

This draft version of the revised text of the law on mineral resources includes: the Law on Mineral Resources ("Official Gazette of Republic of Macedonia" no. 136/2012), the Law Amending the Law on Mineral Resources ("Official Gazette of Republic of Macedonia" no. 25/2013), the Law Amending the Law on Mineral Resources (" Official Gazette of Republic of Macedonia "no. 93/2013), the Law Amending the Law on Mineral Resources (" Official Gazette of Republic of Macedonia "no. 44/2014) and the Law Amending the Law on Mineral Resources (" Official Gazette of Republic of Macedonia "no. 160/2014). Law Amending the Law on Mineral Resources (" Official Gazette of Republic of Macedonia "no. 129/2015), Law Amending the Law on Mineral Resources (" Official Gazette of Republic of Macedonia "no. 53/2016), Law on Mineral Resources (" Official Gazette of Republic of Macedonia "no. 120/2016).

This work is an unofficial version of the revised text of the law on mineral resources which drafted the Geological Institute of the Republic of Macedonia in order to facilitate the application of the law. For official use should be used laws amending the law on mineral resources reported in the corresponding editions of the Official Gazette.

# **Law on Minerals**

## **CONSOLIDATED TEXT**

### **PART I**

## **GENERAL PROVISIONS**

### **Article 1**

#### **Subject and aim of the Law**

This Law shall regulate:

- the conditions and the manner of conducting geological explorations, the promotion and development of geological explorations with the aim of providing their optimal utilization in accordance with the principles of sustainable development and environmental protection,
- the promotion and the development of exploitation of mineral resources, as well as strengthening the measures for safety, environmental protection and human health,
- the promotion and the development of mineral processing, as well as strengthening the measures for safety, environmental protection and human health,
- the supervision and the conditions for conducting geological explorations, mineral exploitation and processing, and
- the measures and the manner in which the harmful effects on the environment and human health caused by the management of waste that is created or is already created from the explorations, mineral exploitation and processing is prevented or reduced to the lowest possible extent.

## Article 2

### Subsidiary application

- (1) The Law on Concessions and Public Private Partnership, the Law on General Administrative Procedure, the Law on Safety and Health at Work, and the Law on Environment shall apply to the procedures laid down by this Law, unless otherwise regulated by this Law.
- (2) The Law on Inspection shall apply to the inspection procedures laid down by this Law, unless otherwise regulated by this Law.

## Article 3

### Definitions

The terms used in this Law shall have the following meaning:

1. **Minerals** are all organic and inorganic mineral substances found in a solid, liquid, or gas state;
2. **Mineral reserves** are determined quantities of a particular mineral substance at the deposit determined by the detailed report of conducted detailed geological explorations;
3. **Geological explorations** are a set of methods and techniques aimed at gathering information on the basis of which the geological structure of a particular area of the Earth is defined;
4. **Scientific geological explorations** are geological explorations that are carried out with the aim of reaching new scientific achievements in various areas of geology;
5. **Prospecting geological explorations** are geological explorations that are carried out with the aim of assessing the possible existence and detecting minerals on a larger area;
6. **Basic geological explorations** are geological explorations that are made with the aim of gathering basic data on the geological structure of the area of the Earth;
7. **Detailed geological explorations** are geological explorations that provide complete data about, and define in detail, the mineral reserves on a defined area of the Earth;
8. **Exploitation of mineral resources** is an activity for obtaining, that is, liberating the raw materials from their natural state including the preparatory, auxiliary and successive activities related to obtaining raw materials;
9. **Underground exploitation** is an activity for carrying out mining activities related to preparation, development, opening, excavation, transport, production, and ventilation of underground rooms by abiding by the safety and health at work measures and environmental protection measures;
10. **Surface exploitation** is an activity for carrying out mining activities related to preparation, opening, excavation, transport, depositing, drainage and recultivation of the

surface of the land by abiding by the safety and health at work measures and environmental protection measures;

11. **Mineral processing** is separation of the valuable from the non-valuable minerals or mineral types contained in the mineral (ore) in a form of a concentrate, granulated product (classified product) or technogenic solid form of a compound or element (salt, metal and alike), that is, representing a market product having a certain quality for further use;

12. **Recultivation** is a process of returning the land, degraded by geological explorations or mineral exploitation and processing, to useful condition;

13. **Plant** is a set of devices or installations connected in a functional whole which serves the same technical purpose;

14. **Mine** is a confined area on the land, on the surface or underneath, where mineral is excavated by the use of machines, equipment, mining infrastructure necessary for carrying out the mining activities, and dumps (dumping ground and hydro-tailings);

15. **Mining facility** is a facility on the surface or under the surface of the exploration, that is, exploitation area, intended for mineral exploration, exploitation and processing, and carrying out other mining activities;

16. **Mining infrastructure** are mining facilities needed for the mineral exploration and exploitation related activities (access roads, electrical installations and devices, facilities, buildings for people and equipment, and alike);

17. **Dumping ground** is a designated place within the mine where the overburden is transported and deposited;

18. **Hydro tailing** is a designated place within the mine intended for accumulation of suspended small tailing particles, industrial waste water, technogenic minerals in strictly determined and controlled conditions, which originate from the process of mineral exploitation and mineral processing;

19. **Groundwaters** are the waters that are located under the surface of the ground in the saturation zone and are in direct contact with the surface or the subsoil;

20. **Mineral waters** are waters with level of mineralization bigger than 0,5 grams per liter;

21. **Spring** is a natural flowing of groundwater (fresh or mineral) on the surface of the ground;

22. **Groundwater regime** is a process of changing the groundwater quality and quantity (flow, groundwater level, speed, temperature, viscosity, chemical, radiological, microbiological and gas composition) under the influence of natural and anthropogenic factors per time and area;

23. **Thermal and thermo-mineral waters** are groundwaters characterized by increased temperature and mineralization, which is bigger than 200C and mineralization;

24. **Exploration area** is part of the area of the land for geological explorations, defined by coordinates on the surface, with unlimited spreading in depth, limited by natural or artificial lines and unlimited in depth;

25. **Exploitation area** is part of the area where mineral deposit is determined, the area necessary for mineral exploitation and organization of mining activities, construction of mining facilities, and the area where the extractive waste is located and managed, and which, on the surface of the land, is limited by coordinates connected with each other by straight lines with unlimited spreading in depth;

26. **Environmental pollution** is emission of harmful materials in the air, water or soil that may be harmful to the quality of the environment, human life and health, or emission that may cause damage to the property or that disturbs or influences the biological and regional diversity and the other prescribed manners of use of the environment;

27. **Operator** is a concessionaire that exploits minerals for a period for which it has been awarded a concession and which manages the extractive waste;

28. **Responsible person** is a person responsible for the management and carrying out of the mining activities, as well as for the activities that are directly related to extractive waste;

29. **Substantial change** is a change in the structure of the waste facility or the operation of the waste facility that may have significant negative effects on human health or environment;

30. **Environmental impact assessment** is assessment of the possible impacts of particular projects and planned geological and mining activities on the environment in the area of mineral exploitation and processing;

31. **Waste** is any material or thing that the creator or holder disposes, intends to dispose or is required to dispose;

32. **Hazardous waste** is the waste containing substances that have one or several hazardous characteristics, such as: explosiveness, reactivity (oxidants), inflammability, irritability, toxicity, infectiveness, cancer-causing, mutagenicity, reproductive toxicity, ecotoxicity, and characteristics for emitting toxic gases in contact with water, air or acid, defined as such in accordance with this Law or another regulation, and listed and separately marked as hazardous waste in the list of waste types, including also any waste mixed with a hazardous waste;

33. **Inert waste** is the waste that is resistant and does not undergo any significant physical, chemical or biological transformation, is not dissolvable, does not burn away, and does not react in any physical or chemical manner, is not biodegradable, and the waste and its leachate do not affect any other material that they come into contact in the manner that may endanger the environment, the human life and health;

34. **Unpolluted soil** is soil that is removed from the upper layer of the ground during exploitation activities and that is not considered polluted under the regulations for soil protection;

35. **Treatment of minerals** is mechanical, physical, biological, thermal or chemical process or a combination of processes that are carried out on minerals, aimed at exploitation of minerals, including the processes of changing the size, classification, separation and smelting, as well as re-processing of previously disposed waste, but not including the smelting process and the thermal-production processes (that are not baking limestone) and the metallurgical processes;

36. **Extractive waste** is a solid waste or slurry mass that is left after the process of mineral processing (for example grinding, crushing, sorting according to size, flotation, and other physical and chemical technique) for removing the valuable out of valueless minerals or mineral types;

37. **Settling pond** is natural or artificial capacity for storage of small granular mining waste, usually floating extractive waste, along with different quantities of free water, that result from the mineral processing and the process of recycling used water;

38. **Weak acid dissociable cyanide** means cyanide and parts of the cyanide that are separated by weak acid of particular pH value;

39. **Leachate** means any fluid filtrated through the deposited extractive waste and released from the extractive waste facility or is contained therein, including polluted drainage, and that may have unfavorable impact on the environment if treated incorrectly;

40. **Extractive waste facility** is any area intended for accumulation or depositing of extractive waste, in a solid or liquid state, or in solution or combination of a liquid and solid state for the following time periods:

- no time period for a facility for mining extractive waste and for a facility for mining extractive waste characterized as hazardous in the management plan,
- a time period of more than six months for facilities for unexpectedly produced mine hazardous extractive waste,
- a time period of more than one year for facilities for mining extractive waste that is not hazardous nor inert, and
- a time period of more than three years for facilities for unpolluted soil, non-hazardous extractive waste resulting from exploration activities, extractive waste resulting from exploitation and processing and storage of peat and for inert extractive waste.

This type of facilities shall be considered the facilities that include hydro tailings or other structure serving to contain, retain, confine the extractive waste or in any other manner to support the facility, as well as to include, but not to restrict to, the dam and the settling pond, but not to include the voids where the extractive waste, after the mineral exploitation and processing, is transported for the purpose of rehabilitation and construction;

41. **Major dangers** are events occurring in the mine during the activities that include extractive waste management in whatever facility covered by this Law and which result in serious danger to the human health and/or environment, immediately or over time, at the very location or at another place;

42. **Dangerous substances** are substances or preparations containing one or several dangerous substances the properties of which pollute the environment and are harmful to human life and health by proven acute, chronic, toxic and other harmful effects and

- in relation to the prevention and control of breakdowns, a dangerous substance is a mixture

or a preparation, defined in accordance with the regulations for environmental protection, or fulfills the criteria or the properties determined in accordance with the regulations for environmental protection that is present in a form of a raw material, product, byproduct, residue or semi-finished products, including also the substances that, under reasonable assumption, are likely to be created in case of an accident;

43. **Best available techniques** are the most effective and the most advanced stages in the development of the activities and methods of operation which indicate the practical suitability of particular techniques for providing, in general, the basis for emission limit values intended to prevent and, where that is not practically possible, to reduce the emissions and the negative impact on the environment. Where:

- techniques means the technology used and the manner in which the facility is designed, maintained, operated and decommissioned,
- available techniques means the level of development of the techniques used in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, regardless of whether the techniques are used or are developed and/or produced in the Republic of Macedonia, as long as they are reasonably accessible to the concessionaire, and
- best mean the techniques that are the most effective in achieving a high general level of protection of the environment as a whole;

44. **Rehabilitation** is a process of purification of the land that has suffered consequences from the extractive waste facility in the manner in which the soil is returned in satisfactory state, especially in relation to the quality of the soil, wild life, natural habitats, fresh water systems, landscape, and the appropriate beneficial use;

45. **Public** is one or more legal entities or natural persons, citizens and their registered organizations and associations; and

46. **Public concerned** is the public which, in the moment or in the future, is affected by, or has an interest in the adoption of a decision on the environment being in special relation within a particular procedure. The public concerned includes also the citizen's associations established for environmental protection and promotion, as well as an individual for whom there is a high possibility to feel the consequences from the adoption of the decision.

## Article 4

### Mineral types

(1) The minerals shall be goods of general interest, ownership of the Republic of Macedonia, regardless of the ownership of the land where they are found.

(2) According to the type, the minerals may be:

- energy minerals: all types of fossil carbon, carbon in a solid, liquid and gas state, radioactive elements (uranium and thorium), all types of bituminous and oil shale and rocks, and other gases that are found in the land,
- metallic minerals: iron, manganese, nickel, chromium, lead, zinc, copper, wolfram, tin, platinum, molybdenum, antimony, thallium, arsenic, mercury, silver, gold, and other types of metals that may appear during the exploitation,
- technogenic minerals: minerals created in the process of energy and metallic mineral

processing, including the extractive waste created in the course of exploitation and processing of dimension stone,

- non-metallic minerals: limestone – calcite, limestone – dolomite, quartz, quartzite, quartz sand, diabase, feldspar, mica, disten, diatomaceous earth, talc, opal breccias, basalt, graphite, perlite, tuff, plaster, marl, sulfur, barite, magnesium carbonate, fluoride, asbestos, brick and ceramic clay, etc,
- dimension stone: marble, granite, gabbro, travertine, onyx, basalt, cianite, breccias, etc.,
- mineral, thermo-mineral, thermal waters and mineral waters and gas CO<sub>2</sub>, and
- sand and gravel that are not found in the beds and watersides of surface water bodies (watercourse, lakes and accumulations), and quartz aggregate.

(3) The following shall be of public interest:

- the conducting of detailed geological explorations and exploitation of energy metallic, technogenic minerals, and thermo-mineral and thermal waters and
- in case the exploitation of a mineral is of strategic importance and is necessary for the implementation of projects of public interest defined by another law.

(4) The minerals referred to in paragraph (3) line 2 of this Article shall be determined by the Government of the Republic of Macedonia.

#### **Article 5**

##### **Strategy for geological explorations, sustainable utilization and exploitation of minerals**

(1) For the purpose of achieving the aims and directions for harmonized conducting of geological explorations, exploitation and sustainable utilization of minerals, the Government of the Republic of Macedonia (hereinafter: the Government) on a proposal of the minister of economy shall adopt a strategy for geological explorations, sustainable utilization and exploitation of minerals (hereinafter: the strategy) for a period of 20 years.

(2) The strategy shall define the scope and the manner of realizing the basic geological explorations, the sustainable utilization and the needs for exploitation of minerals that are of high importance for the development of the economy of the Republic of Macedonia.

## **PART II**

# **GEOLOGICAL EXPLORATIONS**

#### **Article 6**

##### **Geological explorations**

(1) Geological exploration and prospecting shall be conducted for the purpose of familiarizing with the development, composition and structure of the Earth's crust, predicting, detecting and determining mineral deposits, and assessing the economic impact from their use, determining the geological, hydro-geological and geotechnical characteristics of the land for the purpose of constructing facilities, spatial planning, land development, and environmental protection and improvement.

(2) The geological explorations referred to in paragraph (1) of this Article shall cover the basic geological explorations, the scientific and prospecting geological explorations, and the detailed geological explorations.

(3) The data received from the geological explorations referred to in paragraph (2) of this Article shall be deemed geological data.

## **Article 7**

### **Scientific geological explorations**

(1) Scientific geological explorations may be conducted by natural persons active in the fields of geological sciences for the purpose of study development, as well as legal entities active in the field of geological sciences for the purpose of implementing scientific projects.

(2) The scientific geological explorations shall be conducted for a period of:

- two years, for natural persons and
- four years, for legal entities active in the field of geological sciences.

(3) The entities referred to in paragraph (1) of this Article shall submit a request for granting consent for conducting scientific geological explorations to the Institute of Geology of the Republic of Macedonia (hereinafter: the Institute of Geology).

(4) If the request referred to in paragraph (3) of this Article is submitted by a natural person, it shall attach the following to the request:

- certificate from a higher education institution that the requesting natural person has submitted a research thesis,
- thesis title approved for study development containing explanation,
- area planned for scientific geological explorations determined by coordinates at the geological map on a scale of 1:100.000 or 1:200.000, and
- duration of the exploration.

(5) If the request referred to in paragraph (3) of this Article is submitted by a legal entity active in the field of geological sciences, it shall attach the following to the request:

- one copy of the scientific project in original,
- explanation of the request and the topic,
- area planned for scientific geological explorations determined by coordinates at the geological map on a scale of 1:100.000 or 1:200.000, and
- duration of the exploration.

(6) The authorized official person of the Institute of Geology who conducts the procedure shall require *ex officio* the proof referred to in paragraph (4) line 1 of this Article within a period of three working days as of the day of submission of the request.

(7) The authorized official person of the competent public body shall be obliged to submit the required proof referred to in paragraph (4) line 1 of this Article within a period of three days as of the day of receipt of the request.

(8) The form and the contents of the request referred to in paragraph (3) of this Article shall be prescribed by the director of the Institute of Geology.



(9) If it is assessed that the requirements for issuance of consent referred to in paragraph (3) of this Article are met, the consent shall be issued within a period of 15 days as of the day of submission of the request.

(10) Upon completion of the scientific geological exploration referred to in paragraph (1) of this Article, the natural person that has conducted the explorations shall be obliged to submit one original copy of the scientific paper (master thesis, doctoral dissertation and alike) to the Institute of Geology within a period of one year.

(11) Upon completion of the scientific geological exploration referred to in paragraph (1) of this Article, the legal entity that has conducted the explorations shall be obliged to submit one original copy of the scientific paper or another type of document prepared based on the conducted scientific geological explorations to the Institute of Geology within a period of one year.

#### **Article 7-a**

##### **Prospecting geological explorations**

(1) The prospecting geological explorations shall be conducted for the purpose of determining the potential areas for conducting detailed geological explorations.

(2) The prospecting geological explorations may be conducted throughout the territory of the Republic of Macedonia, except on the areas for which a procedure upon an initiative for awarding concessions for detailed geological explorations is conducted, on areas already awarded under concessions for conducting detailed geological explorations, explored areas, and concessions for exploitation of minerals.

(3) The right to conduct prospecting geological explorations shall be gained by acquiring a concession for prospecting geological exploration which is awarded by the Government of the Republic of Macedonia (hereinafter: the concession grantor) based on a public call by an electronic auction under the conditions and in the manner determined by this Law and the Law on Concessions and Public Private Partnership.

(4) The concession for prospecting geological explorations may be granted to any legal entity, including foreign legal entities having a branch office registered in the Central Register of the Republic of Macedonia, which meet the requirements prescribed by this and another law.

(5) The area for which the concession for conducting prospecting geological explorations is awarded shall amount 5.000 km<sup>2</sup> at the most.

(6) The concession for prospecting geological explorations shall be awarded for a period of two years, without the possibility of its extension.

(7) The procedure for awarding a concession for prospecting geological explorations shall begin by submitting an initiative to the state administrative body responsible for the activities in the field of minerals.

(8) The right to submit an initiative for conducting prospecting geological explorations shall have any state administrative body, as well as any legal entity, including foreign legal entities having a branch office registered in the Central Register of the Republic of Macedonia.

(9) The following shall be attached to the initiative referred to in paragraph (8) of this Article:

- an explanation and basic data about the legal entity that submits the initiative,
- a time period for which award of concession is requested, and
- an area where the prospecting geological explorations would be conducted plotted with coordinates on a topographic map on a scale of 1:200.000.

(10) The state administrative body responsible for the activities in the field of minerals shall, within a period of eight days as of the day of receipt of the initiative referred to in paragraph (8) of this Article, by a decision, reject the initiative if the requesting entity does not attach the documentation referred to in paragraph (9) of this Article.

(11) Upon reviewing the initiative referred to in paragraph (9) of this Article, within a period of 15 days, the state administrative body responsible for the activities in the field of minerals shall submit to the concession grantor an elaborated proposal and decision for initiation of a procedure for awarding a concession for conducting prospecting geological exploration. [3](#)

(12) Upon reviewing the elaborated proposal referred to in paragraph (11) of this Article, the Government of the Republic of Macedonia shall adopt a decision on initiation of a procedure for awarding a concession for conducting prospecting geological explorations.

(13) Upon adoption of the decision referred to in paragraph (12) of this Article, the procedure for awarding a concession for prospecting explorations shall be conducted by means of a public call by an electronic auction in accordance with the Law on Concessions and Public Private Partnership.

(14) The public call referred to in paragraph (13) of this Article shall be published in the "Official Gazette of the Republic of Macedonia", in one daily newspaper published in the Macedonian language, in one daily newspaper published in the language spoken by at least 20% of the citizens who speak an official language other than the Macedonian language, as well as in the e-concession system of the Ministry of Economy.

(15) Any domestic or foreign legal entity shall have the right to register itself to the e-concession system of the Ministry of Economy. Upon registration, it shall receive a password to access the e-concession system of the Ministry of Economy. The tender documentation may be downloaded electronically upon registration in the system.

(16) The Commission shall make a complete evaluation of the capability of the bidders and the original bids submitted in the procedure for awarding a concession for prospecting geological explorations.

(17) The capability of the bidders referred to in paragraph (16) of this Article shall be, first of all, proved by the following documents:

- a document for a registered business activity,
- a statement from the bidder that it has not been imposed an effective judgement regarding participation in criminal organization, corruption, fraud or money laundering in the last five years,
- a certificate that a bankruptcy procedure is not initiated by a competent body,
- a certificate that a liquidation procedure is not initiated by a competent body,
- a certificate that it is not imposed an effective misdemeanor sanction prohibition on practicing profession, carrying out an activity or duty, that is, an injunction on carrying out a particular activity,
- a certificate of paid taxes and contributions,
- a certificate that it is not imposed an effective punishment for a criminal offense, and
- positive financial reports, at least for the last year. If the legal entity is registered for a period shorter than this one, the financial reports shall be submitted for the period covering the period from the registration.

(18) The documents referred to in paragraph (17) of this Article shall be explained in the tender documentation in detail.

(19) Based on the evaluation made, the Commission shall electronically inform all the bidders that have submitted acceptable offers to participate in the electronic auction as a final phase prior to awarding a concession for prospecting geological explorations.

(20) The starting price and the basis for bidding in the electronic auction shall be the highest offered concession fee by the bidders that have submitted acceptable offers in the conducted procedure for awarding a concession for prospecting geological explorations.

(21) The electronic auction shall be repeatable process of positive bidding conducted upon the first complete evaluation of the bids in which the bidders shall have the possibility, exclusively by using an electronic means, to revise the given prices, so the ranking shall be made automatically by electronic means.

(22) The Commission shall submit an invitation for participation in the electronic auction for awarding a concession for prospecting geological explorations to the bidders that have submitted complete bids for the public opening of the public call, and an electronic notification to the bidders that have not submitted a complete documentation that they are not to participate in the electronic auction.

(23) The electronic auction shall be held even if only one participant that meet the requirements given in the public call and the tender documentation has applied upon the notification and its bid shall be considered the highest bid at the electronic auction.

(24) The electronic auction shall begin by announcing the starting price and shall continue by bidding of the participants. There should be at least one bid for the conducting of the public bidding procedure to be considered successful. The public bidding cannot last shorter than 15 minutes.

(25) The amount of the minimum bid increment of the value of the concession for prospecting geological explorations shall amount 1 to 10% of the starting price.

(26) The electronic auction shall be considered finished at the moment of expiry of the time determined in the notification and if during the expiry of the last three minutes of the determined time for the public bidding, another offer is given by the participants, the final time for finishing the public auction shall be extended for additional three minutes, and shall finish after the expiry of the following three minutes without a new offer given.

(27) The electronic auction shall be extended unlimitedly as long as there is a new offer within the period of three minutes.

(28) The participant in the public bidding that has offered the last price which is the highest price for awarding a concession for prospecting geological explorations shall be considered the most favorable bidder.

(29) Upon finishing the public auction, the Commission shall prepare minutes of the conducted public bidding, which is an integral part of the written report of the evaluation together with a proposal for selection of the most favorable bid. The report shall be submitted to the concession grantor.

(30) The state administrative body responsible for the activities in the field of minerals shall manage and operate the electronic system for electronic auction for awarding a concession for prospecting geological explorations.

(31) Upon conducting the procedure referred to in paragraphs (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28) and (29) of this Article for selection of the most favorable bidder, the Government shall adopt a decision on awarding a concession for prospecting geological explorations.

(32) The decision referred to in paragraph (31) of this Article shall contain data on:

- the legal entity to which the concession for prospecting geological explorations is awarded,
- the aims and the manner of conducting the prospecting geological explorations of minerals,
- the area where the prospecting geological explorations are to be carried out,
- the period for which the concession is awarded,
- the deadline for payment of the offered amount in the procedure for concession award,
- the deadline for submission of the detailed report of the conducted prospecting geological explorations to the state administrative body responsible for the activities in the field of minerals, and
- other requirements set out by law.

(33) The decision on awarding a concession on prospecting geological explorations shall be published in the "Official Gazette of the Republic of Macedonia".

(34) The form and the contents of the initiative referred to in paragraph (8) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

## **Article 7-b**

### **Agreement on concession for prospecting geological explorations**

(1) Based on the decision on awarding a concession for prospecting geological explorations, the concession grantor and the concessionaire shall conclude an agreement on concession for prospecting geological explorations.

(2) The agreement on concession for prospecting geological explorations shall be concluded by the minister heading the state administrative body responsible for the activities in the field of minerals on behalf of the concession grantor within a period of 15 days as of the day of entry into force of the decision on awarding a concession.

(3) The agreement on concession for prospecting geological explorations of minerals shall contain provisions in accordance with the Decree on the Contents of the Agreement on Establishment of a Public Private Partnership and the Agreement on Concession for Goods of General Interest.

