law, which takes into account the actual use of resource of the current holder of exploitation area.

Article 64

Monitoring and control the use of groundwater resources and petrogeothermal resources for water supply and heat energy supply of the family household of the natural person is performed by the local government unit.

Registration for use the resources referred to in paragraph 1 of this Article contains the basic information on: a natural person - the applicant, type of geological resources, purpose of use, location and cadastral parcel number where the use of resource is planned.

With the application referred to in paragraph 2 of this Article, the following shall be submitted:

- 1) a certified photocopy of identity card of a natural person;
- 2) surveying plan in a scale 1: 1,000 topographic map or a view topographic map of appropriate scale with the drawn-in boundary and coordinates of a plot on which the use of resources is planned;
- 3) a proof on the ownership right of the land or the right to easement to the land on which the use of resources is planned;
- 4) for the needs of supply the thermal energy, a report on estimated petrogeothermal resources is submitted;
- 5) for the needs of water supply, a water analysis is submitted with data on biological and physico-chemical properties, as well as the data on collector depth and the amount of water;
- 6) an evidence of payment the administrative fee.

The report on estimated groundwater resources and petrogeothermal resources referred to in paragraph 3, item 4) of this Article shall be made by a legal entity that meets the requirements of Article 22 of this Law.

The competent local government unit shall be obliged to keep records of Cadastre and applications for use the resources referred to in paragraph 1 of this Article in its territory and permanently stores the reports referred to in paragraph 4 of this Article and to submit a report to the Ministry on the submitted applications and performed control for the previous calendar year, no later than 31st January of the next year.

Personal data in the reports referred to in paragraph 5 of this Article shall contain name and surname of a natural person that submitted the application.

In the event that the local government unit does not do a given job or does not perform properly or in a timely manner, the Ministry or the competent authority of the autonomous province shall over the duties referred to in paragraph 1 of this Article.

Activities under Paragraph 1 of this Article shall be performed as entrusted tasks.

V MINING THE RESERVES OF MINERAL RESOURCES

1. Terms and Method of Conducting

Article 65

Holder of explorations or a company and/or another legal entity and entrepreneur that a holder of explorations assigned the right of usage the results of explorations, or the certificate on reserves and resources, based on this certificate shall obtain a decision on approval for exploitation and/or exploitation field, in accordance to this Law.

Mining of mineral raw material reserves may also be performed by the foreign legal entities under the conditions and in the manner prescribed by this Law and the law setting the rights of foreign persons with respect to utilization the assets of public interest.

Article 66

Construction of buildings, public roads, railway lines, canals and other traffic routes, as well as high voltage power lines with adequate protection poles in the mine field, as well as the other infrastructure facilities shall be approved on the basis of prior obtained consent of the Ministry.

Before issuing the location requirements that are issued in accordance with the special regulations for construction of facilities referred to in paragraph 1 of this Article, the opinion of business entity undertaking the exploitation shall be obtained on proposed direction and position of these facilities in the exploitation field.

The holder of exploitation who carries out the mining has the right to compensation for the actual damage caused by the construction of facilities referred to in paragraph 1 of this Article.

The consent of the Ministry is obtained on the basis of the spatial plan for special purposes.

The competent authority for Spatial Planning of the Republic of Serbia and the local government unit in whose territory the exploitation field is situated, the Ministry or competent authority of the Autonomous Province shall submit a copy of the decision on the basis of which is the mineral land is determined for construction the mining facilities and implementation the mining operations in order to provide data for making planning documents of the Republic of Serbia, or the local government unit.

Article 67

Exploitation of mineral raw material reserves, conducting the mining operations within the construction of buildings, development the investment-technical documentation for conducting the mining operations, technical control of mining projects and expert supervision can be performed by a company or other legal entity and entrepreneur (hereinafter: the business entity) which is registered in the Company Register or other register for such activities and who has a license to perform these activities in the field of mining.

The holder of exploitation shall be obliged to provide the professional supervision in mineral resource exploitation and monitoring in conducting the mining operations.

Professional supervision shall include: control in the conducting of works according to the project documentation, monitoring the dynamics of the projected work; checking the quality control of the works and application the regulations in the field of mining and technical regulations; control of the application the safety and health measures at work; fire prevention measures; environmental protection; cultural assets and water facilities.

The activities of professional supervision over the construction of mining facilities in accordance with the terms of paragraph 1 of this Article, as well as work in individual technological units in the process of exploitation, can be entrusted by the holder of exploitation to another company that has a license in accordance with this Law.

2. Approval for Conducting the Exploitation of Mineral Resources

Article 68

Exploitation the reserves of mineral resources and exploitation of non-metallic mineral resources for obtaining the construction materials (hereinafter: exploitation) is done on the basis of the decision, which shall issue:

- 1) approval for exploitation field or approval for exploitation;
- 2) approval for construction the mining facilities and/or conducting the mining operations;
- 3) approval for use the mining facilities.

The holder of exploitation for exploitation field and/or exploitation shall receive an approval for the construction of mining facilities and/or conducting the mining operations in accordance with this Law, provided that the requirements for issuing the approval for exploitation field may be submitted at the same time with the request for issuing the approval for construction of mining facilities and/or mining works or approval for exploitation.

The approval under paragraph 1, items 1) - 3) of this Article is issued by Ministry, and for exploitation of mineral raw materials, which is carried out on the territory of the autonomous province, the approval is issued by the competent authority of the autonomous province.

The competent authority of the autonomous province shall submit to the Ministry a copy of the issued decision.

The competent authority of the autonomous province shall perform the tasks referred to in paragraph 1 of this Article as entrusted.

The decision referred to in paragraph 1 of this Article issued by the Ministry is the final and an administrative dispute can be initiated against it.

The decision referred to in paragraph 1 of this Article issued by the competent authority of the autonomous province, the appeal is submitted to the Minister.

Article 69

If the application for issuing the approval in accordance with the provisions of Article 68, paragraph 1 of this Law, for exploitation of mineral reserves and resources at the same exploitation area were submitted by two or more legal entities or entrepreneurs, the priority of obtaining the approval has the legal entity or entrepreneur, who first submitted a full application, by date of receipt of the request by the competent authority.

3. Approval for Exploitation Field

Article 70

With the request for issuing the approval for exploitation field, the following shall be submitted to:

- 1) proof of payment the republic, i.e. provincial administrative fee when the exploitation is carried out on the territory of the Autonomous Province;
- 2) topographic map in a scale 1:25000 or at corresponding scale with drawn-in boundaries of the exploitation field and contours of determined reserves of mineral resources, public traffic roads and other facilities located in that field and clear marked cadastral plots in a written and digital form;

3) certificate on resources and reserves of mineral resources issued on the basis of performed explorations in accordance with applicable regulations on classification the resources and reserves;

4) certificate on registration and a copy of the appropriate act document indicating the activity codes for which the applicant is registered, the registration number of the company and the corresponding license;

5) feasibility study on mining the deposits the mineral raw materials;

6) Act of local government unit in charge for the Urban Planning concerning the compliance of exploitation with the appropriate spatial or urban plans and a possible need of development the planning document of lower rank;

The applicant referred to in paragraph 1 of this Article shall be obliged to obtain before development the feasibility study:

1) Act on the conditions for development the study on impact assessment of exploitation on the environment issued by the competent authority or organization for environmental protection;

2) Act on the conditions of the competent institution for protection of cultural heritage;

3) Act on the requirements of the competent ministry for water management.

Terms of the competent authority of paragraph 2, items 1) -3) of this Article are an integral part of the feasibility study of exploitation.

The competent authority shall reject the request for the exploitation field if:

1) a complete documentation referred to in paragraph 1 of this Article was not submitted with the application;

2) the feasibility study does not comply with the bylaw on the contents of the feasibility study, other technical regulation or if it contains inaccurate data;

3) if the area for which the approval is sought for the exploitation field is located on a previously issued mining field for the same mineral raw material;

4) if the applicant has the outstanding debts on the basis of obligation to pay compensations in accordance with Articles 158 and 159 of this Law;

5) if the liquidation or bankruptcy procedure was initiated against the applicant.

In the case referred to in paragraph 4, items 2) to 4) of this Article, the competent authority shall first ask the applicant to make a correction or amendment of the application within 30 days of receipt the notification.

The decision referred to in paragraph 4 of this Article issued by the Ministry is the final and an administrative dispute shall be initiated against it.

The appeal shall be filed to the Ministry for the decision referred to in paragraph 4 of this Article issued by the competent authority of the autonomous province.

The holder of exploitation may submit a request for issuing the approval for amendment the boundaries of the approved exploitation field in accordance with the conditions stipulated in this article, except in the case of a reduction the approved exploitation field when the evidences are submitted in accordance with paragraph 1, items 1), 2) and 4) of this Article.

Article 71

The approval for exploitation field contains:

- 1) the business name of the holder of approval, registration number and head office;
- 2) the type of mineral raw materials defined by the certificate on reserves and resources;
- 3) the location, area and coordinates of the breaking points of boundaries of exploitation field, the number of exploitation field in the Cadastre of exploitation fields;
- 4) the term for completion the preparatory works and for obtaining the approvals for construction of mining facilities and/or conducting the mining operations, which cannot be longer than two years;
- 5) the conditions and obligations in respect of exploitation concerning the maximum and minimum distances as well as the conditions established by the decisions of the other competent authorities;
- 7) a protective area around the exploitation field necessary for possible expansion of the field requested by the holder of exploitation, namely:
 - (1) for the exploitation fields of a surface of up to 25 ha, a protective area wide up to 100 meters from the appropriate boundary of the exploitation field;
 - (2) for the exploitation fields of a surface from 25 ha to 100 ha, a protective area wide up to 250 meters the appropriate boundary of the exploitation field;
 - (3) for the exploitation fields of a surface larger than 100 ha, a protective area wide up to 500 meters the appropriate boundary of the exploitation field.

Article 72

The Ministry or the competent provincial authority shall abolish the approval for exploitation and/or exploitation field if:

- 1) the approval for conducting the mining operations and/or construction the mining facilities shall not be obtained within the specified time interval;
- 2) the mining operations and/or construction the mining facilities are performed without the approval or are not in accordance with the approval for conducting the mining operations;
- 3) the exploitation shall endanger the life and health of people and the environment, and other measures envisaged by this Law and other regulations are not sufficient to prevent this;
- 4) the exploitation shall endanger the cultural assets, their protected environment or area of cultural-historical, construction or archeological significance;
- 5) the annual operation plan for the next calendar year and the annual operation report for the previous year shall not be timely submitted within the written notice of the competent authority to the Ministry;
- 6) the royalties for the use of mineral resources are not paid;
- 7) if the reclamation procedure is not performed in accordance with the approved project

documentation and annual operational plans;

6) if the company does not comply with the conditions defined by the acts of the other authorities and institutions in the field of environmental protection, water management and protection of cultural assets.

In cases from paragraph 1, items 2) – 8) of this Article, the holder of exploitation shall be obliged to to develop the project of permanent suspension of works and carry out the works according to the same or to deposit funds foreseen for conducting of works according to the permanent suspension of works.

The decision from paragraph 1 of this Article, issued by the Ministry shall be the final, and administrative procedure may be initiated against it.

Complaint against the decision from paragraph 1 of this Article, issued by the competent authority of the Autonomous Province, shall be appealed to the Minister.

Article 73

The approval for exploitation and/or exploitation field shall cease to be valid:

- 1) upon the request of the holder of exploitation;
- 2) in the case of permanent suspension the mining operation of mineral resources and reserves;

The decision on ceasing the approval validity for exploitation and/or exploitation field in the case referred to in paragraph 1 of this Article shall be issued by the Ministry or competent authority of autonomous province, if it is previously determined that the obligations of the company that carried out the exploitation on the issue for compensation for use the mineral resources are settled that is confirmed by the inspection report that the reclamation is carried out in accordance with the project documentation.

The decision from paragraph 2 of this Article, issued by the Ministry shall be the final, and administrative procedure may be initiated against it.

Complaint against the decision from paragraph 2 of this Article, issued by the competent authority of the Autonomous Province, shall be appealed to the Minister.

Article 74

The holder of exploitation may also carry out on the same exploitation field the mining of other mineral raw materials and geothermal resources that are not encompassed by the granted approval, under the conditions and in the manner prescribed by this Law.

4. Approval for Manual Washing of Precious Metals and Other

Minerals

Article 75

Manual washing of precious metals from alluvial sediments and collecting of other minerals from the earth surface may be granted to a natural person. The holder of approval shall offer the washed quantities of metal to the National Bank of Serbia at market prices, to submit the report for washed precious metals and collected other minerals to the Ministry on quantities and place where they are washed or collected.

The request may be submitted for only one main water stream with its tributaries, or a single

location for the collection of other minerals, provided that the approval for manual washing of precious metals and collecting of other minerals, carried out by a natural person, shall be issued by the Ministry for a period of one year.

With the request for approval for manually washing the precious metals and/or collecting of other minerals from the earth surface the following shall be submitted:

1) a topographic plan of the area where the washing of precious metals is planned with specified parts of the main water stream and its tributaries on which the washing of precious metals is planned or a topographic plan of the area for collecting the other minerals with the indication the name of the local government unit;

2) a proof of payment the republic administrative fee;

3) a certified copy of identification document.

The approval for manual washing of precious metals and collecting the other minerals includes:

1) data on a natural person who is granted the washing and/or collecting;

2) the name of the river or stream with its tributaries whose sediments shall be washed and name of the local government unit on whose the washing and/or collecting shall be carried out;

3) the period of validity of the approval;

4) the obligation to submit a certificate to the Ministry, or a bill for melting service indicating the melted mass;

5) the obligation to offer to the National Bank of Serbia the washed quantities of metal within the period of validity of the approval;

6) the obligation to submit, within 30 days after the expiry of the approval with precisely specified locations, to the Ministry a report on the area where the manual washing was carried and the amounts of washed metal, or the area where collecting was done and the amounts of collected minerals. out as well as the amount of washed

The decision from paragraph 2 of this Article, issued by the Ministry shall be the final, and administrative procedure may be initiated against it.

Article 76

The Ministry shall notify the National Bank of Serbia on each issued approval for washing of precious metals from alluvial sediments.

If the Ministry shall find that a natural person granted the approval has not performed washing of precious metals and/or collecting of other minerals from alluvial deposits and the earth surface, or did not offer the obtained quantities of these metals within the specified time period to the National Bank of Serbia or it did not submit a report in accordance with Article 75, paragraph 4, item 6), the Ministry shall abolish the issued approval and notify the National Bank of Serbia thereof.

Compensation is not paid for the obtained amounts of washed precious metals from alluvial sediments and the amounts of other collected minerals from the surface.

The decision from paragraph 2 of this Article, issued by the Ministry shall be the final, and administrative procedure may be initiated against it.

5. Approval for Exploitation the Non-metallic Mineral Raw Materials for Obtaining the Construction materials and Mineral Resources for Obtaining the Natural Construction Materials

Article 77

Exploitation the non-metallic mineral raw materials for obtaining the construction materials and exploitation of mineral resources for obtaining the natural construction materials is carried out on the basis of the decision on approval for exploitation issued by the Ministry, i.e. the competent authority of autonomous province if the exploitation is carried out on the territory of the autonomous province.

With the request for approval for exploitation from paragraph 1 of this Article, surface the following shall be submitted:

- 1) proof of payment the republic administrative fee, i.e. provincial administrative fee
the exploitation is carried out on the territory of the Autonomous Province;
- 2) topographic map in a scale 1:2500 or at corresponding scale with drawn-in boundaries of the exploitation field, public traffic roads and other facilities and contours of determined resources and reserves of mineral raw materials or mineral resources for obtaining the natural construction materials located in that field and clear marked cadastral plots in a written and digital form;
- 3) the main mining project on exploitation the non-metallic mineral raw material for obtaining the construction materials with the report and certificate on technical control of the project, and in the case of exploitation the natural construction materials, the technical mining project on exploitation the mineral resources for obtaining the natural construction materials with the report and certificate on technical control of the project;
- 4) consent of the investor in the project;
- 5) certificate on resources and reserves of mineral raw materials, issued on the basis of conducted geological explorations and in accordance with the applicable regulations on the classification of resources and reserves of mineral raw materials or report on mineral resources in the case of exploitation the natural construction materials;
- 6) declaration of the local government responsible for urbanism in terms of compliance with the applicable spatial or urban plans and possible need for development the planning lower-level documents;
- 7) act of the competent authority for environmental protection which give consent to the study on assessment the impact of exploitation on the environment or a decision establishing that development the study on impact assessment is not required;
- 8) act of the competent authority for water management which sets the conditions for conducting the exploitation;
- 9) act of the competent authority institution for protection the cultural heritage which determine the conditions for conducting of exploitation;
- 10) proof of the right of ownership or right to use, lease and/or approval, or easement for the surface on which the construction mining facilities and implementation of mining operations is planned for at least ten years after dynamics defined in the project or proof of the right of ownership or use or easement for the entire surface on which the conducting of works on the technical mining project for exploitation of mineral resources for the preparation of construction materials is planned, except in the case of exploitation of forest land in the public ownership when the proof of the right of use, or the right of easement is submitted before the start of mining operations;
- 11) excerpt from the Register of companies on registration of the applicant with the appropriate license, except in the case of conducting the exploitation of natural construction materials when only

the excerpt from the Register of companies is submitted on the registration of the applicant;

10) the first bank guarantee or bill of exchange or a corporate guarantee for conducting the tasks of rehabilitation and recultivation of degraded land due to the exploitation must be at least 30% of the amount provided for the main mining project for rehabilitation and recultivation activities, and must be valid at least three years from the date of issuance the guarantee. Each additional bank guarantee or bill of exchange or a corporate guarantee for conducting the tasks of rehabilitation and recultivation of degraded land due to the exploitation must be at at least 30% of the value of the remaining amount for conducting the tasks of rehabilitation and recultivation of degraded land due to the exploitation and must be valid at least two years. The last bank guarantee or bill of exchange or a corporate guarantee for conducting the tasks of rehabilitation and recultivation of degraded land due to the exploitation must be valid 60 days longer than the planned finalization of the mine exploitation according to the main mining project. If the holder of exploitation shall lose the right of exploitation under the terms of this Law, he shall also lose the bank guarantee or bill of exchange or a corporate guarantee for conducting the tasks of rehabilitation and recultivation of degraded land due to the exploitation exploitation, unless he shall make reclamation himself.

The first bank guarantee or bill or a corporate guarantees shall be issued with a clause unconditional, irrevocable, payable on the first demand and without objection, except that with the bill is also submitted the bank certificate on realized registration of bill (original or certified copy by the commercial bank) and original or a certified specimen of deposited signatures and corresponding promissory note authorization.

Entrepreneurs dealing with the exploitation of mineral resources for obtaining the natural construction materials, shall not be subjected to the obligations referred to in paragraph 2, item 12) of this Article.

The competent authority shall conduct a verification of compliance with the law and bylaws of the established conditions or not engage in evaluation the concept of exploitation as defined in the technical documentation, which was filed with the requirements set out in paragraph 1 of this Article.

The competent authority shall reject by the decision the request for issuing the approval for exploitation the non-metallic mineral resources and exploitation the mineral resource for obtaining the natural construction materials referred to in paragraph 1 of this Article if:

- 1) a complete documentation was not submitted with the application referred to in paragraph 1 of this Article;
- 2) the applicant has outstanding obligations in terms of compensation for use the mineral resources;
- 3) if the liquidation or bankruptcy procedure was initiated against the applicant procedure.

The holder of exploitation may submit a request for issuing an approval to amend the boundaries of the approved exploitation field in accordance with the conditions stipulated in this Article, except in the case of a reduction when the evidences are submitted in accordance with paragraphs 1) and 2) of this Article.

The decision from paragraphs 1 and 6 of this Article, issued by the Ministry shall be the final, and administrative procedure may be initiated against it.

Complaint against the decision from paragraphs 1 and 6 of this Article, issued by the competent authority of the Autonomous Province, shall be appealed to the Minister.

Article 78

Approval for the exploitation referred to in Article 77 of this Law shall contain:

- 1) data on the investor: the exact name, identification number and registered office;
- 2) the name of the mining project and constituent parts;
- 3) the type of mineral resources from the certificate of reserves and resources, or mineral resources in the report on natural resources of construction materials;
- 4) the amount of mineral resources determined for exploitation according to the main mining project for exploitation of non-metallic mineral raw materials or the amount of mineral resources for obtaining the natural construction materials that cannot be larger than 200 m³ annually;
- 5) position, surface, cadastre number and the exact boundaries of exploitation field;
- 6) protective space along the border of exploitation field required for possible extension of the field after a reasoned request of the holder of exploitation, width of up to 100 m, except in the case of exploitation the mineral resources for obtaining the natural construction materials;
- 7) obligations related to obtaining a usage permit for constructed mining facilities;
- 8) obligations related to the rehabilitation and reclamation area, engagement of persons with appropriate qualifications in the technical management, technical supervision and safety and health at work, timely reporting to the competent authorities and inspection services on the performance of mining operations;
- 9) the period of decision validity approving the exploitation of non-metallic mineral raw materials for obtaining the construction materials, as defined in accordance with a proof of ownership right or use or easements for the area covered by the mining structures and mining activities by the project;
- 10) conditions and obligations in respect of conducting the exploitation in terms of minimum and maximum distances in order to protect people and facilities determined by the technical rules as well as the conditions established by the decisions of the other competent authorities.

Article 79

The holder of decision approving the exploitation of non-metallic mineral raw materials for obtaining the construction materials can be at least 30 days before the deadline referred to in Article 78, paragraph 1, item 9) of this Law, submit a request to extend the period of validity of decision.

With the application for extension the approval for exploitation referred to in paragraph 1 of this Article shall be:

- 1) a proof of payment the republic, i.e. provincial administrative fee when the exploitation is carried out on the territory of the Autonomous Province;
- 2) the additional mining project of exploitation the non-metallic and mineral resources for obtaining the construction material with a report and certificate on technical control of the project;

3) a topographic map in a scale 1:25000 or at corresponding scale with drawn-in boundaries of the exploitation field and contours of determined reserves of mineral resources, public traffic roads and other facilities located in that field and clear marked cadastral plots in a written and digital form;

4) a proof of the ownership right or right to use, lease and/or approval, or easement for the area where the conduction of mining works was planned per project or for the area where the construction of mining facilities was planned by the end of exploitation, or for at least the next five years, and all according to the schedule defined in the project.

The decision referred to in paragraph 1 of this Article issued by the Ministry is the final and an administrative dispute can be initiated against it.

The decision referred to in paragraph 1 of this Article issued by the competent authority of the autonomous province, the appeal is submitted to the Minister.

Article 80

The Ministry, i.e. the competent provincial authority shall withdraw the approval for exploitation referred to in Article 77 of this Law if:

1) exploitation endangers the life and health of people and the environment, and the other measures provided by this Law and other regulations are not sufficient to prevent this;

2) exploitation endangers a cultural asset, its protected environment or an area of cultural-historical, architectural and archaeological importance;

3) in a timely manner, in accordance with this Law, the annual operating plan for the next year shall not be submitted to the Ministry or to the competent authority of the autonomous province on business for the previous calendar year and the bank guarantee or bill of exchange or the cooperative guarantee performing the rehabilitation and reclamation of degraded land due to the exploitation;

4) does not pay a fee for the use of mineral resources;

5) does not perform the procedure of reclamation in accordance with the project documentation;

6) does not comply with the conditions defined by the acts of other authorities and institutions in the field of environmental protection, water management and culture.

Entrepreneurs engaged in the exploitation of mineral resources for obtaining the natural construction materials, are not subjected to the obligations referred to in paragraph 1, item 3) of this Article.

In the cases referred to in paragraph 1, items 1) - 6) of this Article, the holder of exploitation of non-metallic mineral raw material for obtaining the construction materials is obliged to develop the project of permanent suspension of works and carry out the works according to the same or to deposit funds predicted by the project of permanent suspension of works.

The decision referred to in paragraph 1 of this Article issued by the Ministry is the final and an administrative dispute can be initiated against it.

The decision referred to in paragraph 1 of this Article issued by the competent authority of the autonomous province, the appeal is submitted to the Minister.

Article 81

The approval for exploitation under Article 77, paragraph 1 hereof shall cease to be valid:

1) upon the request of the holder of exploitation;

- 2) permanent suspension of exploitation;
- 3) the expiry date of the decision approving exploitation of non-metallic mineral raw materials for obtaining the construction materials.

The decision on cancellation the authorization for exploitation referred to in paragraph 1 of this Article shall be issued by the Ministry, i.e. the competent authority of autonomous province, if the previous inspection report establishes that the reclamation was carried out in accordance with the approved project documentation.

The decision on cancellation the authorization in the case in paragraph 1 of this Article shall be issued by the Ministry, i.e. competent authority of autonomous province.

The decision referred to in paragraph 1 of this Article issued by the Ministry is the final and an administrative dispute can be initiated against it.

The decision referred to in paragraph 1 of this Article issued by the competent authority of the autonomous province, the appeal is submitted to the Minister.

Article 82

The non-metallic mineral resources for obtaining the construction materials and non-metallic mineral resources for obtaining the natural construction materials can be included in the market circulation only if they are excavated in the exploitation field, approved in accordance with the provisions of this Law.

Guarantee of origin the mineral resources, i.e. the resources referred to in paragraph 1 of this Article, is issued by the Ministry, i.e. the competent authority of autonomous province, a certificate issued by the request of the holder of exploitation.

With the request for issuance a certificate of guarantee on origin, the data shall be submitted on: the holder of exploitation, the type, the amount and intended use of mineral resources, which is the subject of turnover.

Certificate on guarantee of origin shall contain in particular:

- 1) the business name, office address and identification number and tax identification number of the holder of exploitation;
- 2) the name and location of the exploitation field from which the raw materials are excavated;
- 3) data on the type and possibilities of use the mineral resources or resources established by a certificate on resources and reserves, i.e. a report on mineral resources for construction materials that are the subject of turnover.

The holder of exploitation is obliged to issue to a buyer of mineral resources a photo copy of the certificate on guarantee of origin certified by the holder of exploitation and certificate on the amount of sold of sold mineral resources, i.e. mineral resources that is marketed as a construction material.

Certificate on guarantee of origin shall cease to be valid after its utilization, i.e. after realized market turnover of mineral resources for which it was issued.

The certificate on guarantee of origin is a transferable.

VI INVESTMENT-TECHNICAL DOCUMENTATION FOR CONDUCTING THE MINING WORKS

1. Types of Investment and Technical Documentation

Article 83

The exploitation of reserves and resources of mineral resources is carried out according to the investment-technical documentation for construction the mining facilities and/ or conducting the mining works, exploitation the non-metallic resources for obtaining the construction materials and exploitation the mineral resources for obtaining the natural construction materials.

Documentation from paragraph 1 of this Article shall be drawn up based on the results of exploration works or project studies on resources and reserves classified in accordance with the regulations on classification the resources and reserves, reports on mineral resources in the case of exploitation the natural construction materials and other documentation serving for elaboration and analysis the technical, technological and economic conditions for conducting the works, the conditions for occupational health and safety, fire protection, environment protection, protection of cultural assets and assets enjoying prior protection, water protection, and other conditions influencing the assessment of technical-technological and economic justification of exploitation and conducting of mining works.

Article 84

For the purposes of this Law, the investment-technical documentation shall mean:

- 1) pre-feasibility study;
- 2) feasibility study of mining the deposits of mineral raw materials;
- 3) long-term mining program;
- 4) mining projects;
- 5) annual operating plan.

Mining project from paragraph 1, point 4) of this Article shall mean:

- 1) main mining design;
- 2) supplementary mining design;
- 3) technical mining design;
- 4) technical mining design for exploitation the mineral resources for obtaining the natural construction materials;
- 5) mining design involving explorations the solid mineral resources;
- 6) simplified mining design.