## **Article 7-c**

### **Obligations of the holder of the concession for prospecting geological explorations**

(1) The holder of the concession for prospecting geological explorations, during the prospecting geological explorations, shall be obliged:

- within a period of 120 days as of the conclusion of the agreement on concession for prospecting geological explorations, to submit a project for conducting the prospecting geological explorations previously reviewed by the Institute of Geology in accordance with Article 30-a paragraph (2) of this Law to the state administrative body responsible for the activities in the field of minerals,
- to carry out the activities in accordance with the project for conducting prospecting geological explorations, the standards and the technical rules regulating the carrying out of such activities,
- every three months, to the Institute of Geology and to the state administrative body responsible for the activities in the field of minerals, to submit a report about the conducted prospecting geological explorations with numerical data in accordance with the time schedule set out in the project for conducting prospecting geological explorations, for the purpose of integrating the data in the Geology Information System, and
- upon the expiry of the last day of the concession for prospecting geological explorations, to submit a revised detailed report from the conducted prospecting geological explorations showing, in full, the exploration methods applied, the locations of the samples taken, the analyses of the samples and alike to the state administrative body responsible for the activities in the field of minerals.

(2) During conducting the prospecting geological explorations, the holder of the concession shall be obliged to hold on the site:

- a project for conducting the prospecting geological explorations,
- a book for keeping records of the completed prospecting geological explorations, and
- a decision designating a responsible person for carrying out the works related to conducting of prospecting geological explorations.

(3) The form, the contents and the manner of keeping the book referred to in paragraph (2) line 2 of this Article shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of minerals.

#### **Article 7-d**

##### **Unilateral termination of the agreement on concession for prospecting geological explorations**

(1) The concession grantor shall unilaterally terminate the agreement on concession for prospecting geological explorations if the concessionaire:

- does not start to conduct the prospecting geological explorations within a period of 30 days as of the day of submission of the project for conducting prospecting geological explorations to the state administrative body responsible for the activities in the field of minerals,
- stops conducting the prospecting geological exploration for more than six months,
- does not submit the report referred to in Article 7-c paragraph (1) line 3 of this Law, and
- does not conduct the exploration activities planned by the project for conducting prospecting geological exploration.

(2) The Government of the Republic of Macedonia, on a proposal of the state administrative body responsible for the activities in the field of minerals, shall adopt a decision to unilaterally terminate the agreement on concession for prospecting geological explorations.

(3) The decision to unilaterally terminate the agreement on concession for prospecting geological explorations shall be published in the "Official Gazette of the Republic of Macedonia".

(4) Based on the decision referred to in paragraph (3) of this Article, the state administrative body responsible for the activities in the field of minerals shall inform the concessionaire about the unilateral termination of the agreement on concession within a period of 15 days.

#### **Article 7-e**

##### **Ownership of the results of the prospecting geological explorations**

(1) The results received from conducting the prospecting geological explorations given in the detailed report for the conducted prospecting geological explorations shall be the ownership of the concessionaire.

(2) The results from the completed prospecting geological explorations cannot be transferred in ownership of another person.

(3) The concessionaire, in accordance with Article 10 paragraph (6) of this Law, may submit a request for awarding a concession for detailed geological explorations on several locations in total area that does not exceed 2,5% of the total area of the awarded concession for prospecting geological explorations.

(4) The concessionaire may submit the request referred to in paragraph (3) of this Article upon completed expert assessment (review) of the detailed report on the completed prospecting geological explorations.

(5) Upon submission of the request referred to in paragraph (3) of this Article, the results received from conducting prospecting geological explorations on the rest of the area of 97,5% given in the detailed report about the completed prospecting geological explorations shall be transferred into the ownership of the Republic of Macedonia.

(6) If the holder of the results of the completed prospecting geological explorations given in the detailed report about the completed prospecting geological explorations, within a period of 30 days as of the day of expiry of the concession for prospecting geological explorations, does not submit a request for awarding a concession for conducting prospecting geological explorations, the results shall be transferred in the ownership of the Republic of Macedonia.

## **Chapter 1**

### **BASIC GEOLOGICAL EXPLORATIONS**

#### **Article 8**

##### **Purpose of the basic geological explorations**

- (1) The basic geological explorations shall be an activity of public interest.
- (2) The basic geological explorations shall provide basic geological data that are used for exploitation of mineral deposits, water supply, hydro-technical and infrastructure facilities, agriculture, as well as for spatial planning purposes.
- (3) The basic geological explorations shall be conducted by the Institute of Geology.

## **Chapter 2**

### **DETAILED GEOLOGICAL EXPLORATIONS**

#### **Article 9**

##### **Detailed geological explorations**

- (1) Detailed geological explorations shall be conducted in an area where existence of one and more minerals is determined for the purpose of getting data on the position, shape, creation, quality of the deposit, reserves, conditions and possibilities for their use, the area where particular investment facilities are to be built for the purpose of determining the geotechnical, hydro-geological and other features of the land, for the purpose of pre-categorizing mineral reserves, extending the concessions for conducting detailed geological explorations and mineral exploitation, as well as for the purpose of reinjecting the waters back into the ground.
- (2) Detailed geological explorations cannot be conducted in areas located in inhabited places, public roads, water resources management facilities, beds and watersides of surface water bodies (watercourses, lakes and accumulations), military facilities, cultural monuments, and protected areas of nature, as well as other areas where facilities of public interest are located.

(3) As an exception to paragraph (2) of this Article, detailed geological explorations of minerals may be conducted in the areas referred to in paragraph (2) of this Article upon a prior consent of the state administrative bodies responsible for the activities in the respective field.

(4) Detailed geological explorations shall not be conducted for the minerals referred to in Article 4 paragraph (2) line 7 of this Law only if the entity requesting concession for exploitation is the owner of the land where the minerals are found.

## **Article 10**

### **Concession for detailed geological explorations**

(1) The right to conduct detailed geological explorations shall be acquired by obtaining a concession for detailed geological explorations.

(2) The concession for detailed geological explorations of minerals shall be granted by the Government (hereinafter: concession grantor).

(3) Any legal entity, including also foreign legal entities having a branch office registered in the Central Register of the Republic of Macedonia, which fulfill the conditions prescribed by this and another law, shall have the right to be awarded a concession for detailed geological explorations.

(4) A legal entity, including also foreign legal entities having a branch office registered in the Central Register of the Republic of Macedonia, as well as a legal entity associated with that legal entity, cannot be awarded a concession for detailed geological explorations of minerals in a period of five years if it has been previously revoked the concession for detailed geological explorations or exploitation of minerals. Associated entities shall be deemed the legal entities that are in mutual close relations and exercise mutual control in the manner and under the conditions defined by the Law on Banks.

(5) The concession for detailed geological explorations shall be awarded on the basis of a public call by means of an electronic auction under the conditions and in the manner defined by this Law and the Law on Concessions and Public Private Partnership.

(6) Where the request for awarding a concession for detailed geological explorations is submitted by the owner of the results of the completed prospecting geological explorations, public enterprises, public institutions, trade companies established by the Republic of Macedonia, and companies where the state has an ownership-based direct or indirect influence, that is, if it owns the major part of the capital of the company, has the majority votes of the shareholders/partners and if it has appointed more than half of the members of the governing or supervisory board, that is, the governing bodies of the company, and the other legal entities exercising public powers in the part of exercising the public powers, the concession for detailed geological explorations shall be awarded on the basis of a request without conducting a procedure for awarding a concession by means of a public call.

(7) With regard to the minerals referred to in Article 4 paragraph (2) line 1 of this Law, the Government shall give a prior consent for the submitted initiative for detailed geological explorations.



## **Article 11**

### **Area for conducting detailed geological explorations**

(1) On the basis of the concession for detailed geological explorations, the concession grantor shall give to the concessionaire an area for conducting detailed geological explorations, defined by coordinates plotted on a topographic map on a scale of 1:25.000.

(2) The area where concession for detailed geological explorations is awarded shall depend on the type of the mineral, that is:

- 30 km for energy minerals,
- 30 km for metallic minerals,
- 30 km for technogenic minerals,
- 2 km<sup>2</sup> for non-metallic minerals,
- 5 km<sup>2</sup> for dimension stone, and
- 2 km for mineral, thermo-mineral, thermal waters and mineral waters and gas CO<sub>2</sub>.

(3) The concession referred to in paragraph (1) of this Article shall be awarded for a land owned by the Republic of Macedonia, as well as a land owned by other legal entities and natural persons.

(4) Before starting the detailed geological explorations of minerals referred to in Article 4 paragraph (2) lines 4 and 5 of this Law regarding the land located on the area where a concession for detailed geological explorations has been already awarded, a consent for carrying out the activities for detailed geological explorations shall be necessary to be obtained for the land owned by legal entities or natural persons.

(5) In case of a land owned by the Republic of Macedonia without established right of use, lease or usufruct, obtaining a consent for carrying out detailed geological explorations shall not be required.

(6) The concessionaire that conducts detailed geological explorations shall be obliged to compensate the present lessee, concessionaire or usufructuary of agricultural land or pasture, as well as the legal entity and the natural person who is the owner of the land.

(7) The consent referred to in paragraph (4) of this Article shall be confirmed by giving a written statement at a notary and it cannot be withdrawn prior to the expiry of the concession, that is, by submitting an agreement regulating the mutual relations between the natural person or the legal entity and the concessionaire.

(8) The consent referred to in paragraph (4) of this Article and the written statement, that is, the agreement referred to in paragraph (7) of this Article shall be submitted to the state administrative body responsible for the activities in the field of minerals, and before starting the detailed geological explorations.

(9) In case of non-submission of the consent referred to in paragraph (4) of this Article and the written statement, that is, the agreement referred to in paragraph (8) of this Article to the state administrative body responsible for the activities in the field of minerals before starting the detailed geological explorations, it shall be deemed that the detailed geological explorations have not started.

(10) Detailed geological explorations of technogenic minerals may be conducted on an area where a concession for exploitation is awarded only if the exploitation of minerals for which a concession is awarded is not disrupted.

## **Article 12**

### **Period of validity of the concession for detailed geological explorations**

The period for which the concession for detailed geological explorations is awarded shall depend on the type of the mineral and shall amount up to:

- six years for energy minerals;
- six years for metallic minerals;
- three years for technogenic minerals;
- two years for non-metallic minerals;
- two years for dimension stone, and
- two years for mineral, thermo-mineral, thermal waters and mineral waters and gas CO<sub>2</sub>.

## **Article 13**

### **Initiative for awarding a concession for detailed geological explorations**

(1) The procedure for awarding a concession for detailed geological explorations shall start by submitting an initiative to the state administrative body responsible for the activities in the field of minerals.

(2) The right to submit an initiative for conducting detailed geological explorations shall have any legal entity, including also foreign legal entities having a branch office registered in the Central Register of the Republic of Macedonia, and it shall be obliged to submit the following:

- an explanation and basic data about the entity that submits the initiative,
- a proposed period for awarding the concession,
- an area where the detailed geological explorations would be conducted plotted on a topographic map on a scale of 1:25.000 or 1:50.000 along with plotted coordinates, and
- a study for the assessment of the impact and the regime of mineral, thermo-mineral and thermal waters in case of an initiative for awarding a concession for detailed geological explorations of mineral, thermo-mineral, thermal waters and mineral waters and gas CO<sub>2</sub>.

(3) The state administrative body responsible for the activities in the field of minerals, within a period of eight days as of the day of receipt of the initiative referred to in paragraph (2) of this Article, shall by a decision reject the initiative if:

- the entity that submits the initiative does not attach the documentation referred to in paragraph (2) of this Article,
- a permit for detailed geological explorations or a concession for detailed geological explorations or exploitation of minerals has been already granted for the area for which the initiative for conducting detailed geological explorations is submitted, and
- the study of the assessment of the impact and the regime of mineral, thermo-mineral, thermal waters and mineral waters and gas CO<sub>2</sub> establishes that it affects the balance and the regime of the waters of already awarded detailed geological and exploitation concessions.

(4) The study for the assessment of the impact and the regime of mineral, thermo-mineral, thermal waters and mineral waters and gas CO<sub>2</sub> referred to in paragraph (2) line 5 of this

Article shall in particular contain data on the geological structure and the hydro-geological features and parameters of the water-bearing zones.

(5) The contents and the manner of preparing the study for the assessment of the impact and the regime of mineral, thermo-mineral, thermal waters and mineral waters and gas CO<sub>2</sub> referred to in paragraph (2) line 5 of this Article shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of minerals.

(6) An appeal against the decision referred to in paragraph (3) of this Article may be filed with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days.

(7) The right to submit an initiative for conducting detailed geological explorations shall also have any state administrative body regarding:

- locations determined in accordance with basic geological explorations,
- locations determined in accordance with prospecting geological explorations,
- locations for which the concession for detailed geological explorations or exploitation of minerals is revoked, and
- locations for which the procedure for awarding a concession for detailed geological explorations is annulled.

(8) The provisions of paragraphs (2) and (3) of this Article shall not apply to the cases referred to in paragraph (7) of this Article.

(9) The form and the contents of the initiative referred to in paragraph (1) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

#### **Article 14**

##### **Procedure for awarding a concession for conducting detailed geological explorations**

(1) If the state administrative body responsible for the activities in the field of minerals does not reject the initiative referred to in Article 13 of this Law, it shall be obliged, within a period of eight days, to inspect the location for which the initiative for conducting detailed geological explorations is submitted and to prepare minutes.

(2) An authorized representative of the entity that submits the initiative shall be present at the inspection and shall sign the minutes referred to in paragraph (1) of this Article.

(3) Upon the inspection completed, within a period of eight days, the state administrative body responsible for the activities in the field of minerals shall *ex officio* request an opinion from the state administrative bodies responsible for the activities in the field of environment and spatial planning, protection of cultural heritage, transport and communications, forestry and water resources management, agriculture, as well as other state administrative bodies responsible for the activities in the respective field.

(4) In addition to the state administrative bodies referred to in paragraph (3) of this Article, the state administrative body responsible for the activities in the field of minerals shall *ex*

*officio* request an opinion from the unit, that is, the units of the local self-government on the territory of which the initiative for conducting detailed geological explorations is submitted.

(5) The bodies referred to in paragraphs (3) and (4) of this Article shall be obliged to deliver their opinion within a period of 15 days as of the day of receipt of the request.

(6) If the state administrative bodies responsible for the activities in the field of environment and spatial planning, protection of cultural heritage, transport and communications, forestry and water resources management, agriculture, as well as the other state administrative bodies responsible for the activities in the respective field do not submit an opinion within the period determined in paragraph (5) of this Article, the state administrative body responsible for the activities in the field of minerals shall be obliged to notify the Government within a period of five days as of the day of expiry of the deadline determined in paragraph (5) of this Article.

(7) In the case referred to in paragraph (6) of this Article, the Government shall oblige the state administrative body responsible for the activities in the respective field to submit an opinion within a period of three days. (8) If the referred opinion is not submitted upon the expiry of the deadline referred to in paragraph (7) of this Article, it shall be deemed that a positive opinion in relation to the submitted request for giving an opinion is adopted.

## **Article 15**

### **Decision to start a procedure for awarding a concession for detailed geological explorations**

(1) Upon receipt of the opinions referred to in Article 14 of this Law, within a period of 15 days, the state administrative body responsible for the activities in the field of minerals shall submit an elaborated proposal and decision to start a procedure for awarding a concession for detailed geological explorations to the concession grantor.

(2) Upon reviewing the elaborated proposal referred to in paragraph (1) of this Article, the Government shall adopt a decision to start a procedure for awarding a concession for detailed geological explorations.

(3) The procedure for awarding a concession for detailed geological explorations shall be conducted by means of a public call and shall be conducted by a Commission for Conducting a Procedure for Awarding a Concession for Detailed Geological Explorations (hereinafter: the Commission) in accordance with the provisions of this Law and the Law on Concessions and Public Private Partnership.

(4) The public call referred to in paragraph (3) of this Article shall be published in the "Official Gazette of the Republic of Macedonia", in one daily newspaper published in the Macedonian language, in one daily newspaper published in the language spoken by at least 20% of the citizens who speak an official language other than the Macedonian language, as well as in the e-concession system of the Ministry of Economy.

(5) Any domestic or foreign legal entity shall have the right to register itself to the e-concession system of the Ministry of Economy. Upon registration, it shall receive a password to access the e-concession system of the Ministry of Economy. The tender documentation may be downloaded electronically upon registration in the system.

(6) The Commission shall make a complete evaluation of the capability of the bidders and the original bids submitted in the procedure for awarding a concession for detailed geological explorations.

(7) The capability of the bidders referred to in paragraph (6) of this Article shall be, first of all, proved by the following documents:

- a document for a registered business activity,
- a statement from the bidder that it has not been imposed an effective judgement regarding participation in criminal organization, corruption, fraud or money laundering in the last five years,
- a certificate that a bankruptcy procedure is not initiated by a competent body,
- a certificate that a liquidation procedure is not initiated by a competent body,
- a certificate that it is not imposed an effective misdemeanor sanction prohibition on practicing profession, carrying out an activity or duty, that is, an injunction on carrying out a particular activity,
- a certificate of paid taxes and contributions,
- a certificate that it is not imposed an effective punishment for a criminal offense, and
- positive financial reports, at least for the last year. If the legal entity is registered for a period shorter than this one, the financial reports shall be submitted for the period covering the period from the registration.

(8) The documents referred to in paragraph (7) of this Article shall be explained in the tender documentation in detail.

(9) Based on the evaluation made, the Commission shall electronically inform all the bidders that have submitted acceptable offers to participate in the electronic auction as a final phase prior to awarding a concession for detailed geological explorations.

(10) The starting price and the basis for bidding in the electronic auction shall be the highest offered concession fee by the bidders that have submitted acceptable offers in the conducted procedure for awarding a concession for detailed geological explorations.

(11) The electronic auction shall be repeatable process of positive bidding conducted upon the first complete evaluation of the bids in which the bidders shall have the possibility, exclusively by using an electronic means, to revise the given prices, so the ranking shall be made automatically by electronic means.

(12) The Commission shall submit an invitation for participation in the electronic auction for awarding a concession for detailed geological explorations to the bidders that have submitted complete bids for the public opening of the public call, and an electronic notification to the bidders that have not submitted a complete documentation that they are not to participate in the electronic auction.

(13) The electronic auction shall be held even if only one participant that meet the requirements given in the public call and the tender documentation has applied upon the notification and its bid shall be considered the highest bid at the electronic auction.

(14) The electronic auction shall begin by announcing the starting price and shall continue by bidding of the participants. There should be at least one bid for the conducting of the public

bidding procedure to be considered successful. The public bidding cannot last shorter than 15 minutes.

(15) The amount of the minimum bid increment of the value of the concession for detailed geological explorations shall amount 1 to 10% of the starting price.

(16) The electronic auction shall be considered finished at the moment of expiry of the time determined in the notification and if during the expiry of the last three minutes of the determined time for the public bidding, another offer is given by the participants, the final time for finishing the public auction shall be extended for additional three minutes, and shall finish after the expiry of the following three minutes without a new offer given.

(17) The electronic auction shall be extended unlimitedly as long as there is a new offer within the period of three minutes.

(18) The participant in the public bidding that has offered the last price which is the highest price for awarding a concession for detailed geological explorations shall be considered the most favorable bidder.

(19) Upon finishing the public auction, the Commission shall prepare minutes of the conducted public bidding, which is an integral part of the written report of the evaluation together with a proposal for selection of the most favorable bid. The report shall be submitted to the concession grantor.

(20) The state administrative body responsible for the activities in the field of minerals shall manage and operate the electronic system for electronic auction for awarding a concession for detailed geological explorations.

(21) In case of negative opinion received by the entities referred to in Article 14 paragraphs (3) and (4) of this Law, the concession grantor may adopt a decision to reject the initiative for starting a procedure for conducting detailed geological explorations or a decision to start a procedure for awarding a concession for detailed geological explorations.

(22) The state administrative body responsible for the activities in the field of minerals shall inform the entity that submits the initiative about the decision referred to in paragraph (4) of this Article within a period of 15 days.

(23) An administrative dispute may be initiated against the decision to reject the initiative for conducting detailed geological explorations referred to in paragraph (4) of this Article.

## **Article 16**

### **Content of the decision to award a concession for detailed geological explorations**

(1) The decision to award a concession for detailed geological explorations shall contain data on:

- the legal entity to which the concession for conducting detailed geological explorations is granted,
- the minerals that are subject of the detailed geological exploration,
- the purposes and the manner of conducting detailed geological explorations of minerals,

- the area for conducting detailed geological explorations,
- the deadline for submitting a report or a detailed report of the completed detailed geological explorations to the state administrative body responsible for the activities in the field of minerals, and
- other conditions defined by law.

(2) The decision to award a concession shall be published in the “Official Gazette of the Republic of Macedonia”.

## **Article 17**

### **Agreement on concession for detailed geological explorations**

(1) On the basis of the decision to award a concession for detailed geological explorations of minerals, the concession grantor and the concessionaire shall conclude an agreement on concession for detailed geological explorations.

(2) The agreement on concession for detailed geological explorations, on behalf of the concession grantor, shall be concluded by the minister heading the state administrative body responsible for the activities in the field of minerals within a period of 15 days as of the day of entry into force of the decision to award a concession.

(3) The agreement on concession for detailed geological explorations of minerals shall contain provisions defined in accordance with the regulation of the contents of the agreement on establishment of a public private partnership and the agreement on concession of goods of public interest.

## **Article 17-a**

### **Procedure for awarding a concession for conducting detailed geological explorations upon expiry of the validity period of the agreement on concession**

(1) If a concession for conducting detailed geological explorations is awarded for a period shorter than the period set out in Article 12 of this Law and for which the holder of the concession, within a period of 120 days upon the expiry of the concession for detailed geological explorations, submits a report to the state administrative body responsible for the activities in the field of minerals confirming that the detailed geological explorations are not completely finished, the holder of the concession for conducting detailed geological explorations may submit a request for awarding a concession for conducting detailed geological explorations on the same area and for the same type of minerals for which the report is submitted.

(2) The request referred to in paragraph (1) of this Article shall be submitted to the state administrative body responsible for the activities in the field of minerals within a period not longer than one year as of the day of expiry of the concession for conducting detailed geological explorations.

(3) The following shall be attached to the request referred to in paragraph (1) of this Article:

- a topographic map on a scale of 1:25.000 or 1:50.000 along with plotted coordinates of the bordering points of the location for which conducting of detailed geological explorations is

requested and

- a report confirming that the detailed geological explorations are not completely finished.

(4) The state administrative body responsible for the activities in the field of minerals shall, within a period of eight days as of the day of receipt of the request referred to in paragraph (1) of this Article, by a decision, reject the request if:

- the requesting entity does not submit the documentation referred to in paragraph (3) of this Article and
- a permit for detailed geological explorations or a concession for detailed geological explorations or exploitation of minerals has been already awarded for the area for which the request for awarding a concession for detailed geological explorations is submitted.

(5) An appeal against the decision referred to in paragraph (4) of this Article may be filed with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days.

(6) Upon the submission of the request referred to in paragraph (1) of this Article, the state administrative body responsible for the activities in the field of minerals, within a period of 30 days as of the day of the submitted request, shall make inspection on the spot and shall prepare minutes of the inspection made.

(7) The state administrative body responsible for the activities in the field of minerals shall submit an elaborated proposal and a decision on awarding a concession for detailed geological explorations to the concession grantor within a period of 30 days as of the day of the inspection on the spot is made.

(8) The Government shall adopt a decision on awarding a concession for detailed geological explorations upon reviewing the elaborated proposal referred to in paragraph (7) of this Article.

(9) Based on the decision referred to in paragraph (8) of this Article, the concession grantor and the concessionaire shall conclude an agreement on concession for detailed geological explorations.

(10) The concession for detailed geological explorations referred to in paragraph (8) of this Article shall be awarded for the remaining period of the final period set out in Article 12 of this Law as from the day of signing the agreement referred to in paragraph (9) of this Article.

(11) The form and the contents of the request referred to in paragraph (1) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(12) The concession grantor which has concluded the agreement referred to in paragraph (9) of this Article shall be obliged to pay an annual fee in accordance with Article 75 of this Law for the remaining period of the end period set out in Article 12 of this Law.



## **Article 18**

### **Obligations of the holder of concession for conducting detailed geological explorations**

(1) The concessionaire, within a period of 15 days prior to the start of detailed geological explorations, and within a period of one year as of the day of conclusion of the agreement on concession at the latest, must submit a revised project for detailed geological explorations to the state administrative body responsible for the activities in the field of minerals.

(2) The holder of concession for conducting detailed geological explorations in the course of conducting the detailed geological explorations shall be obliged:

- to carry out the activities in accordance with the project for conducting detailed geological explorations, the standards and the technical rules regulating the carrying out of such activities,
- to implement the measures for safety at work in accordance with this and another law,
- to take the measures for safety of citizens, their property, traffic and neighboring facilities on time,
- at its own expense, to implement measures for environmental protection,
- to recultivate the land where detailed geological explorations have been conducted,
- at least once a year, to submit a report of the conducted detailed geological explorations in accordance with the time schedule defined in the agreement on concession for conducting detailed geological explorations to the state administrative body responsible for the activities in the field of minerals,
- within a period of 120 days upon the expiry of the concession for detailed geological explorations, to submit a detailed report of the conducted detailed geological explorations to the state administrative body responsible for the activities in the field of minerals, and
- to compensate the possible damages caused as a result of conducting detailed geological explorations to the owners, that is, the users of agricultural land.

(3) The holder of concession shall be obliged to have the following at the site for detailed geological explorations:

- a project for conducting detailed geological explorations,
- a book for keeping records of the completed exploration activities related to the detailed geological explorations,
- a study of the design of the facilities regarding the measures for safety at work, and
- a decision to designate a responsible person who holds a license for carrying out the works related to conducting of detailed geological explorations.

(4) The form, the contents and the manner of keeping the book referred to in paragraph (3) line 2 of this Article shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of minerals.

## **Article 19**

### **Extension of a concession for conducting detailed geological explorations**

(1) For the purpose of completing the exploration of minerals that are subject of the concession for conducting detailed geological explorations on a particular area which borders the area where concession for detailed geological explorations is awarded and serves for rational exploration of minerals, the concession for conducting detailed geological explorations may be extended.