Article 85

Investment-technical documentation must comply with:

- 1) provisions of this Law and the regulations made under this Law, the provisions of technical regulations, regulations on health and safety at work as well as the other regulations applied in the exploitation of mineral resources;
- 2) regulations on the environmental protection, the terms of the Act for regulation the space in accordance with the urban plan, water permit, regulations on protection of cultural assets, etc;
- 3) the provisions of legislation in the field of fire protection that define the content of technical documentation.

Article 86

Pre-feasibility study shall be a document that is developed during the geological explorations by the needs of the company in order to assess the feasibility of continuation the conducting of geological explorations.

Pre-feasibility study on feasibility the exploitation of mineral resources has transferred the indicated and measured resources into probable and proven reserves of mineral resources on the basis of alternative solutions for exploitation and processing of mineral resources, environmental protection, market and economic assessment and the decision shall be made on the feasibility of investment into additional exploration works and development the feasibility study.

Article 87

Feasibility Study on exploitation the mineral resources includes a review of conditions and a conceptual design of exploitation methods, mineral processing, marketing of mineral raw materials, service life and annual capacity, the analysis of the environmental impact with the measures of protection and rehabilitation the environment, reclamation measures, the impact of mining activities on social community, techno-economic assessment with the cash flow and the necessary financial resources and the number of engaged and employed persons.

Article 88

For the exploitation field for which there is an act of the Government, relating to the exploitation of resources and reserves of mineral resources, which are of importance for the Republic of Serbia, it is mandatory to develop a long-term program of exploitation for a period of at least ten years.

Long-term program from paragraph 1 of this Article shall represent the technical base for development the spatial plan for special purposes.

Article 89

Mining works shall be performed in accordance with the main mining design, supplementary mining design, technical mining design, simplified mining design, technical mining design for exploitation the mineral resources for obtaining the natural construction materials and mining design for conducting the mining works associated with geological explorations of solid mineral raw materials.

Article 90

Main mining design shall be drawn up in accordance with the feasibility study for exploitation when its developed was predicted by the provision of this Law for: conducting the mining works in the ground and surface mines; construction the stationary mining facilities; construction the new collecting stations in exploitation of oil and gas; construction the facilities for mineral processing; restarting the inactive mine; determining the executed state of mining facilities and continuation the exploitation in the mining field; permanent suspension of works and closure of mine; as well as for the storage of hydrocarbons in liquid and gaseous state when the storage facilities are located in the mining field and other substances in the underground mining facilities.

Main mining design is a detailed design which shall include the basic concept, technical designs on the basis of which the mining operations are performed, construct the mining facilities, the mine infrastructure, technical-technological parts and technical-economic assessment of the project.

Main mining design shall be based on the reserves of mineral resources in the area affected by the mining operations.

Article 91

Supplementary mining design shall be drawn up for deviation from the main mining design in changing the mine capacity, for exploitation the new ore bodies of the oil and gas deposits as well as the expansion of existing deposits in active mines, in improvement the applied or introduction the new methods of exploitation the mineral resources, in introduction the new methods for mineral processing, conservation the mines and temporary suspension of mining operations, as well as for determining the derived state of mining facilities and continuation of exploitation in the exploitation fields, as well as the extension of the period of validity of a decision for exploitation the non-metallic mineral resources for construction materials and the extension of the period of validity of a decision for conducting the mining operations.

Supplementary mining design shall be developed based on the reserves of mineral resources in the area affected by the mining operations.

Supplementary mining design is a detailed design which shall include, in particular: the basic concept, technical projects on the basis of which the mine infrastructure is improved, the technical-technological parts and stationary mining facilities are constructed and techno-economic assessment of the project.

Article 92

Technical mining designs shall be drawn-up in accordance with the main and supplementary mining design for technological operations of conducting the mining operations: drilling and blasting, excavation, transport and disposal of useful mineral resources; excavation, transport and disposal of waste rock materials; transport and disposal of flotation tailings; protection of mining facilities against inflow of surface and ground water; in reconstruction or improvement the mining facilities and mine infrastructure and stationary mining facilities, setting out the measures, conditions, as well as conducting the works of technical reclamation recultivation of the land on which the exploitation is carried out.

Technical mining designs for reconstruction or improvement the mining facilities and mine infrastructure and stationary mining facilities shall be developed for the facilities that have the use permit issued in accordance with Article 107, paragraph 1 of this Law.

Technical mining designs being developed for mining operations, shall define in detail detail the dynamics works for the appropriate period of exploitation.

Technical mining design for exploitation the mineral resources for obtaining the natural construction materials shall be developed for conducting the mining operations using the traditional hand tools without the use of machinery for mining, explosives and blasting agents, according to the report on mineral resources for obtaining the natural construction materials and contains a technical solution for rehabilitation the area affected by exploitation.

Article 93

Mining design on exploration the solid mineral resources shall be a project on the basis of which the mining operations are carried out within the framework of the approved project of geological explorations in the exploration area or exploitation field (outside of the area covered by the main or supplementary mining design), in order to take samples for laboratory and technological tests on site or in the industrial conditions and conducting the mining operations within the deposit exploration.

Mining design on exploration the mineral resources is a detailed project specifically contains: the basic concept with schedule of mining activities, technical solutions for conducting the mining works, bill of quantities of works, measures of health and safety at work, as well as measures for rehabilitation and reclamation of area covered by the works in the case of suspension of exploration. In the case of conducting the exploration underground mining operations, on the basis of this project, it is necessary to

provide measures to maintain the underground rooms, facilities and installations upon completion of exploration works.

Article 94

Simplified mining design shall be drawn up for:

1) all minor deviations from adopted technical solutions elaborated in the technical mining design that is a constituent part of the main or supplementary mining design, in order that the performing of mining works according to the simplified mining design may last up to one year;

2) making the individual drill holes for exploration and exploitation of oil and natural gas, the works in the same, as well as for the overground plants and devices for exploitation, preparation and transport of oil and gas to the collecting station;

3) transport and relocation of the basic equipment for exploitation in the exploitation field;

4) the current investment maintenance of stationary mining facilities;

5) construction the facilities for prevention and removal the consequences of accidental situation for a period not longer than one year.

Article 95

The holder of exploitation shall have a duty to prepare the annual operating plan, as well as the report on operations for the previous calendar year in the language in official use in the Republic of Serbia.

The annual operating plan from paragraph 1 of this Article shall be submitted to the authority that issued the approval for exploitation no later than 31st January for the current calendar year.

The annual report on operations from paragraph 1 of this Article shall be prepared by the holder of exploitation no later than 28th February of the current year in course and submitted to the competent authority that issued the approval for exploitation no later than 31st March of the current year.

Reports from paragraph 1 of this Article shall be submitted on the prescribed form.

The Minister shall prescribe the content, format and manner of submitting the annual operating plan and annual operating report from paragraph 1 of this Article.

Article 96

The main designer and responsible designers who have developed the mining project, a shall confirm by a written statement that the project met the conditions set out in Article 85 of this Law.

The written statement referred to in paragraph 1 of this Article forms an integral part of the mining project.

For all solutions and the quality of the project, a company shall be responsible that performs a development of the technical documentation, the main designer and responsible designers.

The Minister shall prescribe more specifically the contents of the investment-technical documentation from Article 65 of this Law, in accordance with contemporary scientific achievements and the rules of mining practice.

A company or other legal entity or entrepreneur that performs the activities of development the technical documentation, must be insured against liability for damage that may be caused to the other, or a third party.

2. Technical Control

Article 97

Technical control shall be performed for mining projects from Article 84, paragraph 2, points 1) - 5) of this Law.

Technical control shall comprise the control of the projects in terms of compliance with the law and other regulations in the field of mining, application the contemporary achievements and methods of mining practice and science, as well as a compliance with applicable regulations concerning occupational health and safety, safety of people and facilities, environmental protection and protection of cultural assets and assets under previous protection as well as a compliance with the conditions issued in accordance with the special regulations governing the environmental protection, water management and cultural monuments.

A company or other legal entity or entrepreneur that performs the activities of development the technical documentation, must be insured against liability for damage that may be caused to the other, or a third party.

The Minister shall prescribe more specifically the conditions and manner of performing the control of mining projects.

Article 98

The report and certificate on technical control of the mining project shall be issued by the business entity undertaking the technical control. The technical control must be confirmed by certified each copy of the projects by the business entity that performed the technical control.

For the quality of performance the technical control of mining projects is responsible a business entity that performed the technical control.

Article 99

Technical control of the mining projects may neither be performed by nor in its performing may participate:

- 1) the business entity that has designed that project, and the holder of exploitation;
- 2) the person employed with the business entity and with the holder of exploitation, who has developed the mining project or participated in its development;
- 3) the person employed in the Ministry, competent authority of the Autonomous Province.

3. Projects Designed Abroad

Article 100

Mining projects designed abroad shall be subject to the technical control in accordance with this Law.

Technical control from paragraph 1 of this Article shall include control with respect to application the measures and standards for occupational health and safety, environmental protection, protection against fire and explosions, safety of facilities and people and underground, surface and adjacent facilities, as well as the control with respect to the application of contemporary achievements and methods of the mining science and engineering

Technical control of mining projects designed abroad serves to check whether the applied regulations, measures and conditions are in accordance with the regulations of the Republic of Serbia concerning conducting the mining works that are the subject of a mining project, and compliance of the

measures and measuring units and other indicators applicable in designing the mining projects.

4. Approval for Construction the Mining Facilities and/or Conducting the Mining Operations

Article 101

Construction of mining facilities and conducting of mining operations shall be carried out by the main and supplementary mining design and performed on the basis of the decision on approval for the construction the mining facilities and/or mining operations, issued by the Ministry, i.e. competent authority of autonomous province, on the request of the holder of approval for exploitation and/or exploitation field.

If the mining works are not carried out in accordance with the approved project documentation and after the deadline for elimination of deficiencies identified by the mining inspector, with the deadline for the elimination of defects cannot be longer than 180 days, the provisions of Article 72 of this Law shall be applied.

The approval for construction the mining facilities and/or conducting the mining works referred to in paragraph 1 of this Article shall cease to be valid:

- 1) at the request of the holder of approval and submission the application on permanent suspension of works;
- 2) expiry date of the decision approving the construction of mining facilities and/or conducting the mining works.

The decision on ceasing the approval validity referred to in paragraph 3 of this Article shall be issued by the Ministry, i.e. competent authority of autonomous province, if the previous inspection report has established that the reclamation was carried out in accordance with the approved project documentation.

The decision referred to in paragraphs 1 and 4 of this Article issued by the Ministry is the final and an administrative dispute can be initiated against it.

The decision referred to in paragraphs 1 and 4 of this Article issued by the competent authority of the autonomous province, the appeal is submitted to the Minister.

Article 102

The approval for construction the mining facilities and/or conducting the of mining works under Article 101 of this Law include:

- 1) data on the investor: the exact name, identification number and registered office;
- 2) class and type of mining project, the name of integral parts of the project;
- 3) name of deposit and type of mineral raw materials, the number of exploitation field, the annual production capacity and name of the local government unit on the territory of which the mining works shall be performed;
- 4) obligations regarding obtaining a use permit for the constructed mining facilities;
- 5) obligations regarding the rehabilitation and reclamation area, hiring of persons with the adequate qualifications for the operations of technical management, technical supervision and safety and health at work, timely reporting to the competent authority and inspection services on performance

of mining works;

6) in the case when the approved project for construction the mining facilities, the deadline by which the company must obtain a decision approving the performance of mining works on the exploitation of mineral resources, which can not be longer than five years;

7) type and period of validity of the submitted security instrument referred to in Article 103, paragraph 1, item 11) of this Law;

8) period of validity of the decision approving the conducting of mining works, defined in accordance with a proof on the right of ownership or use, or easement for the surface on which the mining works shall be planned is planned except in the case of oil and gas exploitation;

9) conditions and obligations in respect of exploitation the minimum and maximum distances in order to protect people and facilities determined by the technical regulations, the conditions set forth by the decisions of the competent institutions for protection of cultural monuments as well as the conditions established by the decisions of the other competent authorities.

The holder of decision approving the construction of mining facilities and/or conducting the mining works, may submit a request for the extension a period of validity of a decision under paragraph 1, item 8) of this Article, no later than 30 days before the expiry of the deadline.

The application for extension the approval for construction the mining facilities and/or conducting the mining works referred to in paragraph 1 of this Article shall be submitted with the following:

1) proof of payment of the republic administrative fee or provincial administrative fee if the works are performed on the territory of province;

2) situational map of the current situation in a scale 1: 2500 or appropriate scale with drawn in boundaries of the exploitation field, public roads and other structures and clear marked boundaries and indications of the cadastral parcels in written and digital form with a contour of designed works for the next period for which the extension of deadline is required;

3) additional mining design certified by the holder of approval for the exploitation field and technical controls of the project;

4) proof of the right on ownership or the right on use, lease and/or consent, or the right of easement for the surface on which the mining works shall be planned by the project and for the surface on which the construction of mining facilities shall be planned by the end of exploitation, or for at least five next years, and all in accordance with the dynamics defined in the project.

Article 103

The application for approval the construction of mining facilities and/ or conducting the mining works from Article 101 of this Law shall be submitted with the following:

1) proof of payment the republic administrative fee or provincial administrative fee if the works are performed on the territory of province;

2) mining project certified by the holder of approval for exploitation field and technical control;

3) consent of the holder of exploitation and/or approval for exploitation field on the project;

4) declaration of a local government authority unit responsible for the activities of urban planning in terms of compliance the exploitation with the urban planning documentation and requirements of development a planning document of a lower order;

5) proof of the right of ownership or the right of use, lease and/or consent, or the right of

easement for the surface where the construction of mining facilities and mining works shall be planned for the period of at least ten years, except in the case of oil and gas when it shall be submitted for the period up to ten years, and in the case of exploitation the reserves of mineral resources that have a strategic importance for the Republic of Serbia, a special Act shall be submitted by the Government on determining the public interest for a period of five years of exploitation;

6) certificate on resources and reserves of mineral raw materials;

7) act of the competent authority for environmental protection giving a consent to the study on assessment the impact of exploitation on the environment;

8) consent of the competent institutions for protection the cultural monuments;

9) act of the competent ministry for the water management activities;

10) consent to the technical documentation regarding the fire protection measures issued by the competent authority responsible for fire protection in accordance with special regulations;

11) bill of exchange or proof of bank guarantee or corporate guarantee for conducting the activities of remediation and reclamation of degraded land due to the exploitation in favor of the Republic of Serbia, issued to ensure the proper settlement of the liability for conducting the activities of remediation and reclamation of degraded land due to exploitation, stipulated by this Law.

The first bank guarantee or bill of exchange or corporate guarantee for conducting the activities of remediation and reclamation of degraded land due to the exploitation must be at least 30% of the amount provided for the main mining design for remediation and reclamation activities, and must be valid for at least three years from the date of issuance of the guarantee.

Each following bank guarantee or bill of exchange or corporate guarantee for conducting the activities of remediation and reclamation of degraded land due to the exploitation must be at least 30% of the value of the remaining amount for conducting the activities of remediation and reclamation of degraded land due to the exploitation and must be valid for at least two years.

The last bank guarantee or bill of exchange or corporate guarantee for conducting the activities of remediation and reclamation of degraded land due to the exploitation must be valid 60 days longer after the day of the planned completion the exploitation of the mine by the main mining design.

The first bank guarantee or bill of exchange or cooperative guarantee should be issued with a clause unconditional, irrevocable, payable on first demand and without objection, except submitting with of exchange to the bank a certificate of realized registration of the bill of exchange (original or certified photocopy of a commercial bank) and the original or a certified specimen of deposited signatures and the corresponding promisory note authorization.

If the holder of exploitation loses the exploitation right according to the terms of this Law, he also loses the bank guarantee or bill of exchange or cooperative guarantee for conducting the activities of remediation and reclamation of degraded land due to the exploitation, except when he makes reclamation himself.

The competent authority shall only check the compliance with the conditions laid down by the law and do not engage in the assessment of technical documentation submitted with the request from paragraph 1 of this Article.

If the other conditions for conducting the works referred to in paragraph 1 of this Article are prescribed by the special Law, the proofs on fulfillment of these conditions shall be submitted with the request.

The competent authority shall reject by the decision the requirement under paragraph 1 of Article if:

1) a complete documentation was not submitted with the requirement referred to in paragraph 1 of this Article;

2) the applicant has outstanding debts on the basis of commitments the payment of certain fees pursuant to Articles 158 and 159 of this Law;

3) the applicant initiated liquidation or bankruptcy proceedings are initiated for the applicant.

The decision referred to in paragraph 9 of this Article issued by the Ministry is the final and an administrative dispute can be initiated against it.

The decision referred to in paragraph 9 of this Article issued by the competent authority of the autonomous province, the appeal is submitted to the Minister.

Article 104

Mining works on the mining project referred to in Article 84, paragraph 2, item 5) of this Law shall be conducted on the basis of the approval issued by the Ministry or the competent provincial authority at the request of the holder of exploration or the holder of exploitation.

The application for approval shall be submitted with:

1) proof of payment the republic administrative fee or provincial administrative fee when the exploitation is carried out on the territory of province;

2) approval for exploration, or approval for exploitation and/or exploitation field;

3) mining project on exploration the solid mineral resources agreed with the project of geological explorations, certified by the technical control;

4) consent of the holder of exploitation or exploration on the project;

5) consent of the owner or user, or proof of the right of ownership or the right of use, lease and/or consent, or the right of easement to land that is determined for conducting the mining works on exploration the mineral resources for the terrain surfaces covered by the project.

If the other conditions are prescribed by the Law for conducting the works referred to in paragraph 1 of this Article, the request shall be submitted with the proofs on fulfillment of these conditions.

The decision referred to in paragraph 1 of this Article issued by the Ministry is the final and an administrative dispute can be initiated against it.

The decision referred to in paragraph 1 of this Article issued by the competent authority of the autonomous province, the appeal is submitted to the Minister.

Article 105

Conducting the mining operations by the technical mining design and simplified mining design can be accessed on the basis of the application submitted to the Ministry, or the competent provincial authority before the start of works.

The application referred to in paragraph 1 of this Article shall be submitted with a copy of the technical mining design and simplified mining design, provided also to submit, in addition to a copy of the simplified mining project for development the individual drill holes for oil, gas and aboveground plant and equipment for mining, preparation and transport of oil and gas delivered to the collecting station, a list of cadastral parcels with the attached consents of the owner or user, or a proof of the right of ownership, the right of use, the right of lease, i.e. the right of easement on the land affected by the works per simplified project.

Article 106

The holder of exploitation and the holder of exploration is obliged to inform, on commencement of works, the mining inspector and the competent authority of local government unit and the competent institution of protection the cultural monuments on the territory of which the mining operations shall be performed not later than 15 days before the commencement of works.

5. Approval for Use the Mining Facilities

Article 107

A mining facility constructed according to the main and supplementary mining design may be used when the approval for use the mining facility is obtained (hereinafter: the use permit), which shall be issued by the decision of the competent authority from Article 101, paragraph 1 of this Law, upon request of the holder of exploitation.

The use permit may also be issued for a mining facility that represents a technical-technological unit and may be independently used.

If issuing the approval for use the mining facility by the special law obligatorily require a prior approval of consent or use permit of other authorities and organizations, with the request from paragraph 1 of this Article, such approval or use permit shall be also submitted

The decision referred to in paragraph 1 of this Article issued by the Ministry is the final and an administrative dispute can be initiated against it.

The decision referred to in paragraph 1 of this Article issued by the competent authority of the autonomous province, the appeal is submitted to the Minister.

Article 108

Mining facilities reconstructed by the technical mining design can be used after obtaining the approval for use the mining facility in accordance with the provisions of Article 107 of this Law.

Article 109

The use permit is issued if it is established that:

1) the mining facility or its part was built in accordance with the mining design based on which the approval was issued for construction the mining facilities and/or conducting the mining operations, in accordance with the regulations required in the construction of mining facilities;

2) the prescribed condition are fulfilled in terms of safety and occupational health, water protection, fire protection, environmental protection and other prescribed conditions for construction and use of such facilities;

3) the approvals of other authorities are obtained in accordance with special regulations issued pursuant to the terms issued in the procedure for obtaining the approval for conducting the exploitation;

4) the decision of the competent authority for fire protection has established a suitability of facility for use in respect of implementation the protection measures against fire in the technical documentation in accordance with a special regulation.

Article 110

Fulfillment the conditions referred to in Article 109 of this Law shall be determined by the technical inspection of facilities.

Technical inspection of the mining facility includes, according to the purpose of the mining facility, a technical inspection of mining, mechanical and construction works, electrical plants (devices and installations), fire and environmental protection devices, as well as the technical inspection of mining equipment and plants.

The Minister shall prescribe the conditions and manner of performing the technical inspection.

Article 111

The Ministry or the competent provincial authority shall entrust performance the technical inspection of a mining facility to a business entity which employs the persons with appropriate license.

Technical inspection of a mining facility may neither be performed by, nor may in its performance participate the business entities and persons who designed or participated in designing the mining project for that facility, or the business entities who performed the technical control of that design, as well as the persons employed with the Ministry or with the Autonomous Province authority. The costs of technical inspection shall be borne by the holder of exploitation.

Article 112

In the case of determining the eligibility for use the mining facility, which was built according to the project documentation for which the approval has been obtained for conducting the mining works and/or for construction the mining facilities by the Ministry, i.e. the competent authority of autonomous province, a prior checking must be carried out of installations, devices and plants, stability or security of the facility, as well as the other checking, or when it is provided by the mining design, the commissioning of test run may be approved.

Decision on approval for commissioning into a trial operation is issued by the competent authority which issued the approval for exploitation and/or exploitation field.

The approval referred to in paragraph 2 of this Article shall determine the start and duration of the trial operation, which may not be longer than six months.

Before commissioning the facility into a trial operation, the holder of exploitation and/or approval for exploitation field shall have to notify the competent mining inspector on the trial operation commencement and to set up an expert commission to monitor the results of that operation.

Upon completion of the trial operation, the holder of exploitation and/or approval for exploitation field shall have to request a technical inspection of the facility and to make available the documentation concerning the trial operation results.

The decision referred to in paragraph 2 of this Article issued by the Ministry is the final and an administrative dispute can be initiated against it.

The decision referred to in paragraph 2 of this Article issued by the competent authority of the autonomous province, the appeal is submitted to the Minister.

6. Mine Surveying and Mining Plans

Article 113

The company shall have to organize the mine surveying operations and on the basis of the performed surveying to draw up the plans or maps that shall allow determining the condition of mining works, their mutual position and the position of mining works in relation to the previously conducted mining works, to the facilities and surface water, and to the environment.

Within the mine surveying operations, the company shall have to prepare the adequate graphic documentation which shall include data on changes in situ surface and on the condition of the mining

facilities in the exploitation field.

Article 114

Location plan of a mine field and all mine surveying operations and graphic presentations of the mining works shall have to be connected with the points of the state trigonometric network.

Company shall have to maintain the mine surveying books of all performed mine surveying operations.

Mine surveying books shall have to be verified in the manner established by the regulations governing the verification of business books.

Article 115

The Minister shall prescribe the performance of mine surveying operations, the manner of keeping the original plans and map, preparation of mining plans and their scales, from Article 113 of this Law, as well as keeping the mine surveying books with an internal inventory list of the immovable property of the mine from Article 114 of this Law.

7. Mine Surveying in the Underground and Surface Mining

Article 116

Company is obliged to ensure the following during the conducting of mining works:

1) a location plan - a map of exploitation field in the appropriate standard size, prior to start of works in the exploitation field at the end of every calendar year, as well as, where appropriate, at the end of some stages defined by the project documentation. Location map, developed at the end of a year, presents a part of documentation within the annual reports on business activities;

2) a geological map of the exploitation field and its surroundings at appropriate standard scale with characteristic geological profiles;

3) hydrologic and tectonic plans, as well as the plans with marked places for water draining of the prescribed quality into reservoirs for the mining facilities with large water inflow and complex tectonics;

4) an updated location plan for mining works at the open pits, or a plan of mining works in the underground mining and excavation the mineral raw materials, mining facilities in the exploitation field, dumps, flotation tailing dumps, condition of the depot of useful mineral raw materials or commercial products, transport communications, and other facilities;

5) for mines with underground mining:

(1) a plan for monitoring the ground subsidence;

(2) mining and bench plans of all underground mining works;

(3) plans for ventilation of underground mining facilities and pits,

(4) plans of defense and protection against sudden dangers threatening life and health of people and safety of facilities;

6) power network plans (electric power network, compressed air network, etc.), and water supply network.

Article 117

Copies of the plans referred to in Article 116 of this Law, the company shall, without delay, make available to the mining inspector.

The plans from Article 116, points 4) and 5) of this Law shall have to be supplemented every month according to the mining work progress, and the plans and a map from Article 116, points 1), 2), 3) and 6) of this Law when the changes occur.

If the underground works are conducted in the vicinity of previously performed works or abandoned parts of pits, the plans shall be supplemented as needed and in shorter time limits.

All details from previous mining plans, such as previous pit openings, previously performed works and faults, altitude levels, and other details, shall have to be transferred to the new mining plans.

8. Mine Surveying in Exploitation the Liquid and Gaseous Mineral Resources

Article 118

Company performing the exploitation of oil and gas, other natural gases as well as geothermal resources shall have to ensure:

- 1) a location plan of the exploitation field with indication of all prospecting and exploitation drill holes and other devices;
- 2) a geological map of the exploitation field and its surroundings, with characteristic geological profiles;
- 3) a technological mining scheme and a scheme of mining facilities in the petroleum-gas field;
- 4) a structural map with indicated boundaries of the deposit contours;
- 5) data and reports on drillings, coring surveys, blockage, perforation, winning and measurement of flow and static pressure, quantity of produced fluids, gas factor and all other physical-chemical analyses of the collectors and fluids

Copies of the plans referred to in paragraph 1 of this Article, the company shall, without delay, make available to the mining inspector.

9. Professional Qualifications for Conducting the Specific Mining Works

Article 119

Activities of technical management and expert supervision, development and technical control of mining designs, control and supervision the occupational safety and health, control and supervision the environmental protection, independent performance the mine surveying and development the mining designs, management and supervision the mining waste, independent handling of blasting agents and other expert operations in exploitation the mineral raw materials may be performed by persons who in terms of the level and type of educational background and working experience meet the prescribed requirements and who have the authorization of these operations.

Article 120

Technical management activities can be performed by a person who has acquired a university degree in the second grade (master academic studies, master vocational studies, specialist academic studies and specialist professional studies), the field of mining engineering in the educational and scientific field: technical and technological sciences in mining, five years of working experience in respective positions, the authorization to perform corresponding activities and corresponding license.

Article 121

Professional supervision activities of construction and reconstruction the mining facilities according to the mining project can be performed by a person who has acquired a university degree in the second grade (master academic studies, master vocational studies, specialist academic studies and specialist professional studies), the field of mining engineering in the educational and scientific field: technical and technological sciences in mining, five years of working experience in respective positions, the authorization to perform corresponding activities and corresponding license.

Professional supervision of construction and reconstruction the mining facilities according to the certain parts of the mining project can be performed by persons who have acquired a university degree in the second grade (master academic studies, master vocational studies, specialist academic studies and specialist professional studies), the field of mining engineering in the educational and scientific field: technical and technological sciences in mining, five years of working experience in respective positions and the authorization to perform corresponding activities.

Professional supervision in the field of fire protection in construction, upgrading and reconstruction of mining facilities can be performed by persons who fulfill the conditions prescribed by the special regulations for performing the professional supervision in the field of fire protection.