- (2) The Government shall adopt a decision to extend the concession for detailed geological explorations.
- (3) The concessionaire may submit a request for extension of the concession for conducting detailed geological explorations after three months as of the day of starting the detailed geological explorations the earliest.
- (4) The area for which extension is requested cannot be larger than one third of the area of the existing concession for conducting detailed geological explorations.
- (5) The period for which the concession is extended cannot be longer than the period for which the concession for conducting detailed geological explorations is awarded.
- (6) The concessionaire shall attach the following to the request for extension of the concession for conducting detailed geological explorations:
- a report of the previously conducted detailed geological explorations and
  - an explanation for the need to extend the concession along with a topographic map on a scale of 1:25.000 where the area, on which the detailed geological explorations are to be conducted if the concession is extended, and the coordinates are plotted.
- (7) The state administrative body responsible for the activities in the field of minerals shall by a decision reject the request within a period of eight days as of the day of receipt of the request referred to in paragraph (6) of this Article if:
- the requesting entity does not attach the documentation referred to in paragraph (6) of this Article and
  - a permit for detailed geological explorations or a concession for detailed geological explorations or exploitation of minerals has been already awarded for the area for which the request for extension of the concession is submitted.
- (8) An appeal against the decision referred to in paragraph (7) of this Article may be filed with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days.
- (9) If the state administrative body responsible for the activities in the field of minerals does not reject the request for extension of concession, it shall be obliged, within a period of eight days, to inspect the location for which an initiative for conducting detailed geological explorations has been submitted and to prepare minutes.
- (10) An authorized representative of the entity that submits the request for extension of the concession shall be present at the inspection and shall sign the minutes referred to in paragraph (9) of this Article.
- (11) Upon the inspection completed, the state administrative body responsible for the activities in the field of minerals, within a period of 15 days, shall *ex officio* request an opinion from the state administrative bodies responsible for the activities in the field of environment and spatial planning, protection of cultural heritage, transport and communications, agriculture, forestry and water resources management, as well as from the other state administrative bodies responsible for the activities in the respective field.

(12) In addition to the state administrative bodies referred to in paragraph (11) of this Article, the state administrative body responsible for the activities in the field of minerals, within a period of 15 days, shall *ex officio* request an opinion from the unit, that is, the units of the local self-government on the territory of which the initiative for conducting detailed geological explorations is submitted.

(13) The bodies referred to in paragraphs (11) and (12) of this Article shall be obliged to deliver their opinion within a period of 15 days as of the day of receipt of the request or it shall be deemed that a positive opinion is given for the respective request for extension of concession.

(14) The form and the contents of the request referred to in paragraph (3) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

## **Article 20**

### **Decision to extend the concession for conducting detailed geological explorations**

(1) Upon the receipt of the opinions of the bodies referred to in Article 19 of this Law, the state administrative body responsible for the activities in the field of minerals shall submit an elaborated proposal for extension of the concession for detailed geological explorations to the Government within a period of 15 days.

(2) Upon reviewing the elaborated proposal referred to in paragraph (1) of this Article, the Government shall adopt a decision to extend the concession for conducting detailed geological explorations.

(3) The decision to extend the concession shall be published in the “Official Gazette of the Republic of Macedonia”.

(4) Upon publication of the decision referred to in paragraph (3) of this Article, the concession grantor and the concessionaire shall conclude an annex to the existing agreement on concession for detailed geological explorations within a period of 15 days as of the day of entry into force of the decision to extend the concession.

(5) The annex to the agreement referred to in paragraph (4) of this Article, on behalf of the concession grantor, shall be concluded by the minister heading the state administrative body responsible for the activities in the field of minerals.

(6) The annex to the agreement on concession shall in particular contain provisions for the concession area, as well as other conditions determined by the decision to extend the concession.

(7) The annex to the agreement or certain provisions therein that are contrary to this or another law shall be null and void and shall not produce any legal effect.

(8) In case of negative opinion received by the entities referred to in Article 19 of this Law, the Government may adopt a decision to reject the request for extension of the concession for detailed geological explorations or a decision to extend the concession.

(9) The state administrative body responsible for the activities in the field of minerals shall inform the entity that submits the initiative about the decisions referred to in paragraph (2) of this Article within a period of 15 days.

(10) The entity that submits the initiative may initiate an administrative dispute against the decision referred to in paragraph (8) of this Article.

## **Article 21**

### **Obligations of the holder of concession for conducting detailed geological explorations in case of extension of the concession**

(1) The concessionaire, for the purpose of extending the concession, within a period of eight days prior to the start of the detailed geological explorations and within a period of 90 days as of the day of conclusion of the annex to the agreement on extension of the concession at the latest, shall be obliged to submit a project for detailed geological explorations for the area on which the concession for conducting detailed geological explorations is extended to the state administrative body responsible for the activities in the field of minerals.

(2) In the course of conducting the detailed geological explorations for the purpose of extending the concession, the concessionaire shall be obliged to fulfill the conditions applicable as obligations of the holder of concession determined in Article 18 of this Law.

## **Article 22**

### **Unilateral termination of the agreement on concession for conducting detailed geological explorations**

(1) If the concessionaire in the course of conducting the detailed geological explorations:

- does not submit a consent for the land in the manner and under the conditions set out in Article 11 of this Law,
- does not start to conduct the detailed geological explorations within a period of one year as of the day of conclusion of the agreement on concession,
- stops conducting the detailed geological exploration for more than one year,
- does not act upon a decision of the state inspector for technical inspection related to its noncompliance with the provisions of Article 18 paragraph (2) lines 1, 2, 3 and 4 of this Law,
- starts to conduct detailed geological explorations before it delivers a project for detailed geological explorations,
- by the exploration works, excavates bigger quantities of minerals than the ones planned by the project for conducting detailed geological explorations,
- does not act upon the measures imposed in the supervision procedure in accordance with the law, and
- does not pay the concession fee,

the Government, on a proposal of the state administrative body responsible for the activities in the field of minerals, shall adopt a decision to unilaterally terminate the agreement on concession for detailed geological explorations.

(2) The decision to unilaterally terminate the agreement on concession for detailed geological explorations shall be published in the “Official Gazette of the Republic of Macedonia”.

(3) Based on the decision referred to in paragraph (1) of this Article, the state administrative body responsible for the activities in the field of minerals shall inform the concessionaire about the unilateral termination of the agreement on concession within a period of 15 days.

(4) The dissatisfied party may initiate an administrative dispute against the decision referred to in paragraph (1) of this Article.

(5) The initiation of the administrative dispute referred to in paragraph (4) of this Article shall not postpone the enforcement of the decision.

## **Article 23**

### **Termination of validity of the concession for conducting detailed geological explorations**

(1) The validity of the concession for conducting detailed geological explorations shall terminate in the cases of:

- expiry of the validity period for which the concession has been awarded,
- premature completion of the detailed geological explorations,
- bankruptcy or liquidation of the concessionaire, and
- unilateral cancellation of the agreement on concession.

(2) In the cases of termination of concession validity referred to in paragraph (1) of this Article, all permits, decisions and approvals directly related to the concession shall cease to be valid.

(3) In the cases of termination of validity of the concession for detailed geological explorations, the Government shall adopt a decision to terminate the validity of the concession for detailed geological explorations.

(4) The dissatisfied party may initiate an administrative dispute against the decision referred to in paragraph (3) of this Article.

## **Article 24**

### **Ownership of the results of the detailed geological explorations**

(1) The results received from conducting detailed geological explorations given in the detailed report along with the conducted expert assessment (review) shall be the ownership of the holder of the concession, that is, the permit for detailed geological explorations.

(2) The holder of concession referred to in paragraph (1) of this Article may transfer the ownership of the results of the conducted detailed geological explorations presented in the detailed report along with the conducted expert assessment (review) to another entity within a period of 120 days as of the day of expiry of the period for which the concession for detailed geological explorations is awarded for which purpose they shall conclude an agreement which must be notary verified.

(3) The entity that has transferred the results of the conducted detailed geological explorations presented in the detailed report along with the conducted expert assessment (review) shall inform the state administrative body responsible for the activities in the field of

minerals about the completed transfer referred to in paragraph (2) of this Article within a period of 15 days as of the day of conclusion of the agreement on transfer.

(4) The results of the conducted detailed geological explorations presented in the detailed report along with the completed expert assessment (review) may be transferred only once and only to one entity within the period referred to in paragraph (2) of this Article.

(5) If the owner of the results received by conducting detailed geological explorations given in the detailed report along with the conducted expert assessment (review) does not submit a request for awarding a concession for exploitation within a period of 120 days as of the day of expiry of the period for which the concession for detailed geological explorations is awarded, or as of the day of submission of the detailed report of the conducted detailed geological explorations along with the expert assessment (review) in case of premature completion of the detailed geological explorations, the results received by conducting detailed geological explorations given in the detailed report along with the conducted expert assessment (review) shall be transferred into ownership of the Republic of Macedonia.

(6) In the cases of revocation of the concession for exploitation of minerals, the results received from conducting detailed geological explorations given in the detailed report along with the completed expert assessment (review) shall be transferred into ownership of the Republic of Macedonia.

## **Chapter 3**

# **PERMIT FOR DETAILED GEOLOGICAL EXPLORATIONS**

### **Article 25**

#### **Permit for detailed geological explorations**

(1) For the purpose of completing the explorations of minerals for the needs of extending the concession for exploitation on a defined area which borders an area where a concession for exploitation of minerals is awarded and serves for rational and sustainable exploitation of minerals, a permit for detailed geological explorations shall be issued.

(2) The permit referred to in paragraph (1) of this Article shall be issued for a period of:

- four years for energy minerals,
- four years for metallic minerals,
- two years for technogenic minerals,
- two years for non-metallic minerals,
- two years for dimension stone, and
- two years for mineral, thermomineral, thermal waters and mineral waters and gas CO<sub>2</sub>.

(3) The permit for conducting detailed geological explorations referred to in paragraph (1) of this Article shall be issued by the state administrative body responsible for the activities in the field of minerals.

(4) The permit referred to in paragraph (1) of this Article shall be issued for the same type of minerals for which the concession for exploitation is awarded.

(5) The area for which the permit referred to in paragraph (1) of this Article is issued cannot be larger than one third of the area of the existing concession for exploitation of minerals, except in the case of exploitation of minerals referred to in Article 4 paragraph (2) lines 1 and 2 of this Law where the area for completion of the explorations cannot be larger than the area of the existing concession.

(6) The permit referred to in paragraph (1) of this Article may be issued several times, taking into consideration the area on which the existing concession for exploitation is awarded, until the size of the area referred to in Article 38 paragraph (2) of this Law is reached.

(7) The permit referred to in paragraph (1) of this Article shall be issued only to entities that already hold a concession for exploitation and to whom the permit for exploitation of minerals is issued.

(8) The completion of the mineral exploration shall not be made for sand and gravel that are not found in the beds and watersides of surface water bodies (watercourses, lakes and accumulations) and quartz aggregate.

## **Article 26**

### **Procedure for issuance of a permit for conducting detailed geological explorations**

(1) The request for issuance of a permit for conducting detailed geological explorations shall be submitted to the state administrative body responsible for the activities in the field of minerals.

(2) The following shall be attached to the request for granting a permit for conducting detailed geological explorations:

- a study for the justifiability of the request for issuance of a permit for detailed geological explorations,
- a study for the assessment of the impact and the regime of mineral, thermo-mineral and thermal waters in case of a request for issuance of a permit for detailed geological explorations of mineral, thermo-mineral, thermal waters and mineral waters and gas CO<sub>2</sub>;
- a topographic map on a scale of 1:25.000 or 1:50.000 along with plotted coordinates of the bordering points of the location for which conducting of detailed geological explorations is requested,
- a detailed report of the conducted detailed geological explorations regarding the situation with the mineral reserves along with the completed expert assessment (review) of the area on which the existing concession for exploitation is awarded, and

(3) The state administrative body responsible for the activities in the field of minerals shall, within a period of eight days as of the day of receipt of the request referred to in paragraph (1) of this Article, by a decision, reject the request if:

- the requesting entity does not submit the documentation referred to in paragraph (2) of this Article and
- a permit for detailed geological explorations or a concession for detailed geological

explorations or exploitation of minerals has been already issued for the area for which the request for issuance of a permit for detailed geological explorations is submitted.

(4) An appeal against the decision referred to in paragraph (3) of this Article may be filed with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days.

(5) If the state administrative body responsible for the activities in the field of minerals does not reject the request for issuance of a permit for conducting detailed geological explorations, within a period of eight days, it shall be obliged to inspect the location for which the request for issuance of a permit for conducting detailed geological explorations is submitted and to prepare minutes.

(6) An authorized representative of the entity that submits the request for issuance of a permit for conducting detailed geological explorations extension of the concession shall be present at the inspection, and shall also sign the minutes referred to in paragraph (5) of this Law.

(7) Upon the inspection completed, within a period of 15 days, the state administrative body responsible for the activities in the field of minerals shall *ex officio* request an opinion from the state administrative bodies responsible for the activities in the field of environment and spatial planning, protection of cultural heritage, transport and communication, forestry and water resources management, agriculture, as well as from the other state administrative bodies responsible for the issues in the respective field.

(8) In addition to the state administrative bodies referred to in paragraph (7) of this Article, the state administrative body responsible for the activities in the field of minerals, within a period of 15 days, shall *ex officio* request an opinion from the unit, that is, the units of the local self-government on the territory of which the request for issuance of a permit for conducting detailed geological explorations is issued.

(9) The bodies referred to in paragraphs (7) and (8) of this Article shall be obliged to deliver their opinion within a period of 15 days as of the day of receipt of the request, or it shall be considered that a positive opinion upon the respective request for extension of the concession is given.

(10) The state administrative body responsible for the activities in the field of minerals shall be obliged to issue the permit for conducting detailed geological explorations within a period of 15 days as of the day of expiry of the period within which the bodies referred to in paragraphs (7) and (8) of this Article are obliged to give the respective opinion.

(11) If the state administrative bodies and the unit, that is, the units of the local self-government on the territory of which the request for issuance of a permit for conducting detailed geological explorations has been submitted give a negative opinion on the request for issuance of a permit for conducting detailed geological explorations, the state administrative body responsible for the activities in the field of minerals shall adopt a decision to reject the request for issuance of a permit for conducting detailed geological explorations within a period of 15 days.



(12) An appeal against the decision referred to in paragraph (11) of this Article may be filed with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days.

(13) The form and the contents of the request referred to in paragraph (1) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

## **Article 27**

### **Contents of the permit for conducting detailed geological explorations**

The permit for conducting detailed geological explorations shall contain data on:

- the legal entity to which the permit for conducting detailed geological explorations is granted,
- the minerals that are subject of the detailed geological exploration,
- the aims and the manner of conducting detailed geological explorations of minerals,
- the type and the volume of exploration works that should be carried out,
- the area for conducting detailed geological explorations with defined coordinates,
- the period for which the permit is granted,
- the deadline for starting the exploration works,
- the deadline for notification in case of discovering a new type of minerals, except the ones that are not covered by the project for conducting detailed geological explorations,
- the deadline for submission of a report of the conducted detailed geological explorations to the state administrative body responsible for carrying out the activities in the field of minerals,
- the fee for conducting detailed geological explorations,
- the obligation and the manner of developing the exploration site during and after the completion of the detailed geological explorations of minerals,
- the conditions for extension and termination of the permit for conducting detailed geological explorations, and
- other data.

## **Article 28**

### **Obligations of the holder of the permit for conducting detailed geological explorations**

(1) The holder of the permit for conducting detailed geological explorations in the course of conducting the detailed geological explorations shall be obliged:

- to provide a consent for the land in the manner and under the conditions set out in Article 11 of this Law,
- to perform the works in accordance with the project for conducting detailed geological explorations, the standards and the technical rules regulating the performance of such works,
- within a period of 15 days prior to the commencement of the detailed geological explorations and within a period of 90 days as of the day of issuance of the permit for detailed geological explorations at the latest, to submit a project for conducting detailed geological explorations to the state administrative body responsible for the activities in the field of minerals,
- to implement the measures for safety at work in accordance with this or another law,
- to take measures for safety of the citizens, their property, the traffic and the neighboring facilities on time,

- at its own expense, to implement measures for environmental protection and land recultivation,
- at least once a year, to submit a report of the conducted detailed geological explorations in accordance with the time schedule defined in the permit for conducting detailed geological explorations to the state administrative body responsible for carrying out the activities in the field of minerals, and
- within a period of 120 days as of the day of completion of the detailed geological explorations, to submit a detailed report of the conducted detailed geological explorations along with an expert assessment (review) to the state administrative body responsible for the activities in the field of minerals.

(2) The holder of the permit shall be obliged to have the following on the site for conducting detailed geological explorations:

- a permit for conducting detailed geological explorations,
- a project for conducting detailed geological explorations,
- a book where the completed exploration works for detailed geological explorations are recorded, and
- a decision to designate an authorized person who holds a license for carrying out the works in the course of conducting detailed geological explorations.

## **Article 29**

### **Revocation of a permit for conducting detailed geological explorations**

(1) The state administrative body responsible for carrying out the activities in the field of minerals shall, by a decision, revoke the permit for conducting detailed geological explorations, except in the case of *force majeure*, if:

- the holder of the permit for conducting detailed geological explorations does not comply with the provisions referred to in Article 28 paragraph (1) of this Law,
- the holder of the permit for conducting detailed geological explorations does not start to conduct the detailed geological explorations within a period of 90 days as of the day of granting the permit,
- the conduct of detailed geological exploration is interrupted for a period longer than six months,
- the holder of the permit for conducting detailed geological explorations does not act upon the decision of the state inspector of technical inspection in the cases of the holder's noncompliance with the provisions of Article 28 paragraph (1) of this Law, and
- by the exploration works, it excavates larger quantities of minerals than the ones foreseen by the permit for conducting detailed geological explorations.

(2) An appeal against the decision referred to in paragraph (1) of this Article may be filed to the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days.

## **Article 29-a**

(1) The concession for exploitation may be extended for the purpose of:

- increasing the mineral reserves and extending the period of exploitation and
- increasing the infrastructural capacities that are in function of rational exploitation (access

roads, electrical installations and devices, facilities, buildings for people and equipment, dumping grounds, hydro-tailings, settling pond, extractive waste facilities, and alike).

(2) The request for extension of the concession for exploitation shall be submitted by the concessionaire to the state administrative body responsible for carrying out the activities in the field of minerals within a period of 120 days as of the day of expiry of the validity period of the permit for detailed geological explorations at the latest.

(3) In the case of premature completion of the detailed geological explorations, the request for extension of the concession for exploitation referred to in paragraph (1) of this Article shall be submitted within a period of 120 days as of the day of submission of the detailed report for the completed detailed geological explorations along with the expert assessment (review) at the latest.

(4) The period for which the concession for exploitation is extended cannot be longer than the period for which the concession for exploitation is awarded.

(5) The concessionaire shall attach to the request for extension of the concession for exploitation:

- an explanation of the needs for extension of the concession along with a topographic map on a scale of 1:25.000 or 1:50.000 where the area of the requested extension of the concession for exploitation is plotted,
- a detailed report for the completed detailed geological explorations along with an expert assessment (review), and
- a land survey report for special purposes with cadastre indications for the area for which extension of the concession for exploitation is requested, prepared by sole traders – authorized land surveyors and trade companies for land surveying that fulfill the conditions under the Law on Immovable Property Cadastre.

(6) The concessionaire, for the purpose of extending the concession for exploitation on the ground referred to in paragraph (1) line 2 of this Law, shall be obliged to submit a detailed report for the completed detailed geological explorations along with an expert assessment (review) which prove that there are no mineral reserves on area for which extension is requested.

(7) The state administrative body responsible for carrying out the activities in the field of minerals, within a period of eight days as of the day of receipt of the request referred to in paragraph (2) of this Article, by a decision, shall reject the request if:

- the requesting entity does not submit the documentation referred to in paragraph (5) of this Article and
- a permit for detailed geological explorations or concession for detailed geological explorations or exploitation of minerals is already granted for the area for which a request for extension of concession is submitted.

(8) An appeal against the decision referred to in paragraph (7) of this Article may be filed to the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days.

(9) The decision on extension of the concession for exploitation shall be adopted by the Government.

(10) The decision on extension of the concession shall be published in the "Official Gazette of the Republic of Macedonia".

(11) Upon publication of the decision referred to in paragraph (9) of this Article, the concession grantor and the concessionaire shall conclude an annex to the existing agreement on concession for exploitation, within a period of 15 days as of the day of entry into force of the decision on extension of the concession for exploitation.

(12) The annex to the agreement referred to in paragraph (11) of this Article, on behalf of the concession grantor, shall be concluded by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(13) The annex to the agreement shall in particular contain provisions on the concession area, as well as other conditions determined by the decision on extension of the concession for exploitation.

(14) The annex to the agreement or particular provisions thereof that are contrary to this and another law shall be null and void and shall not produce any legal effect.

(15) The form and the contents of the request referred to in paragraph (2) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

#### **Article 29-b**

##### **Procedure for decreasing the concession for exploitation**

(1) The concession for exploitation may be decreased due to carrying out of activities of public interest.

(2) The request for decreasing the concession for exploitation shall be submitted by the holder of the approval for carrying out activities of public interest to the state administrative body responsible for the activities in the field of minerals.

(3) The following shall be attached to the request for decreasing the concession for exploitation:

- an explanation of the need for decreasing the concession,
- a topographic map on a scale of 1:25.000 or 1:50.000 plotting the area for which decrease of the concession of exploitation is requested, and
- an appropriate document, issued by a competent body, on the basis of which the requesting entity is authorized to carry out the activities of public interest.

(4) The the state administrative body responsible for the activities in the field of minerals shall, within a period of eight days as of the day of receipt of the request referred to in paragraph (2) of this Article, by a decision, reject the request if:

- the requesting entity does not submit the documentation referred to in paragraph (3) of this Article;
- the area for which the request for decreasing the concession is submitted enters the area which is the subject of the document referred to in paragraph (3) line 3 of this Article; and

- a permit for exploitation is issued for the area for which decrease of the concession is requested.

(5) An appeal against the decision referred to in paragraph (4) of this Article may be filed with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days.

(6) The state administrative body responsible for the activities in the field of minerals shall submit a draft decision on decrease of the concession for exploitation of minerals to the concession grantor within a period of 30 days as of the day of receipt of the request referred to in paragraph (2) of this Article.

(7) The Government shall adopt a decision on decrease of the concession for exploitation.

(8) Upon publication of the decision referred to in paragraph (7) of this Article, the concession grantor and the concessionaire shall conclude an annex to the agreement on concession for exploitation within a period of 15 days as of the day of entry into force of the decision referred to in paragraph (7) of this Article.

(9) The annex to the agreement referred to in paragraph (8) of this Article, in the name of the concession grantor, shall be concluded by the minister heading the state administrative body responsible for the activities in the field of minerals.

(10) The annex to the agreement on concession referred to in paragraph (8) of this Article shall in particular contain provisions on the area under the concession, as well as other requirements determined by the decision on decrease of the concession for exploitation.

(11) The annex to the agreement or particular provisions therein that are contrary to this and another law shall be null and void and shall not produce any legal effect.

(12) The form and the contents of the request referred to in paragraph (2) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

## **Chapter 4**

# **PREPARATION OF GEOLOGICAL DOCUMENTATION, CONDUCTING AND SUPERVISION OF GEOLOGICAL EXPLORATIONS**

### **Article 30**

#### **Geological documentation for conducting basic geological explorations**

(1) The geological documentation for conducting basic geological explorations shall consist of:

- a project for conducting basic geological explorations;
- a detailed report of basic geological explorations;

- geological maps with their keys, and
- a study for geological explorations.

(2) The documentation referred to in paragraph (1) lines 1, 2 and 3 of this Article shall be subjected to an expert assessment (review).

(3) The contents and the manner of preparing the geological documentation shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(4) The geological maps with their keys shall be prepared on the basis of the special instructions for preparation of geological maps.

(5) The contents and the manner of preparing the special instructions referred to in paragraph (4) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

#### **Article 30-a**

##### **Geological documentation for conducting prospecting geological explorations**

(1) The geological documentation for conducting prospecting geological explorations shall consist of:

- a project for conducting prospecting geological explorations and
- a detailed report of the conducted prospecting geological explorations.

(2) The documentation referred to in paragraph (1) of this Article shall be reviewed by the Institute of Geology within a period of 30 days as of the day of its submission for a review.

(3) The contents and the manner of preparing the geological documentation referred to in paragraph (1) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

#### **Article 31**

##### **Geological documentation for conducting detailed geological explorations**

(1) Geological documentation for conducting detailed geological explorations, in terms of this Law, shall be:

- a project for conducting detailed geological explorations,
- a study of the assessment of the impact and the regime of the mineral, thermo-mineral and thermal waters in the case of initiative for awarding a concession for detailed geological explorations of mineral, thermo-mineral, thermal waters and mineral waters and gas CO<sub>2</sub>,
- a detailed report together with a calculation for the necessary quantities of minerals,
- a detailed report of the conducted detailed geological explorations, and
- a detailed report of the precategorization of ore reserves.

(2) The geological documentation referred to in paragraph (1) lines 1, 4 and 5 of this Article shall be subjected to an expert assessment (review).

(3) The content and the manner of preparing the geological documentation referred to in paragraph (1) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(4) The concessionaire, in the course of conducting the detailed geological explorations, may excavate minerals only in a particular quantity.

(5) The Government, on a proposal of the minister heading the state administrative body responsible for the activities in the field of minerals, shall determine the maximum quantities of minerals that are subject of the detailed geological explorations.

## **Article 32**

### **Entities for preparation of geological documentation, conducting and supervision of geological explorations**

(1) The geological documentation may be prepared, the geological explorations may be conducted and supervised by legal entities that are registered in the Central Register, including also foreign legal entities having a branch office registered in the Central Register of the Republic of Macedonia, and that hold an authorization for preparation of geological documentation, conducting and supervision of geological explorations.

(2) For the purpose of granting the authorization referred to in paragraph (1) of this Article, the legal entities, that are registered in the Central Register, including also the foreign legal entities having a branch office registered in the Central Register of the Republic of Macedonia, must employ at least one person for an indefinite period of time who holds a license for preparation of geological documentation.