Professional supervision in mining of mineral resources can be performed by persons who have acquired a university degree at the undergraduate academic studies of appropriate profession for at least five years of working experience in respective positions and the authorization to perform corresponding activities.

Supervision activities in conducting the mining works can be performed by persons who have acquired the secondary education in the field of geology, mining and metallurgy, of appropriate educational profile, three years of working experience in respective positions and the authorization to perform corresponding activities.

Article 122

Development of mining projects can be performed by a person in the capacity as the main designer who have acquired a university degree in the second grade (master academic studies, master vocational studies, specialist academic studies and specialist professional studies), the field of mining engineering in the educational and scientific field: technical and technological sciences in mining, five years of working experience in activities of development the mining projects or activities of technical management, supervision and other professional activities for which the project is developed the authorization to perform such activities and the appropriate license.

Development of certain parts of the mining project can be performed by persons in the capacity as the responsible designer who has acquired a university degree in the second grade (master academic studies, master vocational studies, specialist academic studies and specialist professional studies) of the relevant profession, three years of working experience and the authorization to perform such activities.

Article 123

Technical control of mining projects can be performed by a person in the capacity as the chief auditor who has acquired a university degree in the second grade (master academic studies, master vocational studies, specialist academic studies and specialist professional studies), the field of mining engineering in the educational and scientific field: technical and technological sciences in mining, five years of working experience in activities of development the mining projects, technical control or the technical management, supervision and other professional activities in mining facilities for which the project is developed, the authorization to perform such activities and the appropriate license.

Technical control of certain parts of the mining project can be performed by persons in the

capacity as the responsible auditor who have acquired a university degree in the second grade (master academic studies, master vocational studies, specialist academic studies and specialist professional studies) of the relevant profession, three years of working experience in activities of designing or technical control and the authorization to perform such activities

Article 124

Activities safety and health at work, environmental protection and mine surveying and development of mining plans can be managed by a person who has acquired a university degree in the second grade (master academic studies, master vocational studies, specialist academic studies and specialist professional studies), the field of mining engineering in the educational and scientific field: technical and technological sciences in mining, five years of working experience in the respective positions, the authorization to perform such activities and the appropriate license.

Article 125

Authorization for performing the activities of technical management, expert supervision, designing and other professional activities stipulated by this law, shall be acquired by passing the professional exam.

Professional exam from paragraph 1 of this Article shall be taken before the commission formed by the Minister responsible for mining activities or the competent authority of the autonomous province for candidates from the territory of the autonomous province.

Activities referred to in paragraphs 1 and 2 of this Article shall be performed as entrusted.

The Minister shall prescribe the conditions, program and manner of taking the professional exam referred to in paragraph 1 of this Article.

VII LICENSES FOR PERFORMING THE SPECIFIC ACTIVITIES IN GEOLOGICAL EXPLORATIONS AND EXPLOITATION

Article 126

Licenses for natural persons in the field of performing the geological explorations are:

1) license for designing, technical control, performing and expert supervision of geological explorations:

- (1) license for exploration of mineral resources;
- (2) license for exploration of oil and natural gas;
- (3) for hydrogeological explorations and exploration of geothermal resources;
- (4) for engineering-geological-geotechnical explorations;
- (5) for geophysical explorations and testing;
- (6) for regional geological explorations;
- (7) for petrological and geochemical explorations;
- (8) for mineralogical and crystallographic explorations;
- (9) for paleontological explorations;

2) license for a competent person for assessment the project study on resources and reserves;

(1) for solid mineral resources;

(2) for oil and natural gas

Licenses for natural persons in the field of mining are:

1) license for designing and technical control;

(1) for open pit mining of solid energy resources;

(2) for open pit mining of metallic and nonmetallic resources;

(3) for underwater mining of mineral resources;

(4) for underground coal mining;

(5) for underground mining of metallic and nonmetallic mineral resources;

(6) for oil and gas;

(7) for mineral processing;

(8) mining waste management.

2) license for conducting the mining operations, expert supervision and technical control of facilities for obtaining the use permit:

(1) for open pit mining of solid energy resources;

(2) for open pit mining of metallic and nonmetallic resources;

(3) for underwater mining of mineral resources;

(4) for underground coal mining;

(5) for underground mining of metallic and nonmetallic mineral resources;

(6) for oil and gas;

(7) for mineral processing;

(8) for blasting;

(9) mining waste management.

3) license for environmental protection in exploitation of mineral resources;

4) license for mine surveying and development the mining plans;

5) license for a competent person for mining;

(1) for open pit mining of mineral resources;

(2) for underground mining of mineral resources;

(3) for underwater mining of mineral resources;

(4) for oil and gas;

(5) for mineral processing.

License for natural persons referred to in paragraph 1 of this Article may receive the natural persons who have:

- 1) the appropriate qualifications;
- 2) the authorization to conduct the activities in accordance with the provisions of this Law;
- 3) five years of working experience in the respective positions, except in the case of a license for a competent person for Geology and a competent person for mining where ten years of working experience is required.

Article 127

Licenses for legal entities to perform the certain activities in the field of geological explorations are:

- 1) for development and technical control of geological technical documentation:
 - (1) for oil and natural gas;
 - (2) for solid mineral resources;
 - (3) for ground water and hydrothermal resources;
 - (4) for petrogeothermal resources;
 - (5) for engineering-geological-geotechnical explorations;
 - (6) for geophysical explorations.

- 2) for performing the geological explorations and professional supervision for performing the geological explorations:
 - (1) for oil and natural gas;
 - (2) for solid mineral resources;
 - (3) for ground water and hydrothermal resources;
 - (4) for petrogeothermal resources;
 - (5) for engineering-geological-geotechnical explorations;
 - (6) for geophysical explorations.

Licenses for legal entities to perform the certain activities in the field of mining are:

- 1) license for development and technical control of the investment-technical documentation for performing the mining works and development the plans for mining waste management, as follows:
 - (1) for open pit mining of solid energy resources;
 - (2) for open pit mining of metallic and nonmetallic resources for construction materials;
 - (3) for underwater mining of mineral resources;
 - (4) for open pit mining of metallic mineral resources and other nonmetallic resources;
 - (5) for underground coal mining;

(6) for underground mining of metallic and nonmetallic mineral resources;

(7) for oil and gas;

(8) for blasting operations in accordance with this Law;

(9) mining waste management.

2) license for conducting the mining operations, performing the expert supervision and technical control in order to issue the use permit and mining waste management, as follows:

(1) for open pit mining of solid energy resources;

(2) for open pit mining of nonmetallic mineral resources for construction materials;

(3) for open pit mining of metallic mineral resources and other nonmetallic

resources;

(4) for underwater mining of mineral resources;

(5) for underground coal mining;

(6) for underground mining of metallic and nonmetallic mineral resources;

(7) for oil and gas;

(8) for blasting operations in accordance of this Law;

(9) mining waste management.

Article 128

Fulfillment the conditions for issuing the licenses referred to in Articles 126 and 127 of this Law with a decision are determined by the Ministry, at the proposal of the working groups established by the Minister.

The Act on establishing the working groups referred to in paragraph 1 of this Article shall determine the tasks and responsibilities of its members.

Working groups referred to in paragraph 2 of this Article shall have seven members, out of which two members from the Ministry, and five members from the ranks of professional associations, organizations and institutions.

Personal data of the licenses referred to in paragraph 1 of this Article shall contain: name and surname of a person, date and place of birth.

The Minister shall prescribe the conditions, manner of issuing licenses, revocation, content and form of license referred to in Articles 126 and 127 of this Law.

For issuing the decision referred to in paragraph 1 of this Article the applicant shall pay the republic administrative fee.

License issued on the proposal of the working group, the Minister shall revoke by the decision if, on the basis of the submitted data, establish that the authorized person negligently or unprofessionally conducts the activities for which the license was issued.

The decision referred to in paragraphs 1 and 7 of this Article shall be the final and an administrative dispute shall be initiated against it.

The Ministry shall keep records of all licenses issued with the same data entries as the data in licenses. All interested parties have the right of access into records.

VIII PROTECTIVE MEASURES

Article 129

For the needs of occupational health and safety, the company shall have to:

- 1) arrange the occupational health and safety in accordance with the specificities and dangers that may arise;
- 2) organize the occupational health and safety related activities in accordance with this Law and regulations governing the occupational health and safety;
- 3) provide the personal protective agents and personal protective equipment for the employees;
- 4) provide the protection against fire, damages, accidents and chemical and other accidents, and organize the rescue operations;
- 5) organize a training for workers in the field of occupational health and safety and in rescue operations in the cases of sudden dangers threatening life of people and safety of the facilities, in accordance with the established schedule and program throughout the year and check the knowledge once a year.

Article 130

In order to protect the water and environment, the company shall have to:

- 1) plan measures that prevent endangering the water regime and environment, or remediation and rehabilitation measures, and ensure implementation of the prescribed measures;
- 2) keep data on types and quantities of dangerous and harmful matters used in performing its activities, or keep data on types and quantities of dangerous, harmful and waste matters emitted or disposed in the environment;
- 3) implement the measures and conditions which prevent endangering the water regimes and environment, contained in the analysis of the activity impact on the environment and water regime in accordance to the special Law.

Article 131

The measures for water and environment protection shall ensure:

- 1) direct control of implementation the measures prescribed for water and environmental protection;
- 2) development of plans of protection against damages, accidents and other calamities;
- 3) monitoring the activity impact on the water regime and environment;
- 4) making proposals for undertaking the measures of protection and improvement to the environment and water regime in accordance to the special Law.

Article 132

Director of the company or the holder of exploitation shall be responsible for organization, implementation and improvement the activities of occupational health and safety and water and environmental protection measures, as well as the persons with the special authorizations stipulated by the Act on organization and job classification in the same company.

Article 133

The holder of exploitation shall have to organize, according to the specificity of the technical-technological process, the rescue operations and operations of protection against fire, damages, accidents, and other dangers.

Rescue and fire protection operations shall be performed by the employees trained and skilled for such operations in accordance with these and other special regulations.

Article 134

The holder of exploitation shall have to keep a mine surveying book and enter the orders of the mining inspector given on site in the case of immediate threat to life and health of the employees, and of major material damage.

In the book from paragraph 1 of this Article shall also be entered

The orders of the director and other persons with special authorizations shall be also entered in the book from paragraph 1 of this Article related to the occupational safety and health and which were given on site.

The mine surveying book shall be kept for each pit, open pit, drilling and overhauling plant, exploitation field in the oil and gas production, as well as for the mineral processing plants.

Article 135

It shall be prohibited to bring easily inflammable matters, smoking requisites or other means that can ignite fire or explosion in the mine underground workings and other mining facilities where methane and other inflammable gases or dangerous coal dust appear, and in the explosion dangerous zones, in the facilities located in the oil and gas fields, and the prohibition warning symbols shall have to be posted accordingly.

Welding machines may be brought into the mine underground workings as well as in the other mining facilities only under the conditions and in the manner stipulated by the separate regulations.

Employee who operates in a warehouse, storage or managing transport and conveyance of blasting agents or performs the blasting operations, as well as the other persons coming to the warehouse or helping with the transport and conveyance of explosive agents and in blasting operations shall have to observe the prescribed occupational health and safety, environmental and fire protection measures.

Responsible persons and other employees participating in a technological process and performing the expert operations relating to the occupational health and safety shall have to implement and control the implementation of occupational health and safety and fire protection measures relating to the protection against dangers of explosion of methane, other dangerous gases or coal dust, or against the aggressive mineral dust, ionizing radiations, silicosis, outburst of water or fire.

Article 136

Employees may stay in the underground mine rooms after the working hours only if it is necessary for performing the operations technical-technological process approved by the technical manager of the mining facility.

Article 137

Employees and responsible persons shall have to work with full caution and care for the sake of safety of their own lives and health and life and health of the other employees, protection of mining facilities, means of work and other material goods, and shall have to comply with the established occupational health and safety measures.

The failure on the part of employees and responsible persons to comply with the occupational

health and safety, fire protection and other measures prescribed by this Law shall be deemed a serious breach of duty.

Article 138

Every employee shall have to promptly notify the responsible person of any danger identified during the conducting of mining works, and in particular of any presence of explosive, suffocating and poisonous gases, outburst of water, fire, landslide or other occurrences that can endanger the safety of employees, material goods, and property and life and health of people.

In the case referred to in 1 of this Article, the responsible person shall have to take all measures necessary to prevent occurrence of more serious consequences for the safety of employees and property, and to promptly notify the mining inspector as well as the interior authority and other competent inspection thereof.

Article 139

In the mines with underground exploitation where the potential hazards could occur such as fires, inflammation and explosions of methane and coal dust, the penetration of gases, sand, water and mud, caving the underground rooms, the holder of exploitation shall organize daily duty hours in order to control the implementation of measures for protection and safety of employees and timely reaction if it needed.

Responsible person performing call duty jobs shall be responsible that in the case referred to in paragraph 1 of this Article to take all necessary measures to prevent the occurrence of severe consequences for the safety of employees and property and to inform without delay the holder of exploitation, mining inspector and interior authority.

Article 140

The holder of exploitation shall be responsible to keep records on occurrences of hazards in performing the mining operations, which specifically contain: data on the type of occurrence, time of its duration, the cause of damage, as well as data on the established responsibility.

The holder of the exploitation shall without delay inform the mining inspector and the authority of the interior of any fatality, group injury and severe injury at work, and in the case of disasters, accidents and other accidents, the relevant inspection.

Article 141

Business entities are obliged to, in the case of an accident or incident, without delay, provide assistance to each other, except in the case where the provision of such assistance is not possible because of the danger to their own safety.

Article 142

In the case of danger to the holder of exploitation and the holder of exploration, the land owners and users shall be responsible to allow on their land the works necessary for removal of danger.

In the case referred to in paragraph 1 of this Article, the holder of exploitation shall be responsible to compensate the inflicted damage.