(3) The authorization referred to in paragraph (1) of this Article shall be issued by the state administrative body responsible for carrying out the activities in the field of minerals.

(4) A fee for issuance of the authorization referred to in paragraph (1) of this Article shall be paid in the amount of the actual costs incurred for its issuance.

(5) If it is determined that the entities referred to in paragraph (2) of this Article, upon issuance of the authorization for preparation of geological documentation, conducting and supervision of geological explorations, do not fulfill the conditions for issuance of the authorization, the state administrative body responsible for carrying out the activities in the field of minerals shall adopt a decision to terminate the validity of the authorization for preparation of geological documentation, conducting and supervision of geological explorations.

(6) The person that prepares geological documentation, conducts and supervises geological explorations must hold a license for preparation of geological documentation, conducting and supervision of geological explorations and to be employed for an indefinite period of time.

(7) For the purpose of granting the license referred to in paragraph (6) of this Article, the person must have a work experience of at least three years in the field of preparation of geological documentation, conducting and supervision of geological explorations and to have passed the professional examination.

(8) For the purpose of issuing the authorization referred to in paragraph (1) of this Article, the legal entity shall attach the following:

- an excerpt from the Central Register of the Republic of Macedonia,
- a proof that the holders of the license referred to in paragraph (2) of this Article are in regular employment in the entity requiring authorization, and
- a verified copy of the licenses for preparation of geological documentation, conducting and supervision of geological explorations of the persons referred to in paragraph (2) of this Article.

(9) The authorized official person of the state administrative body responsible for carrying out the activities in the field of minerals who conducts the procedure shall obtain *ex officio* the proof referred to in paragraph (8) line 1 of this Article within a period of three working days as of the day of submission of the request.

(10) The authorized official person of the competent public body shall be obliged to submit the required proof referred to in paragraph (8) line 1 of this Article within a period of three days as of the day of receipt of the request.

(11) The form and the contents of the authorization for preparation of geological documentation, conducting and supervision of geological explorations shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(12) The detailed requirements and the manner of granting and revocation of the authorization and the license for preparation of geological documentation, the conducting and supervision of geological explorations, as well as the amount of the fee for issuance of the authorization and the license, shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(13) Regarding the minerals referred to in Article 4 paragraph (2) line 1 of this Law, the preparation of geological documentation, conducting and supervision of geological explorations and revision of the geological documentation prescribed by this Law may be also done by a foreign legal entity, provided that it is granted a certificate for conducting the listed activities by the state administrative body responsible for carrying out the activities in the field of minerals. For the purpose of granting a certificate, the legal entity of a member state of the European Union should submit a request and proofs certifying that the entity is registered for carrying out the respective activity in the state where its head office is located and that it has a permit, that is, a license for carrying out the respective works for which it requires a certificate. If a permit, that is, a license is not issued in the state, the foreign legal entity of a member state of the European Union shall be obliged, along with the request, to submit a proof issued by the competent body in that state that, in accordance with its regulations for carrying out the respective works, it does not issue a permit, that is, a license and a proof certifying that the entity is registered for carrying out the respective activity in the state where its head office is located. Based on the submitted proofs, the state administrative body responsible for carrying out the activities in the field of minerals shall issue a certificate which works, in accordance with this Law, may be carried out by the foreign legal entity in the Republic of Macedonia.

(14) A foreign natural person holding an authorization issued by a member state of the European Union may carry out the works related to preparation of geological documentation,



conducting and supervision of geological explorations and revision of geological documentation in the Republic of Macedonia only for the minerals referred to in Article 4 paragraph (2) line 1 of this Law, provided that the authorization is certified by the state administrative body responsible for carrying out the activities in the field of minerals.

(15) The foreign natural person may carry out the works referred to in paragraph (11) of this Article in the legal entity registered in the Central Register for carrying out these works only for the minerals referred to in Article 4 paragraph (2) line 1 of this Law.

(16) The foreign natural persons and legal entities for preparation of geological documentation, conducting and supervision of geological explorations and revision of geological documentation of the minerals referred to in Article 4 paragraph (2) line 1 of this Law shall be obliged to have a damage liability insurance in an insurance company in the Republic of Macedonia, which might be caused by their work to the concessionaire or third parties.

#### **Article 32-a**

##### **Requirements for taking a professional examination for a license**

(1) The professional examination for a license for preparation of geological documentation, conducting and supervision of geological explorations (hereinafter: the professional examination) shall be taken for the purpose of checking the required professional knowledge in the respective field.

(2) Professional examination may be taken by a person that meets the following requirements:

- to be a citizen of the Republic of Macedonia,
- *deleted*
- to be a graduate geology engineer (a degree for a completed four-year higher education or a 300 credits degree under the European Credit Transfer System (ECTS),
- not to be issued an effective injunction banning him/her from exercising a profession, business or office for the period of duration of the consequences under the injunction, and
- to have at least three years of work experience in the field of preparation of geological documentation.

#### **Article 32-b**

##### **Manner of conducting the examination**

(1) The professional examination shall consist of two parts, that is:

- part one (theoretical part), based on which the theoretical knowledge of the candidates is checked, and
- part two (case study), based on which the practical skills of the candidates are checked.

(2) The first part of the professional examination referred to in paragraph (1) of this Article shall be taken in writing via electronic means, by answering a particular number of questions in a form of an electronic test on a computer.

- (3) The second part of the examination shall consist of:
- a case study and
  - questions that the candidate should answer based on the case study analysis.

#### **Article 32-c**

##### **Program for the examination**

- (1) The examination shall be taken according to a program which includes the material, the regulations, and the literature.
- (2) The program for taking the examination in the respective field shall be adopted by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

#### **Article 32-d**

##### **Commission for verification of the questions databases**

- (1) The databases of the questions for the first part of the examination referred to in Article 32-b of this Law shall be prepared by professors in the field of geological explorations and mining, and by persons who has been granted a license for preparation of geological documentation, conducting and supervision of geological explorations and a license for preparation of mining projects for surface and underground exploitation, mineral processing and other mining projects in the field of mining, and who have at least ten years of work experience in the respective field, appointed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.
- (2) The questions from the first part of the examination shall be verified by a Commission composed of:
- two representatives from the Ministry of Economy, appointed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals,
  - one representative from the Office of the President of the Government of the Republic of Macedonia,
  - one representative from the Cabinet of the Deputy President of the Government of the Republic of Macedonia, in charge of economic issued and coordination with economic sectors,
  - one representative from the Institute of Geology, and
  - two representative from among the expert and scientific workers, appointed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.
- (3) The Commission referred to in paragraph (2) of this Article shall conduct the second part of the examination and shall also review and update the question databases referred to in Article 32-b of this Law at least twice a year.
- (4) In the course of reviewing, the Commission shall particularly take into consideration the amendments of the regulations on which the question, that is, the case study is based, the number of candidates that delivered their answer, the success in answering them, as well as

other criteria that may influence the improvement of the quality of the databases referred to in Article 32-b of this Law.

(5) Based on the completed review and update of the question database, the Commission shall decide to remove and replace with new ones or completely remove at least 30% of the questions from the databases referred to in paragraph (1) of this Article.

(6) The professors and the persons referred to in paragraph (1) of this Article, as well as the members of the Verification Commission referred to in paragraph (2) of this Article, shall be entitled to remuneration which shall be determined by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(7) The amount of the remuneration referred to in paragraph (6) of this Article shall be determined based on the number of questions and case studies prepared, as well as based on the complexity of the subject.

(8) The annual remuneration referred to in paragraph (6) of this Article shall not exceed the amount of three average salaries paid in the Republic of Macedonia for the previous year, published by the State Statistical Office.

#### **Article 32-e**

##### **Competence and entities for conducting the examination**

(1) The professional and administrative activities necessary for conducting the professional examination shall be carried out by the Ministry of Economy, for the purpose of which the minister of economy shall designate a responsible person who is to establish whether the candidate meets the requirements for taking the examination, and the examination shall be technically implemented by a legal entity registered in the Central Register of the Republic of Macedonia selected by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(2) The responsible person referred to in paragraph (1) of this Article shall be entitled to remuneration for every examination session held in the amount of one third of the average net salary in the Republic of Macedonia and the State Audit Office shall adopt a decision thereof.

#### **Article 32-f**

##### **Period for conducting the examination**

The professional examination for a license shall be conducted at least twice a year.

#### **Article 32-g**

##### **Request for taking an examination**

(1) The candidate shall file the request for taking the examination to the Ministry of Economy.

(2) In addition to the request for taking the examination, the candidate shall be obliged to present proofs of meeting the requirements for taking the professional examination referred to in Article 32-a of this Law.

(3) The form and the contents of the request referred to in paragraph (1) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

#### **Article 32-h**

##### **Rejection of the request for taking the examination**

(1) The state administrative body responsible for carrying out the activities in the field of minerals or a person authorized by it shall determine whether the candidate meets the requirements for taking the examination.

(2) Administrative dispute before a competent court may be initiated against the decision rejecting the request for taking the examination within a period of 30 days as of the day of receipt of the decision.

#### **Article 32-i**

##### **Procedure upon approval of the request for taking the examination**

(1) The candidate shall be allowed to start taking the examination in the first following scheduled period as of the day the request for taking the examination is adopted.

#### **Article 32-j**

##### **Time and place of taking the examination**

(1) The examination shall be taken in premises for taking an examination, equipped separately for taking a professional examination with material, technical, and IT equipment, internet connection, and equipment for recording the course of the examination.

(2) The candidates who have been approved the request for taking the examination and the public shall be informed about the date and time of holding the examination through the website of the Ministry of Economy and the Public Radio Broadcasting Service at least eight days prior to the holding of the examination.

(3) The taking of the examination shall be recorded and live streamed on the website of the Ministry of Economy, and if the recording is interrupted due to technical reasons, the recording of the entire examination shall be posted on the website of the Ministry of Economy.

(4) The legal entity that implements the professional examination should meet the requirements related to the space, and the material, technical and IT equipment in the premises for taking a professional examination which shall be laid down by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(5) Two representatives from the Ministry of Economy, one representative from the Ministry of Education and Science, one representative from the Government of the Republic of Macedonia on a proposal of the Office of the President of the Government, and one representative from the Ministry of Information Society and Administration (computer engineer) shall be present in the premises for taking the examination.

(6) The representatives referred to in paragraph (5) of this Article shall be entitled to remuneration for every examination session held in the amount of one third of the average net salary in the Republic of Macedonia and the Ministry of Economy shall adopt a decision thereof.

(7) The authorized legal entity which conducts the examination technically shall be obliged to block the radio frequency range in the premises for holding the examination during the examination sessions.

(8) The Agency for Electronic Communications (hereinafter: AEC) shall continuously monitor the blocking of the radio frequency range in the premises for holding the examination in order to prevent any kind of electronic communication with the surrounding outside the premises for holding the examination.

(9) AEC shall install measurement equipment in the premises for holding the examination which shall provide electronic record of the measurements made in duration of 30 days and they shall be stored in the central control system of AEC.

(10) AEC shall form a three-member commission which shall prepare a report based on the electronic records stored in the central control system of AEC and it shall deliver it to the Ministry of Economy within a period of 15 days as of the completion of the examination session at the latest.

#### **Article 32-k**

#### **Conducting the examination**

(1) Prior to the beginning of the professional examination, a representative from the Ministry of Economy shall establish the identity of the candidate by checking his/her personal identity card.

(2) During the first part of the examination, the candidate shall not be allowed to use laws, laws with commentary and explanation, mobile phone, portable computer devices, and other technical, and IT means, previously prepared objects, and alike.

(3) During the second part of the examination, the candidate shall only be allowed to use laws (without commentaries and explanations) which are available in an electronic version in the computer on which the candidate is taking the examination.

(4) During the first and the second part of the examination, the candidate shall not be allowed to contact with other candidates or persons, except the computer engineer referred to in Article 32-j paragraph (5) of this Law in the event of experiencing a technical problem with the computer.

(5) If the technical problems with the computer are eliminated within a period of five minutes, the examination shall continue, but if they are not eliminated within this period, the examination shall be discontinued only for that candidate, and it shall be held within a period of three days at the most as of the day of discontinuation of the examination.

(6) If problems arise with more than five computers and they are not eliminated within a period of five minutes, the examination shall be discontinued for all of the candidates that are taking the examination, and it shall be held within a period of three days at the most as of the day of discontinuation of the examination.

(7) If the candidate acts contrary to paragraphs (2), (3), and (4) of this Article in the course of the first and the second part of the examination, he/she shall not be allowed to continue the examination in that specific time period and he/she shall be imposed a prohibition on taking the professional examination in duration of three years, and the Ministry of Economy shall adopt a decision thereof against which an administrative dispute may be initiated before a competent court within a period of 30 days as of the day of receipt of the decision.

(8) In the cases referred to in paragraph (7) of this Article, it shall be regarded that the candidate has not passed the professional examination which shall be stated in the minutes of the course of the professional examination.

(9) In the course of the examination, the authorized representatives referred to in Article 32-j paragraph (5) of this Law must not be in the immediate surroundings of the candidate who is taking the examination for more than five seconds, except for elimination of a technical problem when they cannot stay longer than five minutes.

#### **Article 32-l**

##### **Procedure in the case of discontinuation and continuation of the examination**

(1) If justified reasons arise in the course of taking the examination due to which the candidate cannot continue the examination (illness, maternity leave, and alike), the examination shall be terminated for a particular period of time which cannot be longer than six months.

(2) The decision to continue the examination shall be adopted by the state administrative body responsible for carrying out the activities in the field of minerals upon a request of the candidate. The request shall be filed no later than a period of eight days as of the termination of the reasons for postponing the examination, but within a period of six months at the most.

(3) If the candidate does not file a request for continuation of the examination within the deadline set out in paragraph (2) of this Article, it shall be considered that the examination is not passed.

(4) The candidate may initiate an administrative dispute before the competent court against the decision of the state administrative body responsible for carrying out the activities in the field of minerals referred to in paragraph (5) of this Article, within a period of 30 days as of the receipt of the decision.

(5) Where the examination is continued, the candidate shall not take that part of the examination that he/she has already taken.

### **III. First and second part of the professional examination and electronic system**

#### **Article 32-m**

##### **Contents of the examination and manner of scoring**

- (1) The professional examination shall commence by taking the first part (the theoretical part), and then the second part (the case study).
- (2) The second part shall be taken within a period of at least 15 days following the successful passing of the first part.
- (3) The minister heading the state administrative body responsible for carrying out the activities in the field of minerals shall prescribe the manner of scoring the first and the second part of the examination.

#### **Article 32-n**

##### **First part of the examination**

- (1) The first part of the examination shall be taken for every particular area and it shall consist of at least 50 questions with each including five multiple-choice answers out of which one shall be correct, two shall be similar, one shall be incorrect to a small degree (a small number of points are lost) and one shall be incorrect to a great degree (a large number of points are lost).
- (2) A precondition for taking the second part of the examination shall be the candidate to have passed the first part of the examination.
- (3) If the candidate has not passed the first part of the examination pursuant to paragraph (2) of this Article, it shall be considered that he/she has not passed the examination.

#### **Article 32-o**

##### **Second part of the examination**

- (1) The second part of the examination shall consist of a case study - preparation of an expert paper - geological documentation, that is, mining project in the appropriate field..
- (2) If the candidate has not passed the second part of the examination, it shall be considered that he/she has not passed the examination.

#### **Article 32-p**

##### **Single electronic system for the professional examination**

- (1) The taking of the first part of the professional examination shall be done by answering a particular number of questions in a form of an electron test on a computer.

- (2) The questions from the test, depending on its complexity, shall be scored by points set out in the test.
- (3) The taking of the second part of the professional examination shall be done by giving oral explanation - defense of the prepared expert paper in the appropriate field in a form of questions which the candidate should answer based on the analysis of the expert paper.
- (4) The questions from the case study, depending on its complexity, shall be scored by points set out in the case study.
- (5) The questions contained in the tests of the first part of the professional examination and their answers shall be stored in a single electronic system for the professional examination.
- (6) The electronic system referred to in paragraph (5) of this Article shall also contain a publicly accessible database of at least 100 questions for every field.
- (7) The electronic system shall also contain reference to the regulations and the literature in which the answers to the questions from the first part of the examination are found, and the regulations for the second part of the examination.
- (8) The number of questions in the databases referred to in paragraph (6) of this Article shall be annually increased by 10%, starting from 2015.
- (9) The results of the first and the second part of the examination shall be available to the candidate on the computer on which he/she has taken the examination, immediately upon its completion.

#### **Article 32-q**

##### **Electronic test**

- (1) On the day of taking the first part of the examination, the representative from the Ministry of Economy shall provide the candidate with an access code, that is, a password by which his/her access to the electronic system referred to in Article 32-p of this Law is approved.
- (2) After being granted the access, the candidate shall be given an electronic test for the first part of the examination containing questions that are computer-generated, the contents of which, by means of random choice, is determined by the software of the electronic system referred to in Article 32-p paragraph (5) of this Law from the databases referred to in Article 32-p paragraph (5) of this Law.
- (3) The first and the second part of the examination shall contain an instruction for the manner of solving the professional examination, which shall be explained by a representative of the Ministry of Economy prior to the beginning of the examination.
- (4) The electronic system for the examination cannot allow the existence of an identical content of an electronic test for the first part of the examination at a single session for more than one candidate.



#### **Article 32-r**

##### **Technical problem for functioning of the electronic system in the course of conducting the examination**

- (1) In the event of prevention for holding the first or the second part of the examination, due to reasons that lead to technical problem for functioning of the electronic system referred to in Article 32-p paragraph (5) of this Law, the examination shall be discontinued.
- (2) If the reasons referred to in paragraph (1) of this Article are eliminated within a period of 60 minutes as of the discontinuation of the examination, the examination shall continue immediately after their elimination.
- (3) If the reasons referred to in paragraph (1) of this Article are not eliminated within the time period referred to in paragraph (4) of this Article, the examination shall be rescheduled for another date.

#### **Article 32-s**

##### **Duration of the first part of the examination**

- (1) The total duration of the time determined for answering the questions from the first part of the test for the examination shall be 120 minutes.
- (2) The candidate who earns at least 70% of the total envisaged positive points by giving correct answers to the questions from the test shall be considered to have passed the examination.

#### **Article 32-t**

##### **Duration of the second part of the examination**

- (1) The total duration of the time determined for answering the questions from each of the case studies of the second part shall be 120 minutes.
- (2) The candidate who earns at least 70% of the total envisaged positive points by giving correct answers to the questions from the case study shall be considered to have passed the examination.

#### **IV. License, review of the examinations held, and costs**

#### **Article 32-u**

##### **License for preparation of geological documentation, conducting and supervision of geological explorations**

- (1) The candidates who have passed the examination shall be issued a license within a period of 15 days as of the day of finishing the examination.

(2) The form and the contents of the license referred to in paragraph (1) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

#### **Article 32-v**

##### **Information about the mistakes made in the test of the examination**

At the request of the candidate, the Ministry of Economy shall inform the candidate about the mistakes made in the test of the professional examination by providing a direct insight in the test.

#### **Article 32-w**

##### **Review of the examinations held**

(1) The tests and the case studies shall be used and shall be given to the candidates solely during the professional examination.

(2) The materials of the examinations held, particularly the paper versions of the tests and the case studies for the professional examination and the specimens for checking the accuracy of the answers of the test and the case study, as well as the recordings of the examinations held, shall be kept in the Ministry of Economy.

(3) The state administrative body responsible for carrying out the activities in the field of minerals shall establish a Commission for review of the examinations held, which shall use the materials referred to in paragraph (2) of this Article in the course of its work, and the members of which, in addition to the other members, shall also be the representative from the Government of the Republic of Macedonia and a computer engineer from the Ministry of Information Society and Administration appointed by the Government of the Republic of Macedonia.

(4) The commission referred to in paragraph (3) of this Article shall meet after every examination session held and shall review the manner of conducting the examination, including whether the examination has been taken by candidates who meet the requirements for taking the examination in accordance with Article 32-a of this Law, and shall submit a report to the minister of economy thereof.

(5) The members of the commission referred to in paragraph (3) of this Article shall be entitled to remuneration which, at annual level, amounts one average net salary in the Republic of Macedonia, and the Ministry of Economy shall adopt a decision thereof.

(6) If the Commission establishes irregularities in the conducting of the examination by individuals in terms of Article 32-k paragraph (5) of this Law, it shall propose revocation of the license referred to in Article 32-u of this Law.

(7) The state administrative body responsible for carrying out the activities in the field of minerals shall adopt a decision on revocation of the license referred to in Article 32-u of this Law on the basis of the proposal of the Commission within a period of three days as of the receipt of the proposal.

(8) An administrative dispute before a competent court may be initiated against the decision referred to in paragraph (7) of this Article within a period of 30 days as of the receipt of the decision.

#### **Article 32-x**

##### **Costs for taking the examination**

(1) The costs for taking the examination shall be borne by the candidate if the institution in which he/she is employed does not cover them.

(2) The amount of the costs referred to in paragraph (1) of this Article shall be set out by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals based on the actual costs incurred for holding the examination, required for conducting the first and the second part of the examination, preparation of the question databases, conducting of the electronic test, preparation of the materials and invitations, and preparation of authorization and licenses.

(3) The costs for taking the examination shall be paid at the account for own revenues of the Ministry of Economy.

(4) If the costs are not paid at a respective account of the Ministry of Economy within a period of 15 days prior to the day set out for conducting the examination at the latest, the candidate shall not be allowed to take the examination.

(5) If the candidate fails to take the examination within a period of a year as of the day of payment of the funds, the paid funds shall be returned pursuant to law.

#### **Article 32-y**

##### **Register of issued authorizations and licenses**

(1) The issued authorizations and licenses that ceased to be valid, as well as the revoked authorizations and licenses, shall be entered in the Register of Issued Authorizations and Licenses kept by the Ministry of Economy.

(2) The Register referred to in paragraph (1) of this Article shall be published on the website and on the notice board of the Ministry of Economy.

(3) The form and the contents of the Register of Issued Authorizations and Licenses and the manner of its keeping shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

#### **Article 33**

##### **Special conditions for preparation of geological documentation, conducting and supervision of geological explorations**

(1) The geological documentation shall be prepared, the geological explorations shall be conducted and supervised in accordance with the geological documentation, the technical

regulations, as well as in accordance with the regulations of protection, safety and health, as well as in accordance with the regulations of environmental protection.

(2) The geological explorations cannot be conducted by a person that has participated in the preparation of the geological documentation on the basis of which the geological explorations are conducted.

(3) The conducting of geological explorations cannot be supervised by a person who conducts or participates in conducting the geological explorations.

#### **Article 34**

##### **Expert assessment (review) of geological documentation**

(1) An expert assessment (review) of the prepared geological documentation shall be made for the purpose of checking and controlling in view of the prescribed measures, standards and technical norms for safety at work, safety of the people, underground, surface and neighboring facilities, and protection of the environment, as well as in view of the application of the modern achievements and methods in the geology and other scientific and technical disciplines.

(2) The geological documentation referred to in Articles 30 and 31 of this Law shall be subjected to expert assessment (review).

(3) The expert assessment (review) of the geological documentation referred to in paragraph (1) of this Article shall be made by a review commission formed by the Institute of Geology.

(4) Persons who hold a license for preparation of geological documentation, conducting and supervision of geological explorations or foreign natural persons who has been granted a certificate in accordance with Article 32 paragraph (11) of this Law only for the minerals referred to in Article 4 paragraph (2) line 1 of this Law may be appointed as members of the commission referred to in paragraph (3) of this Article.

(5) The commission referred to in paragraph (3) of this Article shall be composed of a president, at least two members and a secretary. The president and the members of the commission should hold a license for preparation of geological documentation, conducting and supervision of geological explorations. The president and the members who are from among the external members - experts and who are not employed in the state administrative bodies shall be entitled to remuneration for each completed expert assessment (review) which is to be covered by the entity requesting an expert assessment (review).

(6) The remuneration referred to in paragraph (5) of this Article shall be revenue of the Budget of the Republic of Macedonia.

(7) The minister heading the state administrative body responsible for the activities in the field of minerals shall prescribe a Tariff that determine the amount of the remuneration for conducting an expert assessment (review) of geological documentation and mining projects on the basis of the actual costs incurred, necessary for the operation of the commission referred to in paragraph (3) of this Article.

(8) A request for making an expert assessment (review) shall be submitted by the holder of the concession for detailed geological explorations or exploitation of minerals.

(9) The manner of operation of the commission referred to in paragraph (3) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(10) The expert assessment (review) for the minerals referred to in Article 4 paragraph (2) line 1 of this Law made by the commission formed by the concessionaire shall be approved by a commission formed by the Institute of Geology.

(11) The form and the contents of the request referred to in paragraph (8) of this Article shall be prescribed by the director of the Institute of Geology.

### **Article 35**

#### **Review report and review clause**

(1) The commission referred to in Article 34 paragraph (3) of this Law shall issue a review clause and shall prepare a review report of the completed expert assessment (review) that confirms that the geological documentation is prepared in accordance with this Law or another law.

(2) The review clause and the review report shall be signed by the President and the Members of the commission.

(3) The manner of making the expert assessment (review) of geological documentation shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(4) If the expert assessment (review) of particular parts of the project has been made by several persons, the review clause must contain an indication which person has made an expert assessment (review) of which part of the geological documentation.

## **PART III**

# **EXPLOITATION OF MINERALS**

## **Chapter 1**

# **CONCESSION FOR EXPLOITATION OF MINERALS**

### **Article 36**

#### **Concession for exploitation of minerals**

(1) The right to exploit minerals shall be acquired by obtaining a concession for exploitation of minerals.

(2) The concession for exploitation of minerals shall be awarded by the Government of the Republic of Macedonia (hereinafter: concession grantor).

(3) The right to be awarded a concession for exploitation shall have any legal entity, including also foreign legal entities having a branch office registered in the Central Register of the Republic of Macedonia, which fulfills the conditions prescribed by this or another law.