Article 143

The Minister shall prescribe the special measures and the manner of controlling the application of measures for protection against fire and explosions in the mining facilities for underground mining. In

the other mining facilities, the regulations in force shall be applied in the area of protection against fire and explosion.

The Minister shall prescribe the special measures and the manner of controlling the occupational safety and health measures in performing the works of geological explorations and exploitation the mineral resources.

In terms of measure for occupational safety and health, environment, protection against protection against fire and explosions and other measures of protection relating to performing the mining works that are not regulated by this Law, the provisions of special regulations shall be applied governing such measures of protection.

IX OTHER PROVISIONS ON EXPLOITATION

1. Mining Waste Management

Article 144

Mining waste disposal and management shall be regulated on the basis of the approval for mining waste management, which shall be issued by the Ministry or the competent provincial authority in accordance with the waste management plan and other accompanying documentation that defines the category, management and reporting as well as the other obligations on the mining waste.

The Government shall establish the conditions and procedures for issuing the permits for waste management, as well as criteria, characterization, classification and reporting on mining waste.

Article 145

Mining waste shall not mean the waste resulting from exploration, mining and mineral processing that is not directly connected with the mentioned activities (waste oils, food, worn out vehicles and worn out batteries and vehicle batteries) or the waste resulting from extractive industry which can be radioactive, as well as the waste resulting from industrial processing of mineral resources.

2. Abandoned Mines

Article 146

Abandoned mines and mining facilities are those which as of the date of becoming effective this Law shall no longer be active due to irregularly suspended mining works and abandonment of the mining facilities, without the application of technical and technological procedures of remediation and rehabilitation, and where the holder of approval for exploitation and/or exploitation field is neither known nor longer exists and the ownership of the subject area cannot be determined.

The Government shall determine the conditions, criteria, programming, procedure and manner of performing the remediation and reclamation of abandoned mines and mining facilities referred to in paragraph 1 of this Article.

The funds required for the solution of exercise rehabilitation and reclamation of abandoned mines and mining facilities referred to in paragraph 1 of this Article shall be provided from the budget of the Republic of Serbia.

Article 147

The Ministry shall maintain a special book of documents relating to the abandoned mines and mining facilities, as well as the records on remediated and reclaimed mines and mining facilities

referred to in Article 123 of this Law.

Article 148

Remediation and reclamation procedures for abandoned mines and mining facilities shall be carried out on the basis of:

- 1) a project study of the current status, mining works and facilities;
- 2) a project of engineering-geological explorations to determine the technical-technological bases for designing a remediation and reclamation plan;
- 3) a project of remediation and reclamation the abandoned mines and mining facilities.

The Minister shall prescribe the contents of the project study and projects referred to in paragraph 1 of this Article in accordance to the contemporary scientific achievements and rules of mining and other professions.

3. Temporary Suspension of Mining Works

Article 149

If works the works in the pits and parts thereof, or in the oil and gas fields shall have to be temporarily suspended due to the unforeseen circumstances (outburst of gases or water, problems in connection with rock burst, mine pit fires, problems with the main lines for ventilation, passing, dewatering and haulage, landslide, eruptions, change in water regime, etc.) or due to a force majeure, the holder of exploitation shall within no later than 24 hours from the suspension notify the mining inspector on the reasons for such suspension.

In the case of temporary suspension of works planned in advance, the holder of exploitation shall have to notify the mining inspector thereof no later than 15 days before the suspension of works.

Prior to the planned suspension of works referred to in paragraph 2 of this Article, which shall last for longer than 30 days, the holder exploitation shall have to carry out the necessary resurveying, supplement of the mining designs and plans, and make the records on the reasons of suspension of works enumerating the dangers that can occur at reopening a mine pit or a part thereof, or at relaunching the oil and gas field into production.

During temporary suspension of the works, the central pit workings and facilities in the oil and gas fields shall have to be maintained in such way that they shall ensure a danger free passage.

If the temporary suspension of works shall last for a period longer than two years, the provisions of Article 150 of this Law shall be applied.

4. Permanent Suspension of Works

Article 150

If for any reasons the exploitation shall be suspended fully and permanently in the pits or certain mining districts or parts thereof, open pit or in the exploitation fields of oil and gas, the holder exploitation and/or approval for exploitation field shall have to notify thereof the authority that has issued the approval for exploitation or the approval for conducting mining works no later than 30 days prior to suspension of works.

Article 151

In the case of permanent suspension of works, the holder of exploitation shall have to take all measures of protection the mining facility and land where the works were performed, and measures of environmental protection and remediation to ensure the life and health of people and property, all in accordance with the main mining project of permanent suspension of works.

Company with majority state capital as the holder of exploitation shall be responsible to hand over for keeping the mining projects, plans and sketches, mine surveying books and other documentation on the status of mining operations and the state of resources and reserves of mineral resources at the time of suspension of works to the authority which issued the approval for exploitation or authority for performing mining works.

Documentation from paragraph 2 of this Article shall be accessible to any legal entity interested in renewal of the works in an abandoned mine field.

Renewal of the works from paragraph 3 of this Article shall require the approval for exploitation in accordance with the provisions of this Law.

5. Planned Permanent Suspension of Works

Article 152

A public enterprise performing mining shall in the case of planned permanent suspension of mining activities prepare the Mine Closure Program (hereinafter: the Program).

The Program shall in particular include the following measures for:

- 1) development of a plan of activities for closure of the mine;
- 2) rehabilitation the abandoned mining facilities and possibilities of utilization the abandoned mining facilities;
- 3) rehabilitation and reclamation the land on which the mining was done;
- 4) solving the environmental problems arising due to the closure of the mine;
- 5) a need for solving the problems of local communities arising due to the suspension of mining activities in the area of the mine being closed down;
- 6) adoption of a program for settling the issue of redundant employees, in accordance with the law;
- 7) fixing the amount of the funds needed to implement the mine closure plan.

The Government shall give consent to the Program.

The funds necessary for the Program implementation shall be provided from the Republic of Serbia budget and other sources, in accordance with law.

The Ministry shall supervise the Program implementation

6. Rehabilitation and Reclamation

Article 153

The holder of exploitation shall in the course and upon finalization of exploitation works no later than one year from the date of finalization of works in the areas where mining works were completed, carry out a reclamation of the land fully in accordance with the technical project of technical and biological

reclamation, that is a constituent part of the main or supplementary mining design.

The Ministry or competent authority of autonomous province and the Ministry responsible for agriculture and water management or the ministry responsible for environmental protection shall be notified on measures referred to in paragraph 1 of this Article.

If the liquidation or bankruptcy proceedings shall be opened against the holder of exploitation, the costs of remediation and reclamation of the land on which the mining was performed shall be settled on a priority basis from the liquidation or bankruptcy estate.

7. Strike

Article 154

In a company which performs the mining of raw materials, the right to strike shall be exercised under the condition that at the time of the strike the security of the facilities, devices and installations, as well as the safety and health of people shall be ensured.

Article 155

In order to provide the conditions referred to in Article 154 of this Law, in the company performing mining shall, during the strike, the following activities shall be performed to ensure:

1) dewatering, ventilation, maintenance of transferability of passages in the facility, and maintenance of devices, equipment and installations;

2) completion of the works initiated for securing, insulating and transporting the excavation whose postponement can endanger the safety and health of employees and safety of mining facilities, plants and equipment.

Organization and implementation of a strike shall be prohibited in the underground mine workings or in the other facilities and places w potential danger to life and health of people.

General act of the company shall specify the workplaces where operations referred to in paragraph 1 of this Article shall be performed, which are necessary to provide for the conditions referred to in Article 131 of this Law as well as the facilities or the places referred to in paragraph 2 of this Article.

Article 156

In the case of breaching the strike provisions set forth by this Law that shall have the consequence immediate threat or exceptionally serious consequences to safety and health of people or their safety and safety of property or other harmful in eliminable consequences, the Ministry shall take the measures necessary to prevent the occurrence of these consequences, namely:

1) introduction of work duties;

2) recruitment of workers from other technical-technological systems and other workers - individuals;

3) initiating the procedure for determining the responsibilities of directors and members of the management body.

X ROYALTIES FOR GEOLOGICAL EXPLORATIONS OF MINERAL RESOURCES AND GEOTHERMAL RESOURCES

Article 157

For the use of data and documentation relating to the basic geological explorations that are financed from budget of the Republic of Serbia as the activities of public interest, as well as for the use of data and documentation of geological explorations that have become the public property-state property on the basis of concession contracts, the royalty shall be paid in the amount of up to 5 % of the real value of the performed explorations on a specific exploration area.

The assets realized in accordance with paragraph 1 of this Article shall be the revenue of the budget of the Republic of Serbia.

The level and mode of payment the royalty from paragraph 1 of this Article shall be established by a special act enacted by the Minister.

Article 158

The holder of explorations shall pay a royalty for the applied geological explorations of mineral and other geological resources, and a royalty for retention the exploration area in accordance with this Law.

The amount of royalty referred in paragraph 1 of this Article shall be in the amount of 10,000.00 dinars per square kilometer of exploration area, except in the case of the exploration area less than 0.5 square kilometers when the royalties amount to 5,000.00 dinars.

Mode and date of payment the royalties referred to in paragraph 1 of this Article shall be determined by the Government.

The assets realized in accordance with Article 157, paragraph 1 of this Law and paragraph 1 of this Article shall be the revenues of the budget of the Republic of Serbia.

Article 159

The holder of exploitation that has been granted the conducting of mining works shall pay the royalty for the use of mineral raw materials and geothermal resources in accordance with this Law.

Royalty from paragraph 1 of this Article shall be determined in accordance with the following bases:

- 1) for all types of coal and oil shale 3% of revenues;
- 2) for hydrocarbons in liquid and gaseous state
(oil and gas) and other natural gases 7% of revenues;
- 3) for radioactive raw materials 2% of revenues;
- 4) for all metallic raw materials 5% of net revenues of the smelter;
- 5) technogenic raw materials resulting from mining
and processing of mineral raw materials 1% of revenues;
- 6) for non-metallic raw materials 5% of revenues;
- 7) for all types of salt and salt water 1% of revenues;
- 8) for ground water for obtaining the useful mineral raw materials,
as well as ground water connected to the mining technology
and gases appearing with them 3% of revenues.

Income from paragraph 2 of this Article shall represent the amount that the holder of exploitation

realizes from the used or sold mineral raw materials, determined on the basis of revenues realized from the sale of non-processed mineral raw materials or revenues realized from the sale of technologically processed mineral raw materials.

Net income of the smelter referred to in paragraph 2, point 4) of this Article shall represent the revenues from the sale of final product less costs of melting, refining, transport, reloading, insurance and sale. Net income of the smelter shall not be reduced based on depreciation, capital costs or tax incentives.

For non-metallic raw materials used in obtaining the construction materials (marl, lime, clay, sand, gravel, technical-construction and architectonic-construction stone, etc.) and magnesite, the royalty referred to in paragraph 1 of this Article shall be fixed in the dinar equivalent determined per one ton of excavated mineral raw material.

The amount of royalty referred to in paragraph 5 of this Article shall be fixed by the Government in the last quarter of the current year for next year, according to the type of mineral raw material.

Royalty shall be paid for all components of mineral raw materials used or sold, and shall not be paid for samples of mineral raw materials used for technical-technological testing in the industrial conditions.

Competent tax authority shall carry out the forced collection and control the accounting and payment of royalties for the use of mineral raw materials and geothermal resources. In terms of forced collection, control, interest rate and obsolescence of royalty for the use of mineral raw materials, the provisions of the law governing tax procedure shall be applies analogously.

The mode of payment of royalty and conditions to defer the payment of debt according to the royalties referred to in paragraph 1 of this Article shall be more specifically determined by the Government.

Article 160

Assets realized in accordance with Article 159 of this Law from the royalty for use the mineral raw materials and geothermal resources, in the amount of 60% shall be the revenue of the budget of the Republic of Serbia, in the amount of 40% shall be the revenue of the local government unit on the territory of exploitation.

From the assets referred to in paragraph 1 of this Article, which belong to the budget of the Republic, 35% shall be used in accordance with the annual program to encourage the development of mining and prevention and removal of harmful consequences caused by the exploitation of mineral resources, which shall be adopted in accordance with the strategy as well as the plan and programs of strategy realization.

The annual program referred to in paragraph 2 of this Article shall determine the use of realized assets, type and volume of works, conditions and manner of utilizing the assets intended for the program implementation.

The Government shall adopt the Annual Program referred to in paragraph 2 of this Article, at the proposal of the Ministry.

Assets realized from the royalty for use the mineral raw materials and geothermal resources, which are the revenue of the local government unit on the territory of exploitation, shall be used under a special program of measures adopted by the competent authority of local government unit to improve the living conditions of local community, particularly for construction the infrastructure and other facilities in order to improve the living conditions, approved by the Ministry, i.e. the competent authority of autonomous province.

When the mining is performed on the territory of the autonomous province, the assets realized in accordance with Article 136 of this Law from the royalty for the use of mineral raw materials and geothermal resources, in the amount of 50% shall be the revenue of the budget of the Republic of Serbia budget, in the amount of 40% shall be the revenue of the budget of the local government unit on the territory of which the mining is performed, and in the amount of 10% shall be the revenue of the budget of the autonomous province.

XI CADASTRE AND INFORMATION SYSTEM IN THE FIELD OF GEOLOGICAL EXPLORATIONS AND MINING

Article 161

In order to efficiently collecting, processing, archiving, searching and distribution of geological data and information, easier and more efficient access to the geological data and geological and information on the basic geological characteristics and resources of the Republic of Serbia, ease monitoring, updating and analyzing the results of geological explorations in order to the optimum planning and designing the geological explorations as well as the efficient collecting, processing, monitoring and recording the data necessary for implementation the mineral policy and development policy and strategy in the field of mining, the Ministry keeps:

- 1) Geological information system of Serbia;
- 2) Information system for geological explorations and mining;
- 3) Cadastral of exploration and exploitation areas of groundwater;
- 4) Cadastral of exploration and exploitation areas of geothermal resources;
- 5) Cadastral of exploration areas and exploitation field of solid resources, oil and gas;
- 6) Cadastral of mineral resources and other geological resources deposits;
- 7) Cadastral of mine waste fields;
- 8) Cadastral of abandoned mines and mining facilities;
- 9) Cadastral of active and rehabilitated mining facilities;
- 10) a book of documents.

The Minister shall prescribe the conditions and the way of collecting, processing and storing of data of the Geological Information System of Serbia (hereinafter: GeolISS) and the Information System for Geological Explorations and Mining (hereinafter: CIS GIR), as well as the conditions of data exchange with the international geological and mining information systems.

Information systems and cadastres referred to in paragraph 1 of this Article shall contain personal data, such as: name and surname, and the date and place of birth.

The Minister shall prescribe the manner of keeping and the contents of cadastre from paragraph 1 of this Article, the books of documents, and the manner of data management and exchange, the manner of maintenance and use.

The right of access to the Cadastre referred to in paragraph 1 of this Article, items. 3) - 9), the book of documents and CIS GIR, shall have the all interested parties, for which the republic administrative fee shall be paid.

The Ministry cooperates with the republic and other authorities, public and other enterprises and institutions that collect and store data in the field of geological studies and explorations of geological resources, as well as the explorations and exploitation of mineral deposits and other

geological resources.

Article 162

Cadastre of exploration and exploitation fields and Cadastre of active and rehabilitated mining facilities shall be maintained by the competent authority which issued the approval for exploration and the approval for exploitation.

Cadastre of approved exploration areas shall contain data on the holder of exploration, the exploration area, the subject of geological explorations, the results of exploration, as well as the ordered measures by geological and mining inspectors.

Cadastre of mining fields shall contain all data from approval for exploitation in the specific exploitation field, determined limitation of exploitation, data on mining facilities and the schedule of mining works in the exploitation field, the changes occurred with respect to the user of the exploitation field, data on work suspension, as well as the measures ordered by geological and mining inspectors.

Cadastre of active and rehabilitated mining facilities shall contain data on the position and status of the mine and facilities. The Cadastral of exploration and exploitation areas of groundwater and hydrogeothermal resources shall contain all data from the approval for exploration and approval for use on a particular exploitation area, determined amount of used groundwater, as well as the basic data from the project studies on groundwater.

Cadastre of exploration and exploitation of areas of resources petrogeothermal resources shall contain all data from the approval for exploration and approval for use on a particular exploitation area, as well as the basic data from the project studies on determined potentiality of resources, i.e. the project study on the use of resources.

The competent authority of the autonomous province is obliged to submit to the Ministry the data on the holder of exploration, exploration area and the subject of approved and implemented geological explorations and all data related to performing of exploitation.

Article 163

Cadastre of deposits and balance of mineral resources and groundwater, as well as the Cadastre of geothermal resources shall be kept by the Ministry, i.e. competent authority of the autonomous province.

Cadastre of deposits and balances referred to in paragraph 1 of this Article shall contain data on spatial coverage, location and name of the deposit, data on the type, quantity and quality of mineral resources, data on the holder of exploration and/or exploitation, data on issued certificates on reserves for a given deposit and changes related to the balance, as well as the other data related to development of the balance of mineral resources.

Article 164

Cadastre of the mine waste fields and cadastre of abandoned mines and mining facilities shall be maintained by the Ministry or the competent authority of the autonomous province.

Cadastre of the mine waste fields shall contain all data on the boundaries of the mine waste field area, data on the holder of exploration and/or mining exploitation or the company that generates the mine waste, data on the company that is the mine waste operator, data on characterization and categorization of all mine waste dumps in the mine waste field as well as the other significant data related to the mine waste management.

Cadastre of abandoned mines and mining facilities shall contain data on the position and status of the same mines and facilities, as well as implemented measures of remediation and reclamation.

Article 165

The Ministry or the competent authority of the autonomous province or the local government unit shall maintain the Book of documents and records of business entities that have been granted the approval for performing the geological explorations and exploitation.

The book of documents shall contain the approvals for performing the geological explorations, the approval for retention the exploration area, the approval for exploitation field or approval for exploitation, the approval for construction the mining facilities and/or performing the mining operations and the use permit, as well as the other data related to the geological exporations and exploitation of mineral resources.

Article 166

GeolISS is the basis for understanding the geological resources of the Republic of Serbia, the occurrences and deposits of mineral resources and groundwater, development different types and purposes of geological maps, development the maps of geological hazards and risks, as well as the implementation of all kinds of activities in the field of geological planning, decision making and designing the geological exploration works, realization the global geocommunication and commercialization of geological information.

CIS GIR provides formation, classification, maintenance, presentation and distribution of numerical, descriptive and spatial databases on: the approved geological explorations, mineral reserves, the mine infrastructure, archival documentation and approvals, licenses and certificates, cadastre of exploration and exploitation fields, cadastre of the deposits and balances of mineral resources, cadastre of the mining works and facilities, cadastre of the mine waste and abandoned, rehabilitated and closed mines, the book of documents, financial liabilities in respect of compensation payable by the holder of exploration and exploitation, carried out supervision and imposed measures by the inspection services, production and consumption of mineral resources and other information of importance.

Data from GeolISS and CIS GIR information systems are public or available for use in accordance with this Law.

The competent authority of the autonomous province shall be responsible to submit the data to the Ministry necessary for conducting the GeolISS and CIS GIR in accordance with paragraphs 1 and 2 of this Article.

GeolISS and CIS GIR are an integral part of a unified information system of the Republic of Serbia, which is used by the competent authority of the autonomous province.

Article 167

Information system shall ensure an exchange of information through GIS portal or web pages, directly or with other information systems, and harmonization of all relevant information at the local, national and international level.

Operations of building and maintenance the central information system shall be financed from the budget of the Republic of Serbia and other sources, in accordance with the Law.

XII INSPECTION SUPERVISION

Article 168

Inspection supervision over the application of the provisions and regulations adopted for implementation thereof shall be performed by the Ministry through geological and mining inspectors.

Content of the limit, authorizations, rights and obligations in performing the inspection

supervision shall be established by this Law and special regulations in the field of inspection supervision.

In the case of conducting the geological explorations and exploitation on the basis of decisions issued by the competent provincial authority on the basis of conducting the delegated activities, the inspection supervision over implementation the provisions of this Law and the regulations adopted for its implementation shall be performed by the competent authority of the autonomous province.

Activities from paragraph 2 of this Article shall be carried out as entrusted.

Inspector from paragraphs 1 and 2 of this Article shall have the official ID card, designation and adequate equipment.

The official identification includes: a small coat of arms of the Republic of Serbia; organizational position and name of the competent inspection; name and surname of the inspector; photo of inspector; unique number of ID; the areas in which the inspector in charge to supervise and powers of inspector to take actions and upload rate in inspection; signature and stamp of the competent authority.

The form of official identification and the type of equipment of geological and mining inspectors shall be prescribed by the Minister.

Article 169

Activities of geological inspector may be performed by a person who has acquired a university degree in the second grade (master academic studies, master vocational studies, specialist academic studies and specialist professional studies), the field of geological engineering in the educational and scientific field: technical and technological sciences and working experience of minimum five years in geological explorations, passed the professional exam and exam for inspector.

Activities of mining inspector may be performed by a person who has acquired a university degree in the second grade (master academic studies, master vocational studies, specialist academic studies and specialist professional studies), the field of mining, mechanical, technological and electrical engineering in the educational and scientific field: technical and technological sciences and working experience of minimum five years in mining of mineral raw materials, passed the professional exam and exam for inspector.

Mining inspector supervising the mining facilities affected by methane or dangerous coal dust shall have at least three years of working experience in the pits with methane or dangerous coal dust or in oil and gas explorations and exploitation.

Article 170

Geological inspector shall in performing the inspection supervision have the right and duty to check whether:

1) the activity of geological exploration and conducting the geological explorations works are performed in accordance with prescribed conditions;

2) the design and final report of geological exploration results are prepared in accordance with the law and other regulations, and whether technical control has been performed by the authorized company entered in the court register;

3) the annual report about geological exploration results is prepared and verified in the prescribed manner;

4) geological explorations are performed on the basis of and in compliance with the approval for exploration;

5) geological explorations and geological explorations works are reported to the competent authority;

6) geological explorations works are performed according to the geological exploration design on the basis of which the approval was issued;

7) engineering-geological and hydro-geological works are performed according to the geological exploration design and approval of the competent authority;

8) geological exploration works are performed in accordance with the Law and other regulations;

9) take the security measures of persons, adjacent buildings, traffic and environment, as well as all occupational health and safety measures by the company undertaking the geological explorations;

10) prescribed records are maintained of the quantities of mineral raw materials taken for the purpose of their testing, and of other mineral resources the existence of which was identified in the course of geological prospecting;

11) storage and keeping the cores of exploration drill holes;

12) expert supervision is ensured during geological explorations and mining;

13) prescribed conditions are applied regarded to the fulfillment the conditions of educational background and the authorization for performance of such works for the persons managing the conducting of exploration works and expert supervision over the conducting of such works;

14) the quantity of mineral raw materials taken for testing is larger than the one determined in the approval for exploration;

15) mineral raw material is taken (for different purposes) without the approval for exploration;

16) the book on the state of reserves of mineral resources and geothermal resources is maintained;

17) the geological technical documentation is prepared to cover all exploration activities.

Geological inspector shall also perform other activities set forth by the laws applicable in the field of geological exploration.

Article 171

Mining inspector shall in performing the inspection supervision have the right and duty to check whether:

1) in performing the mining works the measures prescribed for occupational health and

safety and regulations of safety of people and movable and immovable property are applied;

2) mining is performed based on the approvals issued in accordance with this Law;

3) mining is performed at the level of the mining design parameters;

4) mining is performed on the basis of approved mining method;

5) disposal of flotation tailings is performed on the basis of approved project documentation and whether the geodetic survey of the earth dam crest is done in relation to the water level in the settling lake;

6) the training of workers is organized and whether the rescue measures are implemented in the cases of sudden dangers to life and health of people and security of the facilities;

7) external and internal waste dumps at the open pits are formed in accordance with the approved project documentation;

8) mining works are executed fully in accordance with the technical regulations relating to such works;

9) mining facilities in the pit and on the surface are constructed in accordance with designs;

10) mining works on exploitation are performed according to the annual operation plan;

11) prescribed mine surveying operations are performed, whether mining plans and other documentation necessary for performing the mining works are correctly and regularly made and supplemented, and whether the mine surveying books are regularly maintained;

12) the conditions prescribed for assignment of employees to the corresponding jobs are fulfilled and whether their training for performing specific jobs is done;

13) transport, storage and handling of blasting agents and liquid fuel are performed by the prescribed manner;

14) preparatory works as well as mining of overburden/rock waste at the open pits are performed in accordance with the design;

15) filling the cavities in the underground mining is performed in accordance with the mining method design;

16) measures prescribed for handling the mine waste in the pit and on the surface, in the mine field and out the mine field are implemented.

Article 172

Geological inspector shall be authorized to order:

1) removal of detected irregularities within the term period that he/she shall determine;

2) suspension of further performing of exploration works if:

(1) detected irregularities and deficiencies were not eliminated within the set deadline;

(2) exploration works are not performed in accordance with the approval for exploration or exploration design;

(3) identifies the deficiencies representing an imminent danger to life and health of people or property.

The holder of prospecting license ordered to remove the irregularities and deficiencies within the meaning of paragraph 1, point 1 of this Article shall have to notify the geological inspector thereof within the time period set by the inspector, which cannot be longer than eight days.

Apart from taking the measures from paragraph 1 of this Article, the geological inspector shall also be authorized to:

- 1) determine the security measures in the case of danger to life and health of people or to safety of property;
- 2) submit an application to the competent authority for an economic offense and submit a request for initiation the misdemeanor procedure;
- 3) notify the authority competent for issuing the approvals in accordance with this Law and another authority if reasons are in place for taking measures that such authority is competent for;
- 4) order implementation of other prescribed measures or obligations within a specified time period.

Article 173

In performing the inspection supervision, the mining inspector shall be authorized to order:

- 1) removal of detected irregularities and deficiencies stated during check within the time period he/she shall set;
- 2) prohibition of mining works if the mining works are performed without the approval for exploitation and approval for performing the mining works;
- 3) prohibition of works if performing of mining works is not carried out according to the approved technical documentation;
- 4) prohibition of works if utilization of mining facilities starts without any issued use permit;
- 5) that technical documentation and technical control of mining designs be performed by the persons who in terms of their educational level and profile and working experience meet the conditions prescribed therefor, and who have authorizations for performing such activities;
- 6) that operations relating to technical management, expert supervision, handling of blasting agents and other technical operations be performed by the persons who meet the required conditions, have authorizations for performing such activities and appropriate license;
- 7) prohibit the works in the case of imminent danger to safety and health of employees;
- 8) prohibit the works to employees at the workplace with increased risk;
- 9) prohibit the work to employee not trained for safe and healthy work at the workplace;
- 10) prohibit work with labor instruments to which occupational health and safety measures at work were not applied;
- 11) the regulation of occupational safety and health in accordance with the specificities and dangers that may appear in the company;
- 12) the organization of rescue operations in the cases of sudden danger to life and safety of people and to safety of the facilities in compliance with the established plan and program;
- 13) organization the training of workers in the field of occupational safety and health and rescue operations in the cases of sudden danger;
- 14) provision of personal protective means and personal protective equipment for employees who shall have to use them regularly;

15) prohibit entrance to the warehouses, auxiliary storages and storerooms of blasting agents, as well as the handling of blasting agents to the persons not trained therefor;

16) regular performance of geodetic surveys, making of geodetic maps and plans which allow determine the state of performed mining works;

17) preparation the appropriate documentation with respect to the ventilation of pits, open pits, power network, water supply network and mine installations with basic technical data;

18) keeping the book of mine surveying for each pit, open pit, drilling and overhauling equipment, mine field in oil and gas production, and for the facilities for preparation the mineral raw materials;

19) report the committed criminal offence or corporate offence to the competent authority, and file request for institution of misdemeanor procedure;

20) notify the authority competent for issuing the approvals in accordance with this Law and another authority if there are reasons for taking measures for which this authority is competent for;

21) implementation the other prescribed measures or obligations within a specified time period.