(4) The concession for exploitation of minerals cannot be awarded or transferred within a period of five years if the legal entity, including the foreign legal entities having a branch office registered in the Central Register of the Republic of Macedonia, has been previously revoked the concession for conducting detailed geological explorations or exploitation of minerals, as well as the legal entity affiliated to that legal entity. As affiliated shall be considered the cases where the legal entities are in mutual close relations and exercise mutual control in the manner and under the conditions determined by the Law on Banks.

### **Article 37**

#### **Subject of concession award**

(1) By the concession, the concession grantor shall award to the concessionaire the minerals that are in ownership of the concession grantor for the purpose of their exploitation on a particular area for a certain period for the account and at risk of the concessionaire.

(2) The subject of the exploitation concession must not be given under lease.

(3) The concessionaire, within a period of 15 days prior to the start of exploitation, shall be obliged to notify, in writing, the state administrative body responsible for the activities in the field of minerals, the State Inspectorate for Technical Inspection and the State Environmental Inspectorate of the start of the exploitation and to submit the financial guarantee referred to in Article 96 of this Law to the state administrative body responsible for the activities in the field of minerals.

### **Article 38**

#### **Area for mineral exploitation**

(1) A concession for exploitation of minerals shall be awarded for a determined area defined by coordinates plotted on a topographic map on a scale of 1:25.000 or 1:50.000, and determined on the basis of a detailed report of the conducted detailed geological explorations increased by the area necessary for installation of the mining facilities and the mining infrastructure.

(2) The area of the exploitation concession referred to in paragraph (1) of this Article can be up to:

- 30 km<sup>2</sup> for energy minerals,
- 30 km<sup>2</sup> for metallic minerals,
- 30 km<sup>2</sup> for technogenic minerals,
- 2 km<sup>2</sup> for non-metallic minerals,
- 5 km<sup>2</sup> for dimension stone,
- 2 km for mineral, thermo-mineral, thermal waters and mineral waters and gas CO<sub>2</sub>, and

- 0,10 km<sup>2</sup> for sand and gravel that are not found in the beds and watersides of surface water bodies (watercourses, lakes and accumulations) and quartz aggregate.

(3) The concession for exploitation of energy, metallic and technogenic minerals shall be awarded for a land in ownership of the Republic of Macedonia and/or a land in ownership of legal entities and natural persons for which the entity requesting award of concession for exploitation initiates a procedures for expropriation under the conditions and in the manner determined in the Law on Expropriation.

(4) The concession for exploitation of non-metallic minerals, dimension stone, and mineral, thermo-mineral and thermal waters shall be awarded for a land in ownership of the Republic of Macedonia and/or a land in ownership of legal entities and natural persons.

(5) The concession for exploitation of sand and gravel that are not found in beds and watersides of surface water bodies (watercourses, lakes and accumulations) and quartz aggregate, shall be awarded for a land in ownership of the Republic of Macedonia and/or a land in ownership the entity requesting concession for exploitation.

(6) Regarding the land in ownership of the Republic of Macedonia for which concession for exploitation is awarded, the concessionaire shall be obliged to submit a request for entering comments in the cadastre of immovables for the right of use.

(7) The minerals shall be exploited on a determined area (hereinafter: exploitation area), defined by the main or the supplementary mining project for exploitation of minerals.

(8) If infrastructure facilities (road, long-distance transmission line and etc.) pass through the concession area, the concessionaire must not destroy and endanger the facilities and shall be obliged to allow their use by other entities.

(9) The mining facilities and the mining infrastructure referred to in paragraph (1) of this Article shall be installed on an area where the results of the geological explorations are negative, and the concessionaire shall submit, as a proof, a detailed report on the conducted geological explorations prior to their putting into operation.

### **Article 39**

#### **Concession validity period**

(1) The concession for mineral exploitation shall be awarded for a period of 30 years, and depending on the determined ore reserves of minerals presented in the detailed report of the conducted geological explorations, with the possibility of extension for a period of 30 years.

(2) The concessionaire shall be obliged to submit a request for extension of the period for which the exploitation concession is awarded within a period of six months prior to the expiry of the period for which the existing exploitation concession is awarded.

(3) The concessionaire should attach to the request referred to in paragraph (2) of this Article a study for the justifiability of the concession and a detailed report of the conducted detailed geological explorations regarding the situation with the mineral reserves along with the expert assessment (review) of the area for which the existing concession is awarded.

(4) The form and the contents of the request referred to in paragraph (2) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(5) Upon submission of the request referred to in paragraph (2) of this Article, the state administrative body responsible for the activities in the field of minerals shall conduct on-the-spot inspection and shall prepare minutes for the conducted inspection within a period of 15 days.

(6) An authorized person of the requesting entity shall be present at the inspection referred to in paragraph (4) of this Article and shall sign the minutes.

(7) If, the requesting entity does not attach the documentation referred to in paragraph (3) of this Article or based on the conducted on-the-spot inspection and the assessment of the study for the justifiability of the concession and the detailed report of the conducted detailed geological explorations for the situation with the mineral reserves along with the expert assessment (review) of the area for which the existing concession for exploitation is awarded, the state administrative body responsible for the activities in the field of minerals establishes that there are no conditions for extension of the concession, the state administrative body responsible for the activities in the field of minerals shall adopt a decision to reject the request for extension of the exploitation concession.

(8) An appeal against the decision referred to in paragraph (6) of this Article may be filed with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days.

(9) If the state administrative body responsible for the activities in the field of minerals establishes based on the conducted on-the-spot inspection, the assessment of the study for the justifiability of the concession, and the detailed report of the conducted detailed geological explorations for the situation with the mineral reserves along with the expert assessment (review) of the area for which the existing concession for exploitation is awarded that there are conditions for extension of the concession, the state administrative body responsible for the activities in the field of minerals shall submit a proposal for extension of the exploitation concession to the Government within a period of 15 days.

(10) The decision to extend the exploitation concession shall be published in the "Official Gazette of the Republic of Macedonia".

(11) Upon entry into force of the decision referred to in paragraph (9) of this Article, the minister heading the state administrative body responsible for the activities in the field of minerals and the concessionaire shall conclude an annex to the existing agreement on exploitation concession.

(12) The exploitation concession regarding the sand and gravel minerals that are not found in the beds and watersides of surface water bodies (watercourses, lakes and accumulations) and the quartz aggregate shall be awarded for a period of up to ten years without the possibility of extension.



## **Article 40**

### **Manners of awarding a concession**

The concession for mineral exploitation shall be awarded on the basis of a public call and on the basis of a request under the conditions determined in this Law and the Law on Concessions and Public Private Partnership.

(2) Where the request for exploitation concession is submitted by public enterprises, public institutions, trade companies established by the Republic of Macedonia and the companies where the state has an ownership-based direct or indirect influence, that is, if it owns the major part of the capital of the company, has the majority votes of the shareholders/partners and if it has appointed more than half of the members of the governing or supervisory board, that is, the governing bodies of the company, and the other legal entities exercising public powers in the part of the exercise of the public powers, the exploitation concession shall be awarded based on a request without conducting a procedure for awarding a concession by means of a public call.

(3) The procedure for awarding exploitation concession referred to in paragraph (2) of this Article shall be conducted in accordance with Article 42 of this Law.

## **Article 40-a**

### **Award of concession for exploitation of minerals for the needs of building state roads**

(1) As an exception to Article 40 of this Law, a concession for exploitation of minerals referred to in Article 4 paragraph (2) lines 4 and 7 of this Law may be awarded for the needs of building state roads.

(2) The request for awarding a concession for exploitation shall be submitted by the holder of the approval for building a state road to the state administrative body responsible for the activities in the field of minerals.

(3) The following shall be attached to the request for awarding a concession referred to in paragraph (1) of this Article:

- an approval for building the facility, issued by a competent body,
- a detailed report that includes a calculation of the necessary quantities of minerals that are the subject of the request for obtaining the approval referred to in paragraph (1) of this Article, along with an expert assessment (review),
- a topographic map on a scale of 1:25.000 along with plotted coordinates of the bordering points of the location for which the approval referred to in paragraph (1) of this Article is required, and
- a plan for recultivation of the area upon completion of the exploitation of the minerals.

(4) The form and the contents of the request referred to in paragraph (2) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(5) The authorized official person of the state administrative body responsible for carrying out the activities in the field of minerals who conducts the procedure shall obtain *ex officio*

the proof referred to in paragraph (3) line 1 of this Article within a period of three working days as of the day of submission of the request.

(6) The authorized official person of the competent public body shall be obliged to submit the required proof referred to in paragraph (3) line 1 of this Article within a period of three days as of the day of receipt of the request.

(7) The period for which the concession referred to in paragraph (1) of this Article is awarded cannot be more than three months with regard to the final period determined in the approval for building the state road.

(8) The concessionaire must not trade with the minerals of the concession referred to in paragraph (1) of this Article.

(9) Fee in accordance with Articles 74, 75 and 76 of this Law shall be paid for exploitation of minerals under the concession referred to in paragraph (1) of this Article.

(10) The state administrative body responsible for the activities in the field of minerals shall be obliged to submit a draft decision on awarding a concession for exploitation to the Government within a period of 15 days as of the day of submission of the request for awarding a concession referred to in paragraph (1) of this Article.

(11) Upon conclusion of the agreement on concession for exploitation referred to in paragraph (1) of this Article, the concessionaire shall not be obliged to submit a request for issuance of a permit for exploitation in accordance with Article 55 of this Law and may start the exploitation of minerals immediately upon the conclusion of the agreement on concession.

(12) The decision on awarding a concession for exploitation for the needs of building state roads shall be adopted by the Government.

#### **Article 41**

##### **Award of exploitation concession by means of a public call**

(1) The concession for mineral exploitation shall be awarded on the basis of a public call by an electronic auction in accordance with this Law and the Law on Concessions and Public Private Partnership if:

- the owner of the results of the conducted detailed geological explorations is the Republic of Macedonia,
- on the determined area, the validity of the exploitation concession has terminated, but sufficient quantity of mineral exploitable reserves defined by the concession grantor are left on the area, and
- an excess of unexploited quantities of thermo-mineral and thermal waters from the exploitation facilities/wells on the area on which concession for exploitation of thermo-mineral and thermal waters is already awarded is established, except if the thermo-mineral and thermal waters are used for filling the water in bottles for commercial purposes.

(2) The initiative for starting the procedure for awarding a concession for exploitation of minerals referred to in paragraph (1) of this Article shall be submitted by the state administrative body responsible for the activities in the field of minerals.

(3) The state administrative body responsible for the activities in the field of minerals shall *ex officio* request an opinion from the state administrative bodies responsible for the activities in the field of environment and spatial planning, protection of cultural heritage, transport and communications, forestry and water resources management, agriculture, as well as from the other state administrative bodies responsible for the activities in the respective field.

(4) In addition to the state administrative bodies referred to in paragraph (3) of this Article, the state administrative body responsible for the activities in the field of minerals shall *ex officio* request an opinion from the unit, that is, the units of the local self-government where the initiative for exploitation is submitted.

(5) The bodies referred to in paragraphs (3) and (4) of this Article shall be obliged to deliver their opinion within a period of 15 days as of the day of receipt of the request.

(6) If the state administrative bodies responsible for the activities in the field of environment and spatial planning, protection of cultural heritage, transport and communications, forestry and water resources management, agriculture, as well as the other state administrative bodies responsible for the activities in the respective field do not submit the opinion within the period determined in paragraph (5) of this Article, the state administrative body responsible for the activities in the field of minerals shall notify the Government within a period of five days as of the day of expiry of the period determined in paragraph (5) of this Article.

(7) In the case referred to in paragraph (6) of this Article, the Government shall oblige the state administrative body responsible for the activities in the respective field to submit an appropriate opinion within a period of three days.

(8) If the respective opinion is not submitted upon the expiry of the determined period referred to in paragraph (7) of this Article, it shall be deemed that a positive opinion in relation to the submitted request for giving an opinion is adopted.

(9) Upon receipt of the opinions by the bodies referred to in paragraphs (3) and (4) of this Article, the state administrative body responsible for the activities in the field of minerals shall submit a proposal for initiating a procedure for awarding a concession for exploitation to the Government.

(10) Upon review of the proposal referred to in paragraph (9) of this Article, the Government shall adopt a decision to initiate a procedure for awarding a concession for exploitation of minerals.

(11) Upon reviewing the proposal referred to in paragraph (6) of this Article, the Government shall adopt a decision to initiate a procedure for awarding a concession for exploitation of minerals.

(12) In the case referred to in paragraph (1) line 2 of this Article, the rest of the possibly exploitable ore reserves of minerals shall be determined by the concession grantor.

(13) The excess of unexploited quantities of thermo-mineral and thermal waters from the exploitation facilities/wells on the area on which concession for exploitation of thermo-mineral and thermal waters is already awarded shall be established by a concession grantor by a decision.

(14) The procedure for awarding a concession for mineral exploitation shall be conducted by a Commission for Conducting a Procedure for Awarding a Concession for Exploitation of Minerals (hereinafter: the Commission), in accordance with the provisions of this Law and the Law on Concessions and Public Private Partnership.

(15) The public call referred to in paragraph (1) of this Article shall be published in the "Official Gazette of the Republic of Macedonia", in one daily newspaper published in the Macedonian language, in one daily newspaper published in the language spoken by at least 20% of the citizens who speak an official language other than the Macedonian language, as well as in the e-concession system of the Ministry of Economy.

(16) Any domestic or foreign legal entity shall have the right to register itself to the e-concession system of the Ministry of Economy. Upon registration, it shall receive a password to access the e-concession system of the Ministry of Economy. The tender documentation may be downloaded electronically upon registration in the system.

(17) The Commission shall make a complete evaluation of the capability of the bidders and the first bids submitted in the procedure for awarding a concession for mineral exploitation.

(18) The capability of the bidders referred to in paragraph (6) of this Article shall be, first of all, proved by the following documents:

- a document for a registered business activity,
- a statement from the bidder that it has not been imposed an effective judgement regarding participation in criminal organization, corruption, fraud or money laundering in the last five years,
- a certificate that a bankruptcy procedure is not initiated by a competent body,
- a certificate that a liquidation procedure is not initiated by a competent body,
- a certificate that it is not imposed an effective misdemeanor sanction prohibition on practicing profession, carrying out an activity or duty, that is, an injunction on carrying out a particular activity,
- a certificate of paid taxes and contributions,
- a certificate that it is not imposed an effective punishment for a criminal offense, and
- positive financial reports, at least for the last year. If the legal entity is registered for a period shorter than this one, the financial reports shall be submitted for the period covering the period from the registration.

(19) The documents referred to in paragraph (7) of this Article shall be explained in the tender documentation in detail.

(20) Based on the evaluation made, the Commission shall electronically inform all the bidders that have submitted acceptable offers to participate in the electronic auction as a final phase prior to awarding a concession for mineral exploitation.

(21) The starting price and the basis for bidding in the electronic auction shall be the highest offered concession fee by the bidders that have submitted acceptable offers in the conducted procedure for awarding a concession for mineral exploitation.

(22) The electronic auction shall be repeatable process of positive bidding conducted upon the first complete evaluation of the bids in which the bidders shall have the possibility, exclusively by using an electronic means, to revise the given prices, so the ranking shall be made automatically by electronic means.

(23) The Commission shall submit an invitation for participation in the electronic auction for awarding a concession for mineral exploitation to the bidders that have submitted complete bids for the public opening of the public call, and an electronic notification to the bidders that have not submitted a complete documentation that they are not to participate in the electronic auction.

(24) The electronic auction shall be held even if only one participant that meet the requirements given in the public call and the tender documentation has applied upon the notification and its bid shall be considered the highest bid at the electronic auction.

(25) The electronic auction shall begin by announcing the starting price and shall continue by bidding of the participants. There should be at least one bid for the conducting of the public bidding procedure to be considered successful. The public bidding cannot last shorter than 15 minutes.

(26) The amount of the minimum bid increment of the value of the concession for mineral exploitation shall amount 1 to 10% of the starting price.

(27) The electronic auction shall be considered finished at the moment of expiry of the time determined in the notification and if during the expiry of the last three minutes of the determined time for the public bidding, another offer is given by the participants, the final time for finishing the public auction shall be extended for additional three minutes, and shall finish after the expiry of the following three minutes without a new offer given.

(28) The electronic auction shall be extended unlimitedly as long as there is a new offer within the period of three minutes.

(29) The participant in the public bidding that has offered the last price which is the highest price for awarding a concession for mineral exploitation shall be considered the most favorable bidder.

(30) Upon finishing the public auction, the Commission shall prepare minutes of the conducted public bidding which is an integral part of the written report of the evaluation together with a proposal for selection of the most favorable bid. The report shall be submitted to the concession grantor.

(31) The state administrative body responsible for the activities in the field of minerals shall manage and operate the electronic system for electronic auction for awarding a concession for mineral exploitation.

## **Article 42**

### **Award of a concession for exploitation of minerals upon a request of an interested entity**

- (1) The concession for mineral exploitation shall be awarded on the basis of a request of the owner of the results of the conducted detailed geological explorations.
- (2) One request for awarding an exploitation concession shall be submitted if the request for awarding an exploitation concession is submitted by a requesting entity which is the owner of the results of the conducted detailed geological explorations of two or more concessions for detailed geological explorations that directly border each other and have the same level of exploration details.
- (3) The request for awarding a concession referred to in paragraphs (1) and (2) of this Article shall be submitted to the state administrative body responsible for the activities in the field of minerals within a period of 120 days as of the day of expiry of the concession for detailed geological explorations.
- (4) In the case of premature completion of the detailed geological explorations, the request for concession referred to in paragraphs (1) and (2) of this Article shall be submitted within a period of 120 days as of the day of submission of the detailed report of the conducted detailed geological explorations along with the expert assessment (review) at the latest.
- (5) The following shall be attached to the request for awarding a concession referred to in paragraph (1) of this Article:
- data on the entity requesting concession,
  - a topographic map on a scale of 1:25.000 or 1:50.000 along with coordinates of the bordering points of the location of a defined area,
  - a land survey report for special purposes with cadastre indications for the area for which awarding of an exploitation concession is requested, prepared by sole traders – authorized land surveyors and trade companies for land surveying that fulfill the conditions under the Law on Immovable Property Cadastre,
  - A review clause issued by the Commission for making an expert assessment (review) of the detailed report of the conducted geological explorations, confirming that the geological documentation is prepared in accordance with this Law.
  - a concession feasibility study.
- (6) The form and the contents of the request referred to in paragraph (3) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.
- (7) Upon submission of the request, the state administrative body responsible for the activities in the field of minerals shall conduct on-the-spot inspection and shall prepare minutes of the conducted inspection within a period of 15 days.
- (8) An authorized person of the entity requesting exploitation concession shall be present at the inspection referred to in paragraph (5) of this Article and shall sign the minutes of the conducted inspection.

(9) Upon taking the activities referred to paragraphs (5) and (6) of this Article, only in the cases of submitted request for awarding a concession for exploitation of energy and metallic minerals, the state administrative body responsible for the activities in the field of minerals shall *ex officio* , within a period of 15 days, request an opinion from the state administrative bodies responsible for the activities in the field of protection of environment and spatial planning, protection of cultural heritage, transport and communications, agriculture, forestry, waters, as well as from other state administrative bodies responsible for the activities in the respective field.

(10) In the case of submitted request for awarding a concession for exploitation of energy and metallic minerals, the state administrative body responsible for the activities in the field of minerals shall *ex officio* , within a period of 15 days, request also an opinion from the unit, that is, the units of the local self-government on the territory of which the request for awarding a concession is submitted.

(11) The bodies referred to in paragraphs (8) and (9) of this Article shall be obliged to deliver their opinion within a period of 15 days as of the day of receipt of the request.

(12) If the state administrative bodies responsible for the activities in the field of environment and spatial planning, protection of cultural heritage, transport and communications, forestry and water resources management, agriculture, as well as the other state administrative bodies responsible for the activities in the respective field do not submit an opinion within the period determined in paragraph (10) of this Article, the state administrative body responsible for the activities in the field of minerals shall be obliged to notify the Government within a period of five days as of the day of expiry of the deadline determined in paragraph (10) of this Article.

(13) In the case referred to in paragraph (11) of this Article, the Government shall oblige the state administrative body responsible for the activities in the respective field to submit an opinion within a period of three days.

(14) If the respective opinion is not submitted upon the expiry of the determined period referred to in paragraph (12) of this Article, it shall be deemed that a positive opinion in relation to the submitted request for giving an opinion is adopted.

(15) Upon expiry of the period referred to in paragraph (13) of this Article in the case of submitted request for awarding a concession for exploitation of energy and metallic minerals, the state administrative body responsible for the activities in the field of minerals shall be obliged to submit to the Government a draft decision on awarding exploitation concession within a period of 15 days.

(16) Upon taking the activities referred to in paragraphs (5) and (6) of this Article in the case of submitted request for awarding a concession for exploitation of minerals referred to in Article 4 paragraph (2) lines 3, 4, 5, 6 and 7, the state administrative body responsible for the activities in the field of minerals shall be obliged to submit to the Government a draft decision on awarding exploitation concession within a period of 15 days.

### Article 43

#### **Award of concession for exploitation of sand and gravel that are not found in the beds and watersides of surface water bodies (watercourses, lakes and accumulations) and quartz aggregate**

- (1) A concession for exploitation of sand and gravel that are not found in the beds and watersides of surface water bodies (watercourses, lakes and accumulations) and quartz aggregate shall be awarded on the basis of a request of the owner of the land where they are found.
- (2) The request for exploitation concession referred to in paragraph (1) of this Article shall be submitted to the state administrative body responsible for the activities in the field of minerals.
- (3) The following shall be attached to the request for awarding a concession referred to in paragraph (1) of this Article:
- data on the entity requesting concession,
  - a topographic map on a scale of 1:5.000 along with coordinates of the bordering points of the location of a defined area,
  - a land survey report for special purposes with cadastre indications for the area for which award of exploitation concession is requested, prepared by sole traders – authorized land surveyors and trade companies for land surveying that fulfill the conditions under the Law on Immovable Property Cadastre, and
  - a concession feasibility study.
- (4) The state administrative body responsible for the activities in the field of minerals, within a period of eight days as of the day of receipt of the request referred to in paragraph (2) of this Article, shall by a decision reject the request if:
- the documentation referred to in paragraph (3) of this Article is not submitted and
  - a permit for detailed geological explorations or concession for detailed geological explorations or exploitation of minerals is already awarded for the area for which a request for awarding a concession is submitted.
- (5) An appeal against the decision referred to in paragraph (4) of this Article may be filed with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days.
- (6) If the state administrative body responsible for the activities in the field of minerals does not reject the request for awarding a concession referred to in paragraph (2) of this Article, it shall conduct on-the-spot inspection and shall prepare minutes for the conducted inspection within a period of 15 days.
- (7) An authorized representative of the entity requesting concession for exploitation shall be present at the inspection referred to in paragraph (5) of this Article and shall sign the minutes of the conducted inspection.
- (8) Upon taking the activities referred to in paragraphs (6) and (7) of this Article, the state administrative body responsible for the activities in the field of minerals shall *ex officio* , within a period of 15 days, request an opinion from the state administrative bodies responsible for the activities in the field of protection of environment and spatial planning,



protection of cultural heritage, transport and communications, agriculture, forestry, waters, as well as other state administrative bodies responsible for the activities in the respective field.

(9) In addition to the state administrative bodies referred to in paragraph (8) of this Article, the state administrative body responsible for the activities in the field of minerals shall *ex officio* , within a period of 15 days, request an opinion from the unit, that is, the units of the local self-government where the request for awarding a concession is submitted.

(10) The bodies referred to in paragraphs (8) and (9) of this Article shall be obliged to deliver their opinion within a period of 15 days as of the day of receipt of the request.

(11) If the state administrative bodies responsible for the activities in the field of environment and spatial planning, protection of cultural heritage, transport and communications, forestry and water resources management, agriculture, as well as the other state administrative bodies responsible for the activities in the respective field do not submit an opinion within the period determined in paragraph (10) of this Article, the state administrative body responsible for the activities in the field of minerals shall be obliged to notify the Government within a period of five days as of the day of expiry of the period determined in paragraph (10) of this Article.

(12) In the case referred to in paragraph (11) of this Article, the Government shall oblige the state administrative body responsible for the activities in the respective field to submit an opinion within a period of three days.

(13) If the respective opinion is not submitted upon the expiry of the period referred to in paragraph (12) of this Article, it shall be deemed that a positive opinion in relation to the submitted request for giving an opinion is delivered.

(14) Upon the expiry of the deadline referred to in paragraph (13) of this Article, the state administrative body responsible for the activities in the field of mineral raw materials shall be obliged to submit a draft-decision for award of concession for exploitation to the Government within a period of 15 days.

(15) The form and the contents of the request referred to in paragraph (3) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

#### **Article 44**

##### **Concession for exploitation of another type of minerals for the same area and restrictions for awarding a concession for exploitation**

(1) An exploitation concession may be also awarded for another type of minerals for an area for which an exploitation concession for minerals has been already awarded, provided that the regular exploitation of minerals for which an exploitation concession is previously awarded is not disrupted.

(2) The procedure for awarding a concession for exploitation of another type of minerals referred to in paragraph (1) of this Article shall be conducted in accordance with the provisions of Article 41 of this Law.

(3) In the case of minerals which are indivisible in the process of their exploitation from the minerals that are subject of an already awarded concession for exploitation and are located on the same area, the concession for exploitation may be awarded to the existing holder of concession for these minerals as well.

(4) The procedure for awarding a concession for exploitation in the cases referred to in paragraph (3) of this Article shall be conducted in accordance with the provisions of Article 42 of this Law.

(5) In the case of technogenic minerals found on the area for which a concession for exploitation is awarded, and created before the awarding of the exploitation concession, the concessionaire shall be obliged to give consent for the initiative for starting a procedure for awarding a concession for detailed geological explorations.

(6) The concessionaire that exploits minerals and the future concessionaire of detailed geological explorations, that is, exploitation of technogenic minerals shall regulate the mutual rights and obligations by a mutual agreement.

(7) The Government may adopt a decision to reject the initiative, that is, the request for exploitation concession in the following cases:

- the public interest excludes exploitation of the mineral on the location of the requested concession area and
- the exploitation of the minerals would cause disturbance at the market or would create conditions for creation of a dominant position at the market for the mineral for which awarding a concession is requested, except for the minerals referred to in Article 4 paragraph (2) lines 1, 2, 3 and 4 of this Law.

(8) The state administrative body responsible for the activities in the field of minerals shall notify the entity that submits the request, that is, the initiative for awarding a concession for exploitation of minerals about the decision referred to in paragraph (1) of this Article within a period of 15 days.

(9) An administrative dispute may be initiated against the decision referred to in paragraph (1) of this Article.

## **Article 45**

### **Decision on awarding a concession for exploitation**

(1) A decision on awarding a concession for exploitation of minerals shall be adopted by the Government on a proposal of the state administrative body responsible for the activities in the field of minerals.

(2) The decision on awarding a concession for exploitation, in addition to the elements set out in Article 37 of the Law on Concessions and Public Private Partnership, should mandatorily contain the following provisions:

- the type of the mineral,
- the size of the area for which the concession for exploitation is awarded, defined by coordinates,
- the duties of the holder of the concession in relation to the rehabilitation and recultivation of

the land that is degraded by the mining activities, and  
- other conditions determined by the bid documentation and the submitted bid.

(3) The decision on awarding a concession shall be published in the “Official Gazette of the Republic of Macedonia”.

#### **Article 46**

##### **Agreement on concession for exploitation of minerals**

(1) Based on the decision on awarding a concession for exploitation of minerals, the concession grantor and the concessionaire shall conclude an agreement on concession for exploitation of minerals.

(2) The agreement on concession for exploitation of minerals shall be concluded by the minister heading the state administrative body responsible for the activities in the field of minerals in the name of the concession grantor within a period of 15 days as of the day of entry into force of the decision on awarding a concession.

(3) The agreement on concession for exploitation of minerals shall contain provisions defined in accordance with the regulation of the content of the agreement on establishment of public private partnership and the agreement on concession of goods of public interest.

(4) The agreement on concession for exploitation shall have a status of an enforcement document.

(5) The state administrative body responsible for the activities in the field of minerals shall submit a copy of the agreements on concession for exploitation of minerals, as well as of the annexes to the agreements on concession for exploitation, to the State Inspectorate for Technical Inspection, the State Environmental Inspectorate, the Agency for Cadastre of Immovables of the Republic of Macedonia, the Public Revenue Office, and the municipality on the area of which the concession activity is performed.

#### **Article 47**

##### **Transfer of the exploitation concession**

(1) The exploitation concession may be transferred only as a whole.

(2) A request for transfer of the exploitation concession shall be submitted to the state administrative body responsible for the activities in the field of minerals by the concessionaire.

(3) The following shall be attached to the request referred to in paragraph (2) of this Article:

- a decision of the partners, that is, the shareholders in the company based on which consent for transfer of the exploitation concession is given,
- an agreement on transfer of the exploitation concession concluded between the concessionaire and the legal entity to which the concession is requested to be transferred,
- a certificate that a bankruptcy procedure is not initiated by a competent body for the concessionaire and the legal entity to which the exploitation concession is requested to be transferred,

- a certificate that a liquidation procedure is not initiated by a competent body for the concessionaire and the legal entity to which the exploitation concession is requested to be transferred,
- a certificate of paid taxes, contributions and other public duties by a competent body for the concessionaire and the legal entity to which the exploitation concession is requested to be transferred,
- a certificate from the Register of Sentences for Committed Crimes by Legal Entities that no secondary sentence temporary or permanent prohibition on carrying out a particular activity for the concessionaire and the legal entity to which the exploitation concession is requested to be transferred is imposed, and
- a certificate that the concessionaire and the legal entity to which the exploitation concession is requested to be transferred is not imposed a misdemeanor sanction prohibition on practicing profession, carrying out an activity or duty, that is, an injunction on carrying out a particular activity.

(4) The form and the contents of the request referred to in paragraph (2) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(5) The authorized official person of the state administrative body responsible for carrying out the activities in the field of minerals who conducts the procedure shall obtain *ex officio* the proofs referred to in paragraph (3) lines 3, 4, 5, 6 and 7 of this Article within a period of three working days as of the day of submission of the request.

(6) The authorized official person of the competent public body shall be obliged to submit the required proofs referred to in paragraph (3) lines 3, 4, 5, 6 and 7 of this Article within a period of three days as of the day of receipt of the request.

(7) The documents referred to in paragraph (3) of this Article must not be older than six months and shall be submitted in original or a notary verified copy.

(8) The state administrative body responsible for the activities in the field of minerals shall *ex officio* , within a period of eight days as of the day of receipt of the request referred to in paragraph (2) of this Article, submit a request to the Bureau of Court Expertise to make an appraisal of the business venture of the concessionaire by applying an income method, in accordance with the Law on Appraisal.

(9) The Bureau of Court Expertise shall be obliged to make the appraisal referred to in paragraph (5) of this Article within a period of 30 days as of the day of receipt of the request referred to in paragraph (5) of this Article and to submit a report about the appraisal, in accordance with the Law on Appraisal, to the state administrative body responsible for the activities in the field of mineral.

(10) The Government shall adopt a decision by which it grants consent for transfer of the concession for exploitation of minerals under the same conditions under which the concession which is transferred has been awarded.

(11) By the transfer of the concession, the new concessionaire shall acquire the rights and obligations deriving from the issued permits and approvals by the competent bodies, in terms

of this and another law, and which are related to the exploitation of minerals that are subject of the exploitation concession.

(12) As for the transfer of the concession, the concession grantor and the concessionaire shall conclude an agreement on transfer of concession.

(13) A fee in the amount of seven per cent of the appraised value of the concession for mineral exploitation, and based on the appraisal report referred to in paragraph (6) of this Article, shall be paid for giving consent for the transfer of the concession for mineral exploitation.

(14) Upon completing the transfer of the concession, the holder of the concession for exploitation shall be obliged, within a period of 30 days as of the day of conclusion of the agreement on transfer of the concession, to pay the fee referred to in paragraph (10) of this Article.

(15) If the holder of the concession for exploitation, upon the completed transfer of the concession, does not pay the fee referred to in paragraph (10) of this Article, the Government shall, by a decision, annul the procedure for giving consent for transfer of the concession for mineral exploitation.

(16) The fee referred to in paragraph (10) of this Article shall be a public duty.

(17) The fee referred to in paragraph (10) of this Article shall be revenue of the Budget of the Republic of Macedonia.

#### **Article 48**

##### **Consent in case of status changes**

(1) It shall be necessary to obtain a prior consent by the concession grantor in case of merger, acquisition and division of the concessionaire.

(2) For the purpose of obtaining the consent referred to in paragraph (1) of this Article, the concessionaires shall be obliged to submit a request to the concession grantor regarding the intent to merge, acquire and divide.

(3) The form and the contents of the request referred to in paragraph (2) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(4) The concession grantor shall give the consent referred to in paragraph (1) of this Article in a written form within a period of 30 days as of the day of submission of the request.

(5) If the concession grantor establishes that a situation that disturbs the aim for which the concession has been awarded is to be created by the planned status changes, the concession grantor shall adopt a decision to reject the respective request.

(6) The dissatisfied party may initiate a legal dispute against the decision referred to in paragraph (4) of this Article.

## Article 49

### Consent for transfer of shares or stocks

(1) The transfer of shares or stocks of the entity that has conducted the detailed geological explorations and has submitted a request for awarding a concession for exploitation, as well as of the concessionaire which has been awarded a concession for exploitation of minerals, which individually or collectively could cause a change in the controlling stake of the company cannot be made without a prior written consent of the concession grantor.

(2) For the purpose of obtaining the consent referred to in paragraph (1) of this Article, the concessionaire shall be obliged to submit a request for obtaining a consent for the intention that, individually or collectively, would lead to a change in the controlling stake in the company.

(3) The concession grantor shall adopt a decision giving consent for the transfer of shares or stocks of the entity that has conducted the detailed geological explorations and has submitted a request for awarding a concession for exploitation, as well as of the concessionaire which has been awarded a concession for exploitation of minerals which individually or collectively has led to a change of the controlling stake in the company.

(4) The following shall be attached to the request referred to in paragraph (2) of this Article:

- a decision of the partners, that is, the shareholders in the company based on which consent for transfer of shares or stocks is given,
- an agreement on transfer of shares or stocks concluded between the giver of the shares or stocks and the receiver of the shares or stocks,
- a certificate that a bankruptcy procedure is not initiated by a competent body for the concessionaire,
- a certificate that a liquidation procedure is not initiated by a competent body for the concessionaire,
- a certificate of paid taxes, contributions and other public duties by a competent body for the concessionaire,
- a certificate from the Register of Sentences for Committed Crimes by Legal Entities that no secondary sentence temporary or permanent prohibition on carrying out a particular activity for the concessionaire is imposed, and
- a certificate that the concessionaire is not imposed a misdemeanor sanction prohibition on practicing profession, carrying out an activity or duty, that is, an injunction on carrying out a particular activity.

(5) The form and the contents of the request referred to in paragraph (2) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(6) The authorized official person of the state administrative body responsible for carrying out the activities in the field of minerals who conducts the procedure shall obtain *ex officio* the proofs referred to in paragraph (4) lines 3, 4, 5, 6 and 7 of this Article within a period of three working days as of the day of submission of the request.

(7) The authorized official person of the competent public body shall be obliged to submit the required proofs referred to in paragraph (4) lines 3, 4, 5, 6 and 7 of this Article within a period of three days as of the day of receipt of the request.

(8) The documents referred to in paragraph (4) of this Article must not be older than six months and shall be submitted in original or a notary verified copy.

(9) The state administrative body responsible for the activities in the field of minerals shall *ex officio* , within a period of eight days as of the day of receipt of the request referred to in paragraph (2) of this Article, submit a request to the Bureau of Court Expertise to make an appraisal of the business venture of the concessionaire by applying an income method, in accordance with the Law on Appraisal.

(10) The Bureau of Court Expertise shall be obliged to make the appraisal referred to in paragraph (6) of this Article within a period of 30 days as of the day of receipt of the request referred to in paragraph (6) of this Article and to submit a report about the appraisal, in accordance with the Law on Appraisal, to the state administrative body responsible for the activities in the field of mineral.

(11) If the concession grantor establishes that the change in the controlling stake in the company would lead to a situation which disturbs the aim for which the concession is awarded, the concession grantor shall adopt a decision to reject the respective request.

(12) The dissatisfied party may initiate a legal dispute against the decision referred to in paragraph (4) of this Article.

(13) The prior written consent referred to in paragraph (1) of this Article shall not be necessary where the right of ownership of the stocks or shares referred to in paragraph (1) of this Article is acquired by inheritance in accordance with the Law on Inheritance, as well as in the case of joint stock companies listed on the stock exchange.

(14) In the case referred to in paragraph (6) of this Article, the concessionaire shall be obliged, within a period of 15 days as of the change that, individually or collectively, has led to a change in the controlling stake in the company, to notify the state administrative body responsible for the activities in the field of minerals.

(15) A fee in the amount of seven per cent of the appraised value of the concession for mineral exploitation, and based on the appraisal report referred to in paragraph (7) of this Article, shall be paid for giving consent for the transfer of shares or stocks.

(16) The receiver of shares or stocks shall be obliged to pay the fee referred to in paragraph (12) of this Article within a period of 30 days as of the day of entry into force of the decision referred to in paragraph (3) of this Article.

(17) The entry of the change which has occurred during the transfer of the shares or stocks in the Central Register may be done after the fee referred to in paragraph (12) of this Article is paid.

(18) If the receiver of the shares or stocks, upon the expiry of the deadline referred to in paragraph (13) of this Article, does not pay the fee referred to in paragraph (12) of this

Article, the Government shall, by a decision, annul the procedure for giving consent for transfer of shares or stocks.

(19) The fee referred to in paragraph (12) of this Article shall be a public duty.

(20) The fee referred to in paragraph (12) of this Article shall be revenue of the Budget of the Republic of Macedonia.

## **Article 50**

### **Termination of validity of the exploitation concession**

(1) The concession for exploitation of minerals shall cease to be valid in the cases of:

- expiry of the validity period for which the concession is awarded;
- unilateral termination of the concession agreement by the concession grantor;
- unilateral termination of the concession agreement by the concessionaire, and
- initiation of a bankruptcy procedure against the concessionaire or liquidation of the concessionaire.

(2) In the cases of termination of validity of the concession referred to in paragraph (1) of this Article, all permits, decisions and approvals directly related to the exploitation concession shall cease to be valid.

(3) In the cases of termination of validity of the exploitation concession referred to in paragraph (1) lines 1 and 4 of this Article, the Government, on a proposal of the state administrative body responsible for the activities in the field of minerals, shall adopt a decision on termination of validity of the exploitation concession.

(4) The decision referred to in paragraph (3) of this Article shall be published in the “Official Gazette of the Republic of Macedonia”.

## **Article 51**

### **Unilateral termination of the agreement on concession for exploitation of minerals by the concession grantor**

(1) The Government shall unilaterally terminate the agreement on concession for exploitation if:

- the concessionaire transfers the subject of the concession for exploitation of minerals to another concessionaire without a consent of the concession grantor,
- the concessionaire undergoes a merger, acquisition and division without a written consent of the concession grantor,
- a transfer of stocks or shares at the concessionaire to which the concession for exploitation is awarded is made which, individually or collectively, would lead to a change in the controlling stake in the company without a prior written consent of the concession grantor in the manner defined by this Law,
- the concessionaire gives the subject of the concession under lease,
- the concessionaire starts the exploitation of minerals before a permit for exploitation is granted,
- the concessionaire does not act upon the measures imposed in the procedure for supervision under the law,



- the concessionaire does not submit a request for issuance of a permit for exploitation within the period referred to in Article 54 paragraph (1) of this Law,
- the concessionaire does not start the exploitation of minerals within the period set out in Article 54 paragraph (2) of this Law, except in the cases of *force majeure*,
- the concessionaire does not pay the concession fees for the awarded concession in the manner and under the conditions defined by this Law and the regulations adopted on the basis of this Law,
- the concessionaire has not made a land survey and has not prepared a land survey report with calculation of the dug quantities of minerals or has not submitted the land survey report to the state administrative body responsible for the activities in the field of minerals for two consecutive years,
- the concessionaire does not submit a report on the conducted testing of the exploitation facilities for exploitation of the minerals referred to in Article 4 paragraph (2) line 6 of this Law in two consecutive years,
- the concessionaire does not deliver authentic data on the contents of the minerals in the concentrates, that is, the metals that are received in the processing process,
- the concessionaire has stopped the mining activities for a period longer than one year, and
- the concessionaire does not comply with the decision and the measures in relation to environmental protection set out in the regulations in the field of environment.

(2) The Government, on a proposal of the state administrative body responsible for the activities in the field of minerals, shall adopt a decision to unilaterally terminate the agreement on concession for exploitation of minerals.

(3) The decision on unilateral termination of the agreement on concession shall be published in the “Official Gazette of the Republic of Macedonia”.

(4) Based on the decision referred to in paragraph (2) of this Article, the state administrative body responsible for the activities in the field of minerals shall, within a period of 15 days, notify the concessionaire about the unilateral termination of the agreement on concession for exploitation.

(5) The dissatisfied party may initiate an administrative dispute against the decision referred to in paragraph (2) of this Article.

(6) The initiation of the administrative dispute referred to in paragraph (5) of this Article shall not postpone the enforcement of the decision.

(7) In the case of unilateral termination of the agreement on concession for exploitation referred to in paragraph (1) of this Article, the concessionaire shall be obliged to pay the due concession fees, as well as the fee for using the area.

## **Article 52**

### **Unilateral termination of the concession for exploitation of minerals by the concessionaire**

- (1) The concessionaire may unilaterally terminate the agreement on concession if:
- the concession grantor does not fulfill the obligations under the agreement,
  - the concession grantor has made a serious breach of the provisions of the agreement or of the laws and regulations applicable to the agreement, and

- the concessionaire does not have a financial interest for future carrying out of the exploitation concession.

(2) In the case of unilateral termination of the agreement on concession for exploitation referred to in paragraph (1) line 3 of this Article, the concessionaire shall be obliged to pay the due concession fees, as well as the fee for using the area.

(3) In the case of unilateral termination of the agreement on concession for exploitation referred to in paragraph (1) line 3 of this Article, when one third of the duration of the exploitation concession is expired, the concessionaire shall be obliged to pay only the fee for the due concession fees.

(4) The request for unilateral termination of the agreement on concession shall be submitted to the state administrative body responsible for the activities in the field of minerals.

(5) The Government, on a proposal of the state administrative body responsible for the activities in the field of minerals, shall adopt a decision on unilateral termination of the agreement on concession for exploitation of minerals by the concessionaire.

(6) The decision on unilateral termination of the agreement on concession by the concessionaire shall be published in the “Official Gazette of the Republic of Macedonia”.

(7) Based on the decision referred to in paragraph (5) of this Article, the state administrative body responsible for the activities in the field of minerals shall, within a period of 15 days, notify the concessionaire about the unilateral termination of the agreement on concession for exploitation.

(8) The dissatisfied party may initiate an administrative dispute against the decision referred to in paragraph (6) of this Article.

(9) The initiation of the administrative dispute referred to in paragraph (8) of this Article shall not postpone the enforcement of the decision.

(10) The form and the contents of the request referred to in paragraph (4) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

## **Chapter 2**

# **PERMIT FOR EXPLOITATION OF MINERALS**

### **Article 53**

#### **Permit for exploitation of minerals**

(1) The exploitation of minerals and the carrying out of mining activities may be started after the concessionaire is granted a permit for exploitation of minerals.

(2) The permit referred to in paragraph (1) of this Article shall be issued by the state administrative body responsible for carrying out the activities in the field of minerals.

(3) The permit for exploitation shall be issued with validity period that cannot be longer than the validity period of the exploitation concession.

(4) The permit for exploitation shall be issued for the same type of minerals for which the exploitation concession is awarded.

#### **Article 54**

##### **Deadline for submission of a request for issuance of a permit for exploitation and deadline for starting the exploitation**

(1) Upon conclusion of the agreement on concession for exploitation, the concessionaire shall be obliged to submit a request for issuance of a permit for exploitation within a period of:

- four years for energy and metallic minerals,
- one year for technogenic minerals, non-metallic minerals, dimension stone, and mineral, thermo-mineral, thermal waters, and mineral waters and gas CO<sub>2</sub>, and
- six months for sand and gravel that are not found in the beds and watersides of surface water bodies (watercourses, lakes and accumulations) and quartz aggregate.

(2) Upon issuance of the permit for exploitation, the concessionaire shall be obliged to start the exploitation of minerals within a period of:

- three years for energy and metallic minerals,
- one year for technogenic minerals, non-metallic minerals, dimension stone, and mineral, thermo-mineral, thermal waters, and mineral waters and gas CO<sub>2</sub>, and
- six months for sand and gravel that are not found in the beds and watersides of surface water bodies (watercourses, lakes and accumulations) and quartz aggregate.

#### **Article 55**

##### **Request for issuance of a permit for exploitation**

(1) The concessionaire shall submit a request for issuance of a permit for exploitation to the state administrative body responsible for carrying out the activities in the field of minerals.

(2) The following shall be attached to the request referred to in paragraph (1) of this Article:

- a proof for settled property rights in the part of the land where minerals are exploited, except in the case of underground exploitation in case the exploitation does not affect the surface;
- a land survey report for special purposes with cadastre indications prepared by sole traders – authorized land surveyors and trade companies for land surveying that fulfill the conditions under the Law on Immovable Property Cadastre,
- a main mining project for exploitation of minerals that are subject of the concession along with the review (expert) assessment of the project,
- a decision on approval of the study for the environmental impact assessment or a decision on approval of the detailed report of the environmental impact assessment,
- a waste management plan,
- a traffic consent for connection to a public road, except for minerals referred to in Article 4 paragraph (2) line 6 of this Law,

- a permit for using the water and/or a permit for discharging the water that is issued by the competent state administrative body responsible for water resources management, provided that the necessity of issuance of such a permit is determined by the competent state administrative body responsible for water resources management, and
- a proof of measuring the exploited and sold quantity of a mineral, except for the minerals referred to in Article 4 paragraph (2) line 6 of this Law.

(3) The form and the contents of the request referred to in paragraph (1) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(4) The state administrative body responsible for carrying out the activities in the field of minerals shall be obliged, within a period of 30 days as of the day of receipt of the request for issuance of a permit for exploitation, to issue the permit for exploitation.

(5) The state administrative body responsible for the activities in the field of minerals shall submit a copy of the permit for exploitation to the State Inspectorate for Technical Inspection, the State Environmental Inspectorate, the Agency for Cadastre of Immovables of the Republic of Macedonia, the Public Revenue Office, and the municipality on the area of which the concession activity is performed.

(6) The waste management plan referred to in paragraph (2) line 5 of this Article shall not be submitted by concessionaires that exploit:

- sand and gravel that are not found in the beds and watersides of surface water bodies (watercourses, lakes and accumulations) and quartz aggregate,
- all types of clays, and
- mineral, thermo-mineral and thermal waters, and mineral waters and gas CO<sub>2</sub>.

## **Article 56**

### **Rejection of the request for issuance of a permit for exploitation**

(1) The state administrative body responsible for carrying out the activities in the field of minerals shall reject the request referred to in Article 55 paragraph (1) of this Law by a decision if:

- the request for issuance of a permit for exploitation is not submitted within the period defined in Article 54 of this Law and

the request does not contain the documentation defined in Article 55 paragraph (2) of this Law.

(2) An appeal against the decision referred to in paragraph (1) of this Article may be submitted to the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days.

## **Article 57**

### **Contents of the permit for exploitation of minerals**

The permit for exploitation of minerals shall in particular contain the following data on:

- the concessionaire,
- the validity period of the permit for exploitation,

- the minerals that are subject of the exploitation,
- the size, boundaries and location of the exploitation field,
- the cadastre data on the land for the area for which the permit is issued,
- the main mining project for exploitation of minerals,
- the plan for management of mineral waste, and
- other data determined by law and the concession agreement.

#### **Article 58**

##### **Termination of validity of the permit for exploitation**

The permit for exploitation of minerals shall cease to be valid upon:

- termination of validity of the concession for exploitation,
- termination of functionality of the exploitation facilities for which it has been issued, and
- expiry of the validity period of the permit for exploitation.

#### **Article 59**

##### **Permit for conducting mining activities under a supplementary mining project**

(1) Conducting mining activities and constructing facilities in the existing mines for the purpose of opening and exploitation of minerals in new horizons, mining districts, construction of new production, air and exploration shafts, significantly changed method of excavation, reconstruction of mining facilities and new dumping grounds that are not covered by the main mining project, rehabilitation of major landslides, changes in terms of land recultivation under the main mining project, as well as other activities, shall be conducted based on a permit for conducting mining activities under a supplementary mining project.

(2) The permit referred to in paragraph (1) of this Article shall be issued only for the area for which the permit for exploitation is issued, defined by the main mining project where the boundaries and the location of the exploitation area are defined, except for new dumping grounds that are set within the boundaries of the area for which the concession for exploitation is awarded.

(3) The permit for conducting mining activities under a supplementary mining project shall be issued based on a request of the concessionaire, that is, the holder of the permit for exploitation and the concessionaire shall be obliged to submit:

- a supplementary mining project along with an expert assessment (review),
- an updated plan for management of mineral waste, and
- a proof of settled property rights in the part of the land where the dumping ground is going to be located along with a land survey report for special purposes with cadastre indications prepared by sole traders – authorized land surveyors and trade companies for land surveying that fulfill the conditions under the Law on Immovable Property Cadastre, only if issuance of a permit for conducting mining projects under a supplementary mining project for setting a dumping ground is requested.

(4) The form and contents of the request referred to in paragraph (3) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(5) The permit referred to in paragraph (1) of this Article shall be issued by the state administrative body responsible for carrying out the activities in the field of minerals within a period of 30 days as of the day of receipt of the request.

(6) The permit referred to in paragraph (1) of this Article shall contain data on the requesting entity, the area for which the permit is issued, the supplementary mining project for conducting mining activities along with a review (expert assessment) and explanation about the reasons for its issuance.

(7) The state administrative body responsible for the activities in the field of minerals shall submit a copy of the permit for conducting mining activities under a supplementary mining project to the State Inspectorate for Technical Inspection, the State Environmental Inspectorate, the Agency for Cadastre of Immovables of the Republic of Macedonia, the Public Revenue Office, and the municipality on the area of which the concession activity is performed.

## **Article 60**

### **Termination of validity of the permit for conducting supplementary mining activities**

The permit for conducting supplementary mining activities shall cease to be valid upon termination of validity of the concession for exploitation, termination of functionality of the exploitation facilities for which it has been issued, and upon expiry of the validity of the permit for exploitation and the permit for conducting supplementary mining activities under a supplementary mining project.

## **Article 61**

### **Merger or acquisition of concessions**

(1) For the purpose of rational and effective exploration or exploitation of minerals, two neighboring concessions may be merged or acquired in the case the concessions are spread at the same deposit of the same mineral type.

(2) A possibility shall be given to the concessionaire to merge the concessions for exploitation in the case of the same owner and the same mineral type.

(3) The shortest period of the two concessions shall be considered to be the duration of the concession.

(4) A decision on merger or acquisition of concessions shall be adopted by the Government.

(5) A request for merger or acquisition of concessions shall be submitted by the concessionaires.

(6) The state administrative body responsible for carrying out the activities in the field of minerals shall, within a period of eight days, inspect the location for which a request for merger or acquisition of concession is submitted, and shall prepare minutes thereof.