The holder of exploitation ordered by decision to remove the irregularities and deficiencies within the meaning of paragraph 1 of this Article shall be obligated to notify the mining inspector upon their removal within the time period as defined in the decision which, however, cannot be longer than eight days.

Article 174

In performing supervision over implementation the occupational health and safety measures in the mining facilities, the geological and mining inspector shall fully have the powers and duties of a labor inspector envisaged by the occupational health and safety regulations.

The holder of exploitation shall have a duty to allow to the inspector from paragraph 1 of this Article entry to the business and plant premises, taking the samples of mineral raw materials and plant material for the purpose of testing, as well as to provide other evidences.

Article 175

In the case of death or a group accident in performing the geological explorations or mining, the holder of explorations or the holder of exploitation shall have to immediately notify the geological inspector or mining inspector thereof.

The inspector from paragraph 1 of this Article shall have to promptly, in situ, investigate the causes of the death and group accidents, and order the measures that shall be taken without delay, and to submit to the competent authorities within the shortest time possible a substantiated report with the opinion about the causes of the accident.

Article 176

The decision of geological inspector or mining inspector, which shall be rendered in accordance with Article 168, paragraphs 1 and 2 of this Law may be appealed to the Minister within 15 days from the date of receipt the decision.

The appeal lodged against the decision of geological or mining inspector shall not postpone the enforcement of the decision.

XIII PENALTY PROVISIONS

1. Criminal Offenses

Article 177

Whoever organizes or participates in a strike in the underground mine workings or other facilities and premises from Article 155, paragraph 2 of this Law shall be punished by one to five-year imprisonment.

Article 178

Whoever brings in a pit with methane or other inflammable gas or dangerous coal dust or in a facility in the oil and gas field an easily inflammable matter of other objects, the bringing of in such pit or facility is prohibited (Article 135, paragraph 1) and shall be punished by one to five-year imprisonment.

For attempted offense from paragraph 1 of this Article, the offender shall be punished.

If the offense from paragraphs 1 and 2 of this Article has been committed out of negligence, the offender shall be imposed by a fine or shall be punished with imprisonment of up to one year.

Article 179

Whoever by entering on any basis a warehouse, storage or storehouse of blasting agents shall not comply with the prescribed occupational health and safety measures (Article 113, paragraph 3), shall be punished by one to five-year imprisonment.

2. Corporate Offenses

Article 180

A fine from 1,500,000 to 3,000,000 dinars shall be imposed for corporate offense on the company or another legal entity and entrepreneur if:

1) it designs geological prospecting projects and makes the final reports on geological exploration results or perform the geological explorations without meeting the requirements for the performance of such activities (Article 22, paragraph 1);

2) it entrusts the management of preparation the geological exploration projects and final reports on geological exploration results, and management of geological explorations contrary to the prescribed conditions (Article 22, paragraph 2);

3) it does not perform the geological explorations according to the geological exploration project (Article 24, paragraph 1);

4) it does not perform the technical control of geological exploration projects under the conditions and in the manner set forth by the Law in accordance with Article 25 of this Law;

5) it fails to perform the expert supervision over the performance of geological explorations in accordance with Article 27 of this Law;

6) it does not perform the technical control of the final report under the conditions and in the manner set out in Article 28 of this Law;

7) it performs the geological explorations without the approval for explorations (Article 30, paragraph 1 and Article 31, paragraph 1);

8) it takes larger quantity of mineral raw materials for geological testing than the approved quantity (Article 45);

9) it fails to comply with Article 50 of this Law;

10) it fails to maintain the book on the state of resources and reserves of mineral raw materials, resources and reserves of ground water and geothermal resources or on the state of these resources and reserves does not submit data (Article 53, paragraph 1);

11) it does not carry out the applied engineering-geological-geotechnical explorations for the needs of spatial and urban planning, design and building the construction, mining and other facilities (Article 21, paragraph 2);

12) it carries out the geological explorations without approval for exploration (Article 30, paragraph 1 and Article 31 paragraph 1);

13) it carries out a continuation of geological explorations continue without approval (Article 38);

14) it performs the engineering-geological-geotechnical explorations without report of works (Article 32, paragraph 2);

15) it carries out the geological explorations of geothermal resources for the purposes of heat supply the households of natural persons without report of works (Article 33, paragraph 2);

16) it carries out the retaining of rights to the exploration area in order to prepare documentation for approval for exploitation without approval (Article 40);

17) it performs the use of exploitation area and resources and/or underground water reserves and geothermal resources of low enthalpy without approval (Article 58);

18) it fails to provide the geological inspector to enter into business and site premises or inspection of projects and plans, reports and other documentation on the state of geological works or if otherwise interferes the inspector during the inspection supervision (Article 50, paragraph 1, item 14).

Article 181

A fine from 1,500,000 to 3,000,000 dinars shall be imposed for corporate offense on a company or another legal entity and entrepreneur if:

1) at drawing up the mining design, it fails to act in accordance with Article 67, paragraph 1 of this Law;

2) it entrust the mining project design and technical control to a company not meeting the requirements from Article 67, paragraph 1 of this Law;

3) it performs mining without approvals issued in accordance with Article 68, paragraph 1 and Article 77, paragraph 1 of this Law;

4) it fails to perform the technical control of the mining project in accordance with Article 97 of this Law;

5) it performs the construction of mining facilities and mining works without adequate technical documentation and without the approval of the competent authority (Article 101, paragraph 1 and Article 104, paragraph 1);

6) it fails to report the performance of works under technical and simplified mining design from Article 105, paragraph 1 of this Law;

7) it fails to notify the mining inspector and the authority of the local government unit within a specified time on the start of mining exploitation works (Article 106);

8) it starts using the facilities, premises and installations prior to obtaining the use permit (Article 107, paragraph 1 and Article 108);

9) it fails to perform the technical control of the mining facility in accordance with Article 110 of this Law;

- 10) it fails to act in accordance with Article 112 of this Law;
- 11) it does not have the mining plans or fails to supplement them regularly (Article 113, paragraph 1);
- 12) it appoints by decision a person who does not meet the conditions from Articles 122 and 123 of this Law;
- 13) it fails to organize the activities concerning the occupational safety and health, protection against fire and rescue operations or fails to provide the necessary equipment, and does not organize the activities concerning the protection of water and environment in accordance with Articles 129, 130 and 131 of this Law;
- 14) it does not keep the book of mining supervision (Article 134, paragraph 1);
- 15) it fails to manage with mining waste without the approval of the competent authority (Article 144, paragraph 1);
- 16) it does not perform remediation and reclamation of abandoned mining facilities pursuant to Article 153, paragraph 1 of this Law;
- 17) it continues to perform the works after the decision on prohibition of their performance before elimination the established irregularities and deficiencies in accordance with Articles 172 and 173 of this Law.

A fine from 100,000 to 200,000 dinars shall be also imposed for economic offense from paragraph 1 of this Article to the responsible person in the company or another legal entity and entrepreneur.

3. Misdemeanors

Article 182

A fine from 500,000 to 2,000,000 dinars shall be imposed for misdemeanor to the company or another legal entity and entrepreneur if:

- 1) it fails to provide the expert supervision of other activities (Article 27, paragraph 1);
- 2) it fails to submit a copy of project study on engineering-geological-geotechnical conditions of construction the facility, the final and annual report on the results of geological explorations or the reports on works and the results of these works (Article 28, paragraphs 1 and 2 and Article 29, paragraph 1);
- 3) it fails to keep a copy of the final and annual report on the results of geological explorations in the prescribed manner (Article 29, paragraph 2);
- 4) it fails to timely report the commencement of prospecting works in accordance with Article 43 of this Law;
- 5) it fails to notify the geological inspector within the specified time period on removal the irregularities and deficiencies (Article 172, paragraph 2);

A fine from 100,000 to 20,000 dinars shall also be imposed for the misdemeanor from paragraph 1 of this Article to the responsible person in the company or another legal entity and entrepreneur.

When the geological inspector finds that misdemeanor from paragraph 1 of this Article has been committed, he/she shall impose in situ the fine of 5,000 dinars for the responsible person in the company or another legal entity and entrepreneur.

Article 183

A fine from 500,000 to 2,000,000 dinars shall be imposed for misdemeanor to a company or another legal entity and entrepreneur if:

- 1) it fails to adopt the annual operation plan within the prescribed term (Article 117, paragraph 1);
- 2) it fails to keep records of the events of danger occurring during performing the mining works, and about the causes and consequences thereof (Article 140, paragraph 1);
- 3) it fails to notify the competent authorities within the prescribed period on suspension of works or about the death or group accident (Article 149, paragraph 2 and Article 175);
- 4) it fails to notify the mining inspector within the specified period on removal the irregularities and deficiencies (Article 173, paragraph 2);
- 5) it fails to allow the mining inspector to enter into business and site premises or to inspect the designs and plans, reports and other documentation relating to the status of mining works, or otherwise interferes the supervision of the mining inspector (Article 174, paragraph 2).

A fine from 100,000 to 200,000 dinars for the misdemeanor from paragraph 1 of this Article shall also be imposed to the responsible person in the company or another legal entity and entrepreneur.

When the mining inspector finds that misdemeanor from paragraph 1 of this Article has been committed, he/she shall impose in situ the fine of 5,000 dinars to the responsible person in the company or another legal entity and entrepreneur.

Article 184

A fine from 5.000 to 30.000 dinars shall be imposed for misdemeanor to a natural person if he/she shall without approval wash the precious metals from river sediments or if he/she shall fail to deliver the washed quantities of precious metals to the National Bank of Serbia contrary to Article 75, paragraph 1 of this Law.

When the mining inspector finds that misdemeanor from paragraph 1 of this Article has been committed, he/she shall impose in situ the fine of 5.000 dinars to the natural person.

Article 185

In situ fine of 5,000 dinars shall be imposed on a natural person if he/she shall fail to implement the occupational safety and health measures for the purposes of Article 137 of this Law.

When the geological or mining inspector finds that misdemeanor from paragraph 1 of this Article has been committed, he/she shall impose in situ the fine of 5,000 dinars to the natural person.

Article 186

When the mining or geological inspector imposes in the site the fine from Articles 182, 183, 184 and 185 of this Law, he/she shall deliver right away the order for payment the mandatory fine, which shall have to be paid by the subject of supervision the period determined by a special regulation for the field of violations.

If the subject of supervision shall fail to submit to the inspector the proof of paid mandatory fine within the period from paragraph 1 of this Article, the inspector shall file a request for institution of misdemeanor procedure.

XIV TRANSITIONAL AND FINAL PROVISIONS

Article 187

Business entities and other legal entities, entrepreneurs and natural persons that performed the geological explorations and mining of mineral raw materials until the date of entry into force of this Law shall have to harmonize their activities compliant with the provisions of this Law within one year from the date of entry into force of this Law.

The approvals and consents issued on the basis of the Mining Law ("Official Gazette of RS", Nos. 44/95, 85/05 – State Law, 101/05 – State Law, 36/07 and 104/09), and the Law on Geological Explorations ("Official Gazette of RS", No.44/95 and 101/05 – State Law) and the Law on Mining and Geological Explorations ("Official Gazette of RS", No.88/11) until the date of entry into force of this Law, shall be valid until the expiry of the term they have been issued for.

The approval for performing the applied geological explorations of mineral resources in effect at the date of entry into force of this Law, regardless of whether they are extended on or not, they are initially issued permits and can be extended under the conditions and by the deadlines prescribed in the provisions of this Law.

Article 188

Persons who have passed the professional exam in which their expertise and professional skills were checked as necessary for the operations determined by this Law, which were taken according to the regulations applicable at that time, as well as the persons who were, based on those regulations, recognized the right to perform certain operations even without checking their professional skills and capabilities, shall also meet the requirements for the performance of those operations according to the provisions of this Law, on condition that they shall also meet other prescribed requirements.

Article 189

Procedures initiated by the date of becoming effective this Law, shall be finalized according to the regulations based on which they were initiated.

The Ministry, i.e. competent authority of autonomous province shall take over by the competent authority of the local government unit the files and archives for activities that the local authority performed as entrusted.

Article 190

Geological Institute of Serbia, established by the Law on Mining and Geological Explorations ("Official Gazette of RS", No. 88/11), by the date of entry into force of this Law shall continue to operate in accordance with the provisions of this Law.

Article 191

Regulations for the implementation of this Law shall be adopted within two years from the date of entry into force of this Law.

Article 192

Until the adoption of regulations under the authority of this Law, the regulations shall be applied on the basis of:

- 1) Law on Unified Method of Determining, Recording and Collecting Data on Reserves of Mineral

Resources and Underground Water and the Balance of these Reserves ("Official Gazette of SFRY", Nos. 53/77, 24/86 and 17/90 and "Official Gazette of FRY", No. 28/96);

2) Law on Mining ("Official Gazette of RS", Nos. 44/95, 85/05 – State Law, 101/05 – State Law, 34/06 and 104/09);

3) Law on Geological Explorations ("Official Gazette of RS", Nos. 44/95 and 101/05 - State Law);

4) Law on Mining and Geological Explorations ("Official Gazette of RS", No. 88/11).

Article 193

As of the date of entry into force of this Law shall cease to be valid:

1) Law on Mining and Geological Explorations ("Official Gazette of RS ", No. 88/11);

2) Regulations on Conditions and Manner of Transfer the Approvals for the Applied Geological Explorations and Approvals for Mining the Reserves of Mineral Raw Materials and Geothermal Resources ("Official Gazette of RS", No. 119/12).

Article 194

The provisions of Articles 54 - 57 of this Law shall be applied from the date of accession of the Republic of Serbia to the European Union.

Article 195

This law shall enter into force eight days after its publication in the "Official Gazette of the Republic of Serbia".