(7) The state administrative body responsible for carrying out the activities in the field of minerals shall, within a period of 15 days as of the day of submission of the request for

merger or acquisition of concessions, submit an elaborated proposal for merger or acquisition of concession to the Government.

(8) Upon reviewing the elaborated proposal referred to in paragraph (4) of this Article, the Government shall adopt a decision on merger or acquisition of concessions.

(9) Upon adoption of the decision referred to in paragraph (2) of this Article, the concession grantor and the concessionaires shall regulate the relations by an agreement or annex to the agreement on concession.

(10) The form and the contents of the request referred to in paragraph (5) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

## **Chapter 3**

# **PROFESSIONAL TRAINING AND MINING ACTIVITIES**

### **Article 62**

#### **Professional training**

(1) The persons that carry out works for conducting mining activities, that is, exploitation of minerals, in addition to the general conditions determined by law, should also fulfill the special conditions for professional training and qualification for carrying out particular works referred to in paragraph (2) of this Article.

(2) The work at particular jobs in the legal entity or the natural person which conducts mining activities, that is, exploits minerals may be done by persons who also fulfill the following conditions, that is:

- a head of a surface mine or a particular part of it, a university diploma in mining, stream for surface exploitation or general stream, and at least three years of work experience in the profession,
- a head of an underground mine or a particular part of it, a university diploma in mining, stream for underground exploitation or general stream, and at least five years of work experience in the profession,
- a head of an open pit during exploitation of minerals, clay, quartz aggregate, sand and gravel, with a total potential of mineral layer, including the overburden, does not exceed four meters in depth, secondary technical school (mining, geological, construction stream and alike),
- a head of facilities for mineral processing, a university diploma in mining, stream for mineral processing (includes the former streams “preparation of minerals”, as well as “mineral technology or mineral processing”) or general stream, and at least three years of work experience in the profession,
- a head of electro-mechanical, that is, mechanical service or construction service who carries out works for the needs of the legal entity or the natural person which exploits minerals, an appropriate university diploma and at least two years of work experience in the profession,
- a head of a pit and the facilities for exploitation and processing of minerals, secondary

technical school, mining stream, and at least three years of work experience in such or similar facilities,

- a head of a service for technical security and safety at work, a university diploma in mining or a university diploma in safety at work, and two years of work experience in a pit or open pit,

- a supervisor in a pit, secondary technical school, mining or geological stream, and at least two years of work experience in the profession,

- a supervisor of an open pit, facilities for mineral processing, secondary technical school, mining stream, and

- worker that handles an independent pit gauge, that is, an open pit gauge, secondary technical school, geological stream, and at least two years of work experience in the profession.

(3) For the purpose of carrying out the mining activities, the concessionaire shall be obliged to organize training to the workers for professional qualification for independent and safe carrying out of their jobs and check before an expert commission, formed by the concessionaire.

(4) Blasting-related works may be carried out by persons that are professionally qualified for such works and who fulfill the conditions prescribed by the Law on Protection Against Explosive Materials and have passed an examination for checking their qualification, before an expert commission formed by the concessionaire.

(5) The state mining inspector shall participate in the examination for checking the professional qualification for conducting mining activities referred to in paragraph (4) of this Article for the purpose of having an insight in the examination.

(6) For the purpose of training, and upon an approval by the head of the mine, the workers that are trained may carry out blasting-related works under a permanent supervision of the blaster.

### **Article 63**

#### **Technical management and supervision over conducting the mining activities**

(1) In the course of carrying out the mining activities, as well as in the course of mineral processing, the concessionaire shall be obliged to provide technical supervision over the course of these activities under the mining projects, the technical regulations and norms, as well as under the regulations on protection at work, safety and health.

(2) A mining engineer in the respective mining stream who holds a license for preparation of mining projects for surface and underground exploitation and processing of minerals may be appointed as technical supervision over the conduct of the mining activities during surface exploitation.

(3) A mining engineer in the respective mining stream who holds a license for preparation of mining projects for surface and underground exploitation and processing of minerals may be appointed as technical supervision over the conduct of the mining activities during underground exploitation.



(4) A mining engineer in the respective mining stream who holds a license for preparation of mining projects for surface and underground exploitation and processing of minerals may be appointed as technical supervision over the conduct of the mining activities during processing of minerals.

(5) A head of a surface mine, a head of an underground mine and a head of facilities for processing of minerals cannot be appointed as technical supervision.

(6) The person appointed as technical supervision shall keep records in the book for technical supervision of the conducted technical supervision.

(7) The form and content of the book for technical supervision, as well as the manner of conducting the technical supervision, shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of minerals.

#### **Article 64**

##### **Land surveying and mining measurements**

(1) For the purpose of correct exploitation of minerals, the concessionaire shall be obliged to make a land surveying and mining measurements.

(2) The concessionaire that exploits minerals, except the minerals referred to in Article 4 paragraph (2) line 6 of this Law and the quartz aggregate, shall be obliged, once a year, in the period between the 15th of September and the 15th of December in the current year, to make a land surveying and to prepare a land survey report containing a calculation of the excavated quantities of minerals, where the quantities of excavated quantity of minerals and the period of excavation shall be precisely defined, and to submit the land survey report to the state administrative body responsible for carrying out the activities in the field of minerals up to the 31st of January at the latest in the current year for the previous year.

(3) The concessionaire shall be obliged to submit a copy of the land survey report referred to in paragraph (2) of this Article to the State Inspectorate for Technical Inspection.

(4) The land surveying referred to in paragraph (2) of this Article shall be made by sole traders – authorized land surveyors and trade companies for land surveying that fulfill the conditions under the Law on Cadastre of Immovables.

(5) The concessionaire that exploits minerals referred to in Article 4 paragraph (2) line 6 of this Law shall be obliged, once a year, to make tests of the exploitation facilities and to submit a copy of the report on the completed tests of the exploitation facilities to the State Inspectorate for Technical Inspection.

(6) The form and contents of the report referred to in paragraph (5) of this Article shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of minerals.

(7) For the purpose of correct conducting of the detailed geological explorations with mining activities and exploitation of minerals, depending on the type of the minerals, that are subject

of the exploitation, the concessionaire shall be obliged to make mining measurements and to prepare mining plans.

(8) The type, contents and manner of preparing and keeping the mining plans shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

## **Article 65**

### **Obligations for reporting on the exploited quantities of minerals**

(1) The concessionaires that exploit minerals shall be obliged, once a year, in the period between the 1st to 31st of January in the current year for the previous year, to submit data and a calculation for the exploited quantities of minerals in the current year to the state administrative body responsible for carrying out the activities in the field of minerals.

(2) The manner of submitting and the content of the calculation for the exploited quantities referred to in paragraph (1) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(3) The concessionaires that exploit metallic and technogenic minerals and that process them in a form of a concentrate or metal shall be obliged, once a month, to submit data on the components of the minerals that are found in the received concentrates or metals to the state administrative body responsible for carrying out the activities in the field of minerals.

(4) The concessionaires that exploit metallic minerals, and which produce gold in the production process, shall be obliged to firstly offer it for sale to the National Bank of the Republic of Macedonia, under market conditions and at price set by the London Metal Exchange.

(5) The content and the manner of submitting the data referred to in paragraph (3) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

## **Article 66**

### **Obligations of the concessionaire in the course of conducting the mining activities for mineral exploitation**

(1) In the course of conducting the mining activities for exploitation of minerals, the concessionaire shall be obliged:

- to conduct the mining activities in accordance with the permit for exploitation and the permit for conducting mining activities under a supplementary mining project, the standards and the technical norms valid for conducting of such activities,
- to make mining measurements and to have mining plans for exploitation of minerals,
- if the subject of the concession for exploitation are the minerals referred to in Article 4 paragraph (2) line 6 of this Law, the concessionaire shall be obliged to reinject the excess of the used quantity of the mineral from the exploitation wells into the first water-bearing zones, but the concessionaire shall be obliged to firstly conduct detailed geological explorations of the environment where reinjection is to be made and to prepare an appropriate technical documentation for construction of a reinjection pit, where the manner of reinjection is to be also determined,

- to implement the measures for safety at work,
- to timely take the safety measures for protection of the citizens, their property, the traffic and the neighboring facilities,
- to implement, at its own account, the measures for protection of the environment and the nature and the cultural heritage, as well as the measures for land recultivation in accordance with the law,
- to keep records of the produced quantities of minerals in a written form,
- before starting the exploitation, the concessionaire shall be obliged have a proof of having measured the exploited and sold quantity of the mineral, except for the minerals referred to in Article 4 paragraph (2) line 6 of this Law.
- to manage the mineral waste in accordance with the waste management plan.

(2) The concessionaire, in the course of conducting the mining activities and exploitation of minerals, shall be obliged to have the following at the location where the activities are conducted:

- a permit for exploitation of minerals and a permit for conducting mining activities under a supplementary mining project,
- mining plans including an updated situation with the conducted mining activities,
- certificates for the professional qualification of the workers for conducting the activities and their health condition,
- a decision for designating responsible persons for managing the mining activities and constructing the mining facilities,
- reports of the conducted periodical checks and examinations of the equipment and the working tools for the purpose of determining their correctness,
- work manuals containing measures for safety at work regarding the applied technological process for exploitation and the processing of minerals,
- records of the produced quantities of minerals in a written form, and
- other documentation prescribed by this or another law.

(3) The manner of keeping records referred to in paragraphs (1) line 7 and (2) line 8 of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(4) The concessionaire, in the course of conducting the mining activities for exploitation of minerals, shall be obliged to classify and precategorize the mining reserves.

(5) The mining reserves referred to in paragraph (4) of this Article shall be classified and precategorized for a period of five years.

(6) The manner of classification and precategorization of the mining reserves referred to in paragraph (4) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(7) The technical norms that are valid for particular areas in the course of carrying out the mining activities referred to in paragraph (2) line 1 of this Article shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of minerals.

## **Article 67**

### **Temporary or permanent interruption of mining activities**

(1) The concessionaire shall be obliged to report the temporary interruption of the mining activities in the course of mineral exploration and exploitation occurring due to unanticipated geological, mining or economic reasons (gas or water appearance, rockbursts, pit fires, disturbance of the main winding and drainage tunnels, land sliding, and alike) to the state administrative body responsible for carrying out the activities in the field of minerals and the State Inspectorate for Technical Inspection within 24 hours upon the interruption of the activities at the latest and immediately in the case of serious dangers.

(2) If the concessionaire plans to temporary interrupt the activities for more than six month during the current year, it shall be necessary to inform the State Inspectorate for Technical Inspection at least 30 days before the temporary interruption and to make mining measurements of the current situation, as well as to supplement the mining plans, to make minutes of the reasons for the interruption of the activities and the dangers that may emerge during the interruption and at the restart of the activities. The temporary interruption of the mining activities cannot last more than one year.

(3) During the temporary interruption of the mining activities, the concessionaire shall be obliged to maintain the pit rooms and facilities in stable, safe and secure condition.

## **Article 68**

### **Commissioning of the mining facility**

(1) The mining facility may be used upon completed commissioning and based on an issued decision on use thereupon, only for the mines for underground exploitation of minerals, dumping grounds, hydro tailings, as well as the facilities for processing of minerals.

(2) The commissioning of the constructed mining facilities shall be made according to the main or supplementary mining project of the main mining rooms for opening and exploitation of the bed (production shafts, inclines, air shafts, inclined ramps, undercuts, transport corridors) and of the auxiliary mining rooms (machine and electrical equipment rooms, abstraction stations, warehouses, workshops, explosives depositories and passages), upon a request of the concessionaire, by a commission formed by the minister heading the state administrative body responsible for the activities in the field of minerals. A person who is employed at the concessionaire or the entity that has prepared the mining project based on which the mining facility is constructed, or the contractor of the mining facility, as well as a person who has conducted an expert supervision of the construction of the mining facility, cannot participate in the commissioning commission.

(3) The manner of carrying out the commissioning referred to in paragraph (2) of this Article and the amount of the costs for carrying out the commissioning depending on the complexity of the activities shall be prescribed by the Government.

(4) The costs referred to in paragraph (3) of this Article shall be paid at the account for own revenues of the the state administrative body responsible for carrying out the activities in the field of minerals and should be appropriate to the actual costs incurred, and shall be born by the concessionaire.

(5) The members of the commission referred to in paragraph (2) of this Article that are among the external members - experts and are not employed in the state administrative bodies shall be entitled to remuneration the amount of which shall be determined by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals depending on the actual costs required for the work of the members of the commission.

(6) Regarding the completed commissioning, the commission shall prepare a commissioning report.

(7) The state administrative body responsible for carrying out the activities in the field of minerals shall issue a decision on use of the mining facility within a period of 15 days as of the submission of the commissioning report.

(8) A decision on use of mining facilities may be issued successively as well.

(9) An appeal against the decision referred to in paragraph (7) of this Article may be filed with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure within a period of 15 days.

#### **Article 69**

##### **Trial work of the mining facility without a decision on use**

(1) As an exception to Article 68 of this Law, the concessionaire may start using the mining facility on trial without a decision on use of the mining facility referred to in Article 68 of this Law, when the facility should undergo previous examinations for the purpose of determining the correctness of the plants and equipment and their safe operation, check of the stability of the mining facility anticipated in the technical documentation, the conditions for work, the safeguard of the mining facility against fires, as well as other examination in order to determine the suitability of the mining facility for use.

(2) The trial work may last three months the most as of the day of putting the constructed mining facility into a trial work.

(3) The mining facility shall start to be used on trial without a decision on use of the mining facility upon a previous written consent of the state mining inspector.

## **Chapter 4**

### **MINING PROJECTS**

#### **Article 70**

##### **Mining projects**

(1) The mining projects for exploitation of minerals, conducting mining activities and construction of mining facilities shall be:

- a main mining project prepared for the purpose of constructing mining facilities for exploitation of new deposits of minerals, as well as separation of the composing, valuable

from the valueless parts of the minerals through technological phases of mineral processing in a form of a concentrate, technogenic solid form, or metal,

- a supplementary mining project prepared for the purpose of conducting mining activities and constructing facilities in the existing mines for the purpose of opening and exploitation of minerals in new horizons, mining districts, construction of new production, air and exploration shafts, significantly changed method of excavation, reconstruction of mining facilities that are not covered by the main mining project, restarting of the existing mines, newly discovered mineral reserves in the existing deposits and closing of mining facilities, rehabilitation of major landslides, changes in terms of land recultivation under the main mining project, extension of the exploitation concession, separation of the composing, valuable from the valueless parts of minerals by technological phases of mineral processing in a form of a concentrate, technogenic solid form or metal, as well as carrying out other activities,

- a mining project for exploitation of mineral, thermo-mineral, thermal and mineral waters and gas CO<sub>2</sub>,

- a simplified mining project prepared for the purpose of elaborating certain parts of the main, that is, the supplementary mining project, for the purpose of adjusting the conditions of the mineral beds which could not have been anticipated in the main, that is, the supplementary mining project before conducting the mining activities, for the purpose of carrying out smaller reconstructions of the existing mining facilities, and which do not significantly change the conception of the main, that is, the supplementary mining project, and

- a project for carrying out mining exploration activities prepared when the project for conducting detailed geological explorations foresees explorations by construction of mining facilities.

(2) The simplified mining project referred to in paragraph (1), line 4 of this Article shall be approved by the head of the mine upon a previous consent of the service for safety at work of the mine.

(3) The mining projects referred to in paragraph (1) lines 1, 2 and 3 of this Article shall be subjected to an expert assessment (review).

(4) The contents of the mining projects referred to in paragraph (1) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

## **Article 71**

### **Expert assessment (review) of mining projects**

(1) An expert assessment (review) of the prepared mining projects shall be made for the purpose of checking and controlling in view of the prescribed measures, standards and technical norms for safety at work, safety of the people, underground, surface and neighboring facilities and protection of the environment, as well as in view of application of the modern achievements and methods in the mining industry and the other scientific and technical disciplines.

(2) The expert assessment (review) of the mining projects shall be made by a review commission formed by the concession grantor, except for the minerals referred to in Article 4

paragraph (2) line 1 of this Law for which the expert assessment (review) shall be made by the review commission formed by the concessionaire.

(3) Persons that hold a license for preparation of mining projects may be appointed as members of this commission.

(4) The commission referred to in paragraph (2) of this Article shall be composed of a president, at least two members and a secretary. The president and the members of the commission should hold a license for preparation of mining projects for surface and underground exploitation and processing of minerals. The president and the members who are from among the external members - experts and who are not employed in the state administrative bodies shall be entitled to remuneration for each completed expert assessment (review) which is to be covered by the entity requesting an expert assessment (review) or foreign natural persons who have been granted a certificate in accordance with Article 73 paragraph (13) of this Law only for the minerals referred to in Article 4 paragraph (2) line 1 of this Law.

(5) The remuneration referred to in paragraph (4) of this Article shall be revenue of the Budget of the Republic of Macedonia.

(6) Persons who hold a license for preparation of mining projects for surface and underground exploitation and processing of minerals in the respective mining field and persons who hold a license for preparation of geological documentation, conducting and supervision of geological explorations in the respective geological field shall be appointed for revision of mining projects for exploitation of mineral, thermo-mineral, thermal and mineral waters and gas CO<sub>2</sub>.

(7) The Government of the Republic of Macedonia, on a proposal of the minister heading the state administrative body responsible for the activities in the field of minerals, shall adopt a Tariff that determine the amount of the remuneration for conducting an expert assessment (review) of geological documentation and mining projects.

(8) A request for making an expert assessment (review) shall be submitted by the holder of the concession for detailed geological explorations or exploitation of minerals.

(9) The manner of operation of the commission referred to in paragraph (2) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(10) The expert assessment (review) for the minerals referred to in Article 4 paragraph (2) line 1 of this Law completed by the commission formed by the concessionaire shall be approved by the commission formed by the state administrative body responsible for carrying out the activities in the field of minerals.

(11) The form and the contents of the request referred to in paragraph (8) of this Article shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

## **Article 72**

### **Review report and review clause**

- (1) The commission referred to in Article 71 paragraph (2) of this Law shall issue a review clause and shall prepare a review report for the made expert assessment (review) confirming thereby that the mining project is prepared in accordance with this Law and the regulations adopted on the basis of this Law.
- (2) The review clause and the review report shall be signed by the president and the members of the commission.
- (3) The manner of making the expert assessment (review) of the mining projects shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.
- (4) If the expert assessment (review) of particular parts of the project is made by several persons, the review clause must contain an indication which persons have made the expert assessment (review) of which parts of the projects.

## **Article 73**

### **Entities for preparation of mining projects**

- (1) The preparation of mining projects for surface and underground exploitation, processing of minerals and other mining projects in the field of mining may be prepared by legal entities that are registered in the Central Register and that hold an authorization for preparation of mining projects for surface and underground exploitation and processing of minerals.
- (2) For the purpose of granting the authorization referred to in paragraph (1) of this Article, the legal entities that are registered in the Central Register, including also the foreign legal entities that have a branch office registered in the Central Register of the Republic of Macedonia, must employ at least one person for an indefinite period of time who holds a license for preparation of mining projects for surface and underground exploitation, processing of minerals and other mining projects in the field of mining.
- (3) The authorization referred to in paragraph (1) of this Article shall be issued by the state administrative body responsible for the activities in the field of minerals.
- (4) A fee for the issuance of the authorization referred to in paragraph (1) of this Article shall be paid in the amount of the actual costs incurred for its issuance.
- (5) If upon the issuance of the authorization for preparation of mining projects for surface and underground exploitation, mineral processing and other mining projects in the field of mining it is determined that the entities referred to in paragraph (2) of this Article do not fulfill the requirements for issuance of the authorization, the authorization for preparation of mining projects for surface and underground exploitation and mineral processing shall cease to be valid.
- (6) The person that prepares mining projects for surface and underground exploitation and mineral processing must hold a license for preparation of mining projects for surface and



underground exploitation, mineral processing and other mining projects in the field of mining and must be employed for an indefinite period of time.

(7) For the purpose of issuing the authorization referred to in paragraph (1) of this Article, the legal entity shall submit the following:

- an excerpt from the Central Register of the Republic of Macedonia,
- a proof that the holders of the license referred to in paragraph (2) of this Article are in regular employment in the entity requesting authorization, and
- a verified copy of the licenses for preparation of mining projects for surface and underground exploitation, mineral processing and other persons referred to in paragraph (2) of this Article.

(8) The authorized official person of the state administrative body responsible for carrying out the activities in the field of minerals who conducts the procedure shall obtain *ex officio* the proof referred to in paragraph (7) line 1 of this Article within a period of three working days as of the day of submission of the request.

(9) The authorized official person of the competent public body shall be obliged to submit the required proof referred to in paragraph (7) line 1 of this Article within a period of three days as of the day of receipt of the request.

(10) For the purpose of granting the license referred to in paragraph (6) of this Article, the person should:

- have passed the professional examination,
- be a citizen of the Republic of Macedonia,
- *deleted*
- be a graduate geology engineer (a degree for a completed four-year higher education or a 300 credits degree under the European Credit Transfer System (ECTS)),
- not be issued an effective injunction banning him/her from exercising a profession, business or office for the period of duration of the consequences under the injunction, and
- have at least five years of work experience in the field of preparation of mining projects for surface and underground exploitation and mineral processing.

(11) The authorized official person of the state administrative body responsible for carrying out the activities in the field of minerals who conducts the procedure shall obtain *ex officio* the proof referred to in paragraph (10) line 4 of this Article within a period of three working days as of the day of submission of the request.

(12) The authorized official person of the competent public body shall be obliged to submit the required proofs referred to in paragraph (10) line 4 of this Article within a period of three days as of the day of receipt of the request.

(13) The professional examination shall be conducted in accordance with Articles 32-b, 32-c, 32-d, 32-e, 32-f, 32-g, 32-h, 32-i, 32-j, 32-k, 32-l, 32-m, 32-n, 32-o, 32-p, 32-q, 32-r, 32-s, 32-t, 32-u, 32-v, 32-w, and 32-y of this Law.

(14) The form and the contents of the authorization for preparation of mining projects for surface and underground exploitation, mineral processing and others shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of minerals.

(15) The members of the commission referred to in paragraph (9) of this Article the external members – experts that are not employed in the state administrative bodies shall be entitled to remuneration, the amount of which shall be determined by the minister heading the state administrative body responsible for the activities in the field of minerals depending on the actual costs necessary for operation of the members of the commission.

(16) The license referred to in paragraph (6) of this Article shall be issued by the state administrative body responsible for the activities in the field of minerals.

(17) A fee for issuance of the license referred to in paragraph (6) of this Article shall be paid in the amount of the actual costs incurred for its issuance.

(18) The detailed requirements and the manner of granting and revoking the authorization and the license for preparation of mining projects for surface and underground exploitation, mineral processing and other mining projects in the field of mining, the form and content of the authorization and the license, the content of the program for taking the professional examination, as well as the amount of the fees for issuance of the authorization and the license, shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of minerals.

(19) Regarding the minerals referred to in Article 4 paragraph (2) line 1 of this Law, the preparation of mining projects for surface and underground exploitation and mineral processing and revision of mining projects prescribed by this Law may be also done by a foreign legal entity, provided that it is granted a certificate for conducting the listed activities by the state administrative body responsible for carrying out the activities in the field of minerals. For the purpose of granting a certificate, the legal entity of a member state of the European Union should submit a request and proofs certifying that the entity is registered for carrying out the respective activity in the state where its head office is located and that it has a permit, that is, a license for carrying out the respective works for which it requires a certificate. If a permit, that is, a license is not issued in the state, the foreign legal entity of a member state of the European Union shall be obliged, along with the request, to submit a proof issued by the competent body in that state that, in accordance with its regulations for carrying out the respective works, it does not issue a permit, that is, a license and a proof certifying that the entity is registered for carrying out the respective activity in the state where its head office is located. Based on the submitted proofs, the state administrative body responsible for carrying out the activities in the field of minerals shall issue a certificate which works, in accordance with this Law, may be carried out by the foreign legal entity in the Republic of Macedonia.

(20) A foreign natural person holding an authorization issued by a member state of the European Union may carry out the works related to preparation of mining projects for surface and underground exploitation and mineral processing and revision of mining projects in the Republic of Macedonia only for the minerals referred to in Article 4 paragraph (2) line 1 of this Law, provided that the authorization is certified by the state administrative body responsible for carrying out the activities in the field of minerals.

(21) The foreign natural person may carry out the works referred to in paragraph (16) of this Article in the legal entity registered in the Central Register for carrying out these works only for the minerals referred to in Article 4 paragraph (2) line 1 of this Law.

(22) The foreign natural persons and legal entities for preparation and revision of mining projects and conducting and supervision of mining activities for surface and underground exploitation and mineral processing regarding the minerals referred to in Article 4 paragraph (2) line 1 of this Law shall be obliged to have a damage liability insurance in an insurance company in the Republic of Macedonia, which might be caused by their work to the concessionaire or third parties.

## **PART IV**

# **FEES FOR CONDUCTING DETAILED GEOLOGICAL EXPLORATIONS AND CONCESSIONS FOR EXPLOITATION OF MINERALS**

### **Article 74**

#### **Fee for conducting detailed geological explorations**

(1) The concessionaire that conducts detailed geological explorations of minerals shall pay one-time fee for using the area, depending on the type of a mineral determined in the concession, that is, the permit for conducting detailed geological explorations.

(2) The provisions referred to in paragraph (1) of this Article shall appropriately apply in case of extension of the concession for conducting detailed geological explorations.

### **Article 75**

#### **Fee for concession for exploitation of minerals**

The concessionaire that exploits minerals shall be obliged to pay:

- an annual fee for using the area awarded by the exploitation concession, depending on the type of a mineral that is the subject of the exploitation concession and
- a fee for the quantity of exploited mineral, subject of the concession.

(2) The concessionaire shall be obliged to pay the concession fee for using the area for which concession for exploitation of minerals is awarded for each year separately, up to the 31st of December in the current year at the latest.

(3) The payment of the concession fees for the exploited quantity of minerals shall be made every three months for the sold quantities of minerals by the concessionaire, that is, the concessionaires shall be obliged to pay these fees by the 15th day in the following month and upon the expiry of the three months that are used as basis for calculation.

(4) If the concessionaire is late with the payment of the concession fee, in addition to the principal, it shall be calculated a legal default interest, in accordance with the Law on Obligations.

(5) The state administrative body responsible for carrying out the activities in the field of minerals, within a period of 15 days as of the first day of delay with the payment of the

concession fee, shall submit electronically a notice to the concessionaire to pay the late concession fee within a period of 45 days as of the day of receipt of the notice.

(6) If the concessionaire does not pay the concession fee within the period referred to in paragraph (5) of this Article, the state administrative body responsible for carrying out the activities in the field of minerals shall start a procedure for unilateral cancellation of the concession agreement.

## **Article 76**

### **Determination of the amount and the manner of fee payment**

(1) The Government on a proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of minerals shall adopt a price list determining the amount of the fees for issuance of permits, concessions for detailed geological explorations and concessions for exploitation of minerals depending on the type, quantity, quality and manner of processing of the mineral.

(2) The price list referred to in paragraph (1) of this Article, as well as its possible amendments, shall apply as of the 1st of January in the current year for the current year.

(3) The funds referred to in paragraph (1) of this Article shall be paid at an appropriate account within the treasury account.

(4) Out of the paid funds referred to in paragraphs (1) and (2) of this Article:

- 22% shall be revenue of the Budget of the Republic of Macedonia and
- 78% shall be revenue of the budget of the municipality where the concession related activity is carried out.

(5) The funds in the amount of 4% that in accordance with paragraph (4) line 1 of this Article are revenue of the Budget of the Republic of Macedonia shall be used for recultivation and return in useful condition of the degraded areas where geological explorations and/or exploitation of minerals have been conducted.

(6) Where the concession related activity is carried out on a territory of several municipalities, the funds referred to in paragraph (4) line 2 of this Article shall be proportionally distributed to the municipalities depending on the size of the area for which the concession is awarded.

(7) In the course of conducting a procedure for awarding concessions for detailed geological explorations of minerals by means of a public call, the starting minimal price determined by the concession grantor shall be deemed the amount of the fees for detailed geological explorations and exploitation of minerals determined in the price list referred to in paragraph (1) of this Article.

(8) In the course of conducting a procedure for awarding concessions for exploitation of minerals by means of a public call, the starting minimal price determined by the concession grantor shall be deemed the amount of the fees for using the area for which awarding of a concession for exploitation of minerals is proposed determined by the price list referred to in paragraph (1) of this Article.

(9) Together with the starting minimal price, in accordance with paragraphs (5) and (6) of this Article, the Government may also determine a higher or lower minimal price depending on the location and the mineral type.

(10) In the course of conducting a procedure for awarding concessions for detailed geological explorations or exploitation of minerals by means of a public call, the bidders must submit a guarantee for participation in the procedure that cannot be less than 10% of the value determined in the bid.

#### **Article 76-a**

#### **Obligation of the concessionaires for electronic reporting on the loaded minerals**

*Deleted*

### **PART V**

## **RESTRICTION OF THE RIGHT OF OWNERSHIP**

#### **Article 77**

#### **Restriction of the right of ownership**

The ownership or the other real rights over the land where detailed geological explorations or exploitation of minerals are conducted may be taken away or restricted if the conducting of detailed geological explorations or exploitation of minerals is of public interest, under the conditions determined by this Law and the Law on Expropriation.

### **PART VI**

## **SAFETY AT WORK**

#### **Article 78**

#### **Health and safety at work during conducting geological explorations and exploitation of minerals**

(1) In the interest of the safety of the life and health of the workers, the concessionaire that conducts detailed geological explorations or exploits minerals shall be obliged:

- to implement the measures for safety at work in accordance with this Law and the Law on Health and Safety at Work on time and
- to organize and regulate the protection at work by an act according to the specific conditions and dangers in its facilities in accordance with this Law and the Law on Health and Safety at Work.

(2) During carrying out mining activities and conducting supervision, the concessionaire must provide technical supervision and management of the works in accordance with this Law and the Law on Health and Safety at Work.

(3) The responsible person for conducting mining activities or the person that supervises the conducting of mining activities, as well as the persons that supervise the safety at work, shall

have the right to temporary suspend the worker who has violated any of the prescribed measures thus posing threat to the personal and collective safety and security from carrying out the activities.

(4) During conducting the mining activities, the concessionaire must ensure that records of the mining supervision are kept in a written form, where the measures of the authorized persons of the concessionaire referring to the safety at work and the health of workers and the official orders of the authorized persons of the concessionaire are entered.

(5) The concessionaire that carries out underground mining activities must mandatorily organize a service for safety at work.

(6) The concessionaire that manages the waste management facility should appoint a responsible person to be responsible for the supervision of the program for prevention of major dangers.

(7) The concessionaire which carries out mining activities at places under threat of fire danger, explosion, appearance of poisonous gases, or possibilities of entering gases, water and sludge, must organize a rescue service and a fire protection service.

(8) The manner of organizing and working of the rescue service shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of labor and social policy by consent of the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(9) In the course of conducting mining activities, the concessionaire must also take measures for safety of the life and health of the citizens, as well as safety of the immovable and movable things.

(10) The detailed conditions and the manner of implementing the safety at work in the mining engineering shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of labor and social policy by consent of the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(11) The manner of preparing and the content of the plan for prevention of major dangers shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(12) The works and tasks that are deemed dangerous (works in shafts, clearing the ruins and alike) may be carried out solely under surveillance of an expert person who is designed by the responsible person at the concessionaire.

(13) The concessionaire must, before assigning the works, that is, tasks, acquaint the worker with the regulations and measures for safety at work related to the works he/she is to carry out, the dangers that may occur at that job, as well as the organization and implementation of the safety measures at work, and must designate a worker whom it shall fully acquaint with the rights and obligations related to the safety at work and the working conditions.

(14) The workers that are assigned to a job in a pit may move and carrying out the tasks only if there are at least two workers or if they have a direct visual contact.

(15) The worker who is assigned to mining works for the first time must be gradually, and within 15 days at least, acquainted with the work under a direct guidance and surveillance of a worker and an instructor designated by a worker with special authorizations and duties.

(16) The workers that are assigned to a job in a pit must, at their assignment to another job at which they have not worked until then, be acquainted with the specific dangers at the new job and the measures for safety at work and the dangers that may occur during carrying out of the works to which they are assigned.

(17) The workers that are assigned to a job in surface plants who enter the pit occasionally for the purpose of carrying out particular jobs must be previously introduced to the specifics of the work in the pit, all the dangers that result from such work, and the measures for safety at work that they must comply with.

(18) The workers that are assigned to a job outside the pit may enter the pit only by a written permit of the head of the pit or a person authorized by him/her.

(19) Every worker shall be obliged, during the work, to follow and implement the prescribed measures and to constantly broaden and develop his/her knowledge in the field of safety at work.

(20) The concessionaire shall be obliged to adopt special programs for acquisition, supplement and development of the knowledge in the field of safety at work according to the types of works, that is, duties.

(21) The concessionaire that conducts detailed geological explorations or exploitation of minerals shall be obliged to ensure:

- measures for health and safety at work especially by designating one or several expert persons for safety,
- engagement of an authorized health institution for carrying out expert duties for health at work,
- adoption of safety measures against fire in accordance with special regulations,
- adoption of measures for first aid and evacuation in case of danger,
- training of employees for safe performance of the work on the basis of its own program,
- provision of equipment for personal protection for the employees and its use, provided that the taken safety measures in the working environment are not sufficient,
- making occasional checks and examinations of the working environment and equipment,
- following of the health condition of the employees, and
- maintaining the means for work in operable condition, check of the correctness and safety for work by occasional checks and examinations that are carried out in the manner and within the deadlines prescribed by the act that it adopts, that is, by the instruction of the producer, the technical regulations and standards.

(22) The concessionaire must not put into operation technical equipment that is not commissioned and for which a decision on use is not issued, nor the employee can use such means for work.

(23) The concessionaire shall be obliged to keep records of:

- the professional training and qualification of the employees for safe work,
- the completed checks of the means for work,
- the conducted examinations of the physical, chemical and biological parameters,
- the job harmfulness and microclimate,
- the previous and periodical health checks of the employees, and
- the occupational diseases, work-related diseases, work-related injuries, and work-related deaths.

## **Article 79**

### **Obligation to acquaint**

(1) The governing bodies and the managerial workers at the concessionaire shall be obliged to organize acquaintance of all workers with the regulations and measures for safety at work, as well as with the measures for implementation of the defense plans and rescue actions in case of unexpected accidents. To that end, the concessionaire shall be obliged, once a year, to organize training where the employees are going to be acquainted with the regulations and the technical measures for implementation of the defense and rescue plan.

(2) The concessionaire shall be obliged, once a year, to check the knowledge of the regulations and the measures for safety at work, as well as the programs for prevention of major dangers in case of unexpected accidents of the workers with special authorizations and duties that conduct supervision, as well as of the other workers with special authorizations.

(3) The workers that do not show satisfactory knowledge of the regulations and the measures for safety at work, and especially of the implementation of the program for prevention of major dangers, cannot further carry out the works, that is, the working tasks until, at the repeated check, it is determined that they are acquainted with the regulations and the measures for safety at work.

## **Article 80**

### **Reporting obligation**

(1) Any worker who is employed at the concessionaire that conducts detailed geological explorations or exploitation of minerals shall be obliged to immediately inform the direct head of an accident at work, serious work-related injury, or occurrence that endangers the life of the workers, as well as of the reasons for their occurrence.

(2) The concessionaire shall be obliged immediately, and within a period of 48 hours after the occurrence at the latest, to inform the State Inspectorate for Technical Inspection in a written form about each death, collective accident, serious bodily injury and each occurrence that poses a direct threat and endangers the safety of the workers at work.



## **PART VII**

# **PROTECTION OF THE ENVIRONMENT AND DAMAGE COMPENSATION**

### **Article 81**

#### **Protection of the environment**

The concessionaire that conducts detailed geological explorations or exploitation, as well as processing of minerals, shall be obliged to comply with the provisions of this Law and the Law on Environment and the other regulations in the field of environment and must implement measures for protection of the environment against potential dangers and harmful impacts.

### **Article 82**

#### **Damage compensation**

The damage caused in the course of conducting geological explorations and carrying out mining activities, that is, exploitation and processing of minerals, shall be compensated in accordance with the regulations of damage compensation.

### **Article 83**

#### **Rehabilitation of the environment and elimination of consequences**

(1) The concessionaire that conducts detailed geological explorations or exploitation, as well as processing of minerals, during the detailed geological explorations, exploitation and/or processing of minerals, the conducting of mining activities and activities related to processing of minerals, as well as upon their completion, must rehabilitate the area in accordance with the project for conducting detailed geological explorations, the project for rehabilitation, which is an integral part of the main or the supplementary mining project, as well as in accordance with the waste management plan.

(2) For the purpose of recultivating and returning into useful condition the deserted, degraded areas where geological explorations and/or exploitation of minerals have been conducted, the Government shall adopt an annual program for recultivation of degraded areas on a proposal of the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(3) The annual program referred to in paragraph (2) of this Article shall determine the deserted, degraded areas for which recultivation measures should be taken, the manner of recultivating, the amount of the necessary funds for recultivation, as well as the manner of managing the facilities for waste that is created by the exploitation of minerals at the beds out of which the mineral is exhausted.

(4) The funds for financing the annual program referred to in paragraph (2) of this Article shall be provided from the Budget of the Republic of Macedonia from the funds designated

as fees for awarded concessions for detailed geological explorations and exploitation of minerals.

#### **Article 84**

##### **Interventions in the concession area**

Infrastructure facilities of public interest may be built over the concession area, that is, exploitation area without disturbing the exploitation of minerals. The concessionaire may use the waters that emerge in the course of carrying out the mining activities for its own technological purposes in accordance with the Law on Waters and the regulations adopted on the basis of that Law. Before discharging the waste waters, the concessionaire must mandatorily treat the harmful components in accordance with the regulations in the field of environment.

### **PART VIII**

## **EXTRACTIVE WASTE**

#### **Article 85**

##### **Depositing of extractive waste**

(1) The concessionaires that exploit and process minerals shall be obliged to deposit the waste that they create during exploitation and processing of minerals in the waste facility.

(2) As an exception to paragraph (1) of this Article, the following extractive waste shall not be deposited:

- the extractive waste and the waste created by the work of stone pits, but which is not directly created by the activity of the stone pit;
- the waste created by non-metallic minerals (all types of clays and quartz aggregate);
- at injecting of water and reinjecting the pumped out ground waters, and
- the sand and gravel that are not found in the beds and watersides of surface water bodies (watercourses, lakes and accumulations).

#### **Article 86**

##### **Measures for extractive waste management**

(1) The depositing of waste created by exploitation and processing of minerals should provide:

- 1) management of extractive waste without endangering the human health and without using processes or methods that may endanger the environment, and especially without a risk to the water, air, soil, fauna and flora, without causing discomfort from noise or odors, and without negative impact on the landscape or the areas that enjoy special protection under the law;
- 2) implementation of necessary measures for prohibition against abandonment, disposal or uncontrolled storage of extractive waste, and
- 3) taking all of the measures by the concessionaire of the waste management facility necessary to prevent or decrease to the highest possible extent all negative impacts on the environment and human health resulting from the extractive waste management. This

includes management of each type of waste facility during operation and upon its closure, prevention of major accidents that involve that facility, as well as containing the consequences on the environment and human health.

(2) The measures referred to in paragraph (1) point 3 of this Article, *inter alia*, should be based on the best available techniques without imposing the application of a particular technique or special technology, but taking into consideration the technical characteristics of the waste facility, its geographic location and local environmental conditions.

## **Article 87**

### **Extractive waste management plan**

(1) The concessionaire that exploits minerals or the operator for management of extractive waste shall obligatory prepare a plan for extractive waste management, for the purpose of minimizing, treating, recovering and storing the newly created extractive waste, taking into consideration the principle of sustainable development.

(2) The aims of the plan for extractive waste management shall be:

1) prevention or decreasing the production of waste and its harmful effect, especially taking into consideration the following:

- the extractive waste management in the phase of creation and selection of a method used in exploitation and processing of minerals,
- the changes that the waste from exploitation of minerals may undergo, in regard to expansion of the exploitation area and exposure to surface conditions,
- the return of the extractive waste into the open pits and underground shafts and pits, upon exploitation of minerals to the extent to which it is technically and economically possible and safe for the environment, and in accordance with the Law on Environment,
- the return of the top layer of the soil upon closing of the extractive waste facility or, if it is not practically possible, reuse of the top layer of the soil in another place, and
- the use of less dangerous substances for processing of minerals;

2) promotion of reuse of the extractive waste by recycling, reuse or its bringing to useful state where it is safe for the environment in accordance with the regulations of environmental protection and the conditions set out by this Law, and

3) provision of a short-term and long-term safe storage of the extractive waste, especially by anticipating (back in the creation phase) construction and management of waste facility during operation and upon completion of the activities and choosing a design that:

- provides minimum or does not require any monitoring, control and management of the closed waste facility,
- prevents or at least decreases to the highest possible extent all of the long-term negative effects, and
- provides a long-term geo-technical stability of all hydro tailings or dumping grounds that are erected over the surface of the land, which has existed before the start of operations of the waste management facility.

(3) The content of the waste management plan shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of minerals.

(4) The waste management plan shall be reviewed or accordingly revised every fifth year, or earlier in case of major changes in the work of the waste management facility. For all

changes, the concessionaire that exploits minerals or the operator for management of extractive waste shall require a consent of the state administrative body responsible for the activities in the field of minerals.

(5) The waste management plan may be prepared by legal entities or natural persons that are registered in the Central Register, including also foreign legal entities having a branch office registered in the Central Register of the Republic of Macedonia, and hold an authorization for preparation of mining projects.

(6) The waste management plan may be revised by legal entities or natural persons that are registered in the Central Register, including also foreign legal entities having a branch office registered in the Central Register of the Republic of Macedonia, and hold an authorization for preparation of mining projects, but have not participated in the preparation of the plan.

## **Article 88**

### **Waste characterization**

The waste deposited in the waste management facility is characterized in the manner that guarantees a long-term physical and chemical stability of the structure of the facility and prevention of major dangers. Where it is relevant and in accordance with the categorization of the waste facility, the waste characterization shall include the following aspects:

- description of the expected physical and chemical characteristics of the waste that is deposited on a short and long term, especially in terms of its stability in or under the surface, the effect of the atmospheric and meteorological conditions, and taking into consideration the mineral type or the minerals that are excavated and the nature of all valueless minerals that are transferred to another place during the exploitation activities,
- waste classification according to the Waste Type List,
- description of the chemical substances that are used during treatment of minerals and their stability,
- description of the waste depositing method, and
- description of the waste transportation system.

## **Article 89**

### **Program for prevention of major dangers**

(1) The concessionaire, that is, the operator of waste management facility shall prepare a program for prevention of major dangers only for the facilities for waste management under an A category determined in accordance with paragraph (6) of this Article.

(2) The concessionaire that exploits minerals or the operator for management of extractive waste, before the start of operations of the waste management facility, shall prepare a program for prevention of major dangers and shall establish a safety management system for the purpose of implementing the program in accordance with the elements set out in the regulation referred to in paragraph (5) of this Article, as well as an internal plan for emergency events setting precisely the measures that are to be taken at the very location in case of an accident.

(3) The program referred to in paragraph (1) of this Article shall have the following aims:

- to contain and control the incidents of wide range and the other incidents, aiming at

bringing the consequences thereof to a minimum and especially to limit the damage to the human health and environment,

- to implement the measures necessary to protect the human health and environment from effects of major accidents and the other incidents,
- to disseminate the necessary information to the public and the relevant services or bodies, and
- to provide for rehabilitation, restoration and clean-up of the environment after the major accident.

(4) The program referred to in paragraph (1) of this Article shall be revised every three years and where necessary, it shall be updated within a period shorter than three years.

(5) The content of the program for prevention of major dangers shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of minerals.

(6) The waste facility shall be classified under category A if:

- based on a previous risk assessment of the facility, a failure or incorrect operation is established, such as collapse or bursting of a dam at the hydro tailings, which could cause major accidents, taking into consideration the factors such as the present or future size of the facility, the quantity of waste, the location and the environmental impact of the facility and
- contains waste classified as hazardous under the Waste Type List.

#### **Article 90**

##### **Management of major dangers**

(1) The regulations in the field of crises management shall apply to the occurrence of major dangers and the consequences that may come out of the extractive waste management.

(2) In the case of major dangers, the concessionaire that exploits minerals or the operator for extractive waste management shall be obliged to immediately communicate all the necessary information to the state administrative body responsible for the activities in the field of crises management and the State Inspectorate for Technical Inspection in order to minimize the consequences to the human health and to minimize the damage to the environment.

(3) In the cases of major dangers, the state administrative body responsible for the activities in the field of crises management shall be obliged to ensure that the public concerned is timely informed about all relevant issues referring to the human health and the protection of environment.

#### **Article 91**

##### **Criteria for waste facility classification**

The waste facility shall be classified under category A if:

- based on a previous risk assessment of the facility, a failure or incorrect operation is established, such as collapse or bursting of a dam at the hydro tailings, which could cause major accidents, taking into consideration the factors such as the present or future size of the facility, the quantity of waste, the location and the environmental impact of the facility or
- contains waste classified as hazardous if above the defined limits under the Waste Type List

or

- contains substances or preparations classified as hazardous if above the defined limits under the Rulebook of the Manner of Classifying and Marking the Hazardous Chemicals as Hazardous Above Defined Limits.

## **Article 92**

### **Exploitation area**

The state administrative body responsible for the activities in the field of minerals, before issuing the permit for exploitation, shall precisely define the exploitation area where the waste is found and shall define the necessary coordinates, quantities and type of waste, as well as its original characteristics and features, and shall take appropriate measures in order to:

- provide stability of the extractive waste, in accordance with Article 93 of this Law;
- prevent the pollution of the soil, surface and ground waters, and
- provide monitoring of the extractive waste in accordance with the waste management plan.

## **Article 93**

### **Construction and management of extractive waste facilities**

(1) The state administrative body responsible for the activities in the field of minerals shall ensure that during construction of a new facility for extractive waste (hereinafter: facility) or change in the existing facility, the concessionaire that exploits minerals or the operator for management of extractive waste shall provide:

- a permit for exploitation of minerals,
- A-integrated environmental permit issued by the state administrative body responsible for the activities in the field of environment or B-integrated environmental permit, the municipalities in the city of Skopje or the City of Skopje, in accordance with the Law on Environment,
- that the waste facility is appropriately located, taking especially into account the obligations under the Law on Environment in relation to the protected areas and geological, hydrological, hydro geological, seismic and geotechnical factors, and
- that the facility is designed in such a manner as to fulfill the necessary conditions for a short-term and long-term prevention of pollution of the soil, air, groundwaters or surface waters, taking especially into account the Law on Environment and the Law on Waters, and to ensure efficient collection of contaminated waters and leachate in the moment and in the manner defined in the approval, as well as reduction of erosion caused by the water or wind to the extent to which it is technically possible and economically viable.

(2) The concessionaire that exploits minerals or the operator for management of extractive waste, without any unnecessary delay, and in any case, within a period not longer than 48 hours, shall inform the Directorate for Protection and Rescue, the State Environmental Inspectorate, and the State Inspectorate for Technical Inspection about events that are likely to affect the stability of the extractive waste facility and about all significant negative environmental impacts identified by the procedures for control and monitoring of the facility.

(3) The concessionaire shall implement the program for prevention of major dangers while managing the extractive waste in accordance with Article 89 of this Law, where applicable,

shall also follow the other instructions from the competent bodies in relation to the corrective measures that are necessary to be taken.

(4) The concessionaire shall cover the costs for the measures that are necessary to be taken, as well as for the independent expert referred to in paragraph (6) of this Article.

(5) At least once a year, the concessionaire, based on the gathered data, shall submit a report to the state administrative body responsible for the activities in the field of minerals on all the results from the monitoring in order to demonstrate compliance with the conditions for issuance of a permit for exploitation and in order to increase the knowledge about the behavior of the waste and the facility.

(6) Based on that report, the state administrative body responsible for the activities in the field of minerals may decide that validation by an independent expert is necessary.

#### **Article 94**

##### **Procedures for closure and after-closure of an extractive waste facility**

(1) The state administrative body responsible for the activities in the field of minerals shall adopt a decision to close the facility if:

- the conditions for closure defined in the permit for exploitation are fulfilled,
- the concessionaire that exploits minerals or the operator for management of extractive waste submits a request for closure to the state administrative body responsible for the activities in the field of minerals,
- the state administrative body responsible for the activities in the field of minerals, based on the report referred to in Article 93 paragraph (5) of this Law, or based on the report of the State Environmental Inspectorate or the State Inspectorate for Technical Inspection, establishes that the facility does not fulfill the conditions set out in the permit for exploitation, and
- the concessionaire that exploits minerals or the operator for management of extractive waste does not act in accordance with the decision of the State Environmental Inspectorate and the State Inspectorate for Technical Inspection.

(2) The state environmental inspector and the state inspector for technical inspection before closing the facility shall:

- conduct inspection of the facility,
- review all the reports of the work and closure of the facility that are submitted by the concessionaire, and
- determine that the soil where the facility is located is rehabilitated.

(3) The concessionaire that exploits minerals or the operator for management of extractive waste upon closure of the facility should:

- monitor the physical and chemical stability of the facility in order to decrease any negative effect on the environment, especially to the surface and ground waters,
- maintain the devices for monitoring and measurement in operable condition, and
- maintain the overflow channels and spillways free.

(4) The concessionaire that exploits minerals or the operator for management of extractive waste upon closure of the facility shall mandatorily:

- inform the state administrative body responsible for the activities in the field of minerals about all events or occurrences that might affect the stability of the waste facility, as well as all effects on the environment identified in the relevant control and monitoring procedures,
- conduct the procedure for facility maintenance, and
- cover the costs for the measures that are necessary to be taken.

(5) The state administrative body responsible for the activities in the field of minerals shall adopt a decision on termination of the obligations of the concessionaire upon closure of the facility in terms of paragraphs (1), (2), (3) and (4) of this Article, taking into consideration the type and the duration of the danger from pollution of the environment in the after-closure phase.

## **Article 95**

### **Prevention of water status deterioration and air and soil pollution**

(1) The state administrative body responsible for the activities in the field of minerals in cooperation with the State Inspectorate for Technical Inspection and the State Environmental Inspectorate shall ensure that the concessionaire takes the necessary measures, standards and aims referring to the environment, determined in this or another law and the regulations adopted based on them, and especially in order to prevent the deterioration of the current water status, *inter alia* , by:

- assessing the possibility of creation of leachate, including also contaminant content of the leachate from the deposited waste during the operational phase and the after-closure phase of the waste facility, as well as determining the water level in the waste facility,
- preventing or bringing to minimum the creation of leachate and contamination of the surface or groundwaters and the soil by the waste, and
- collecting and treating the contaminated water and leachate from the waste facility according to an appropriate standard required for their discharge.

(2) The state administrative body responsible for the activities in the field of minerals in cooperation with the State Inspectorate for Technical Inspection and the State Environmental Inspectorate shall ensure that the concessionaire takes appropriate measures for protection or decrease of dust and gases emissions.

(3) In cases where, based on the environmental risk assessment, the state administrative body responsible for the activities in the field of minerals in cooperation with the State Inspectorate for Technical Inspection and the State Environmental Inspectorate decide that collection and treatment of leachate is not necessary or establish that the waste facility does not pose a potential danger to the soil, groundwaters or surface waters, the activities determined in paragraph (1) lines 2 and 3 of this Article may, depending on the situation, be reduced or waived.

(4) When placing the extractive waste back in the excavation voids for which flooding upon closure is permitted, no matter whether the waste is created from the surface or underground exploitation, the concessionaire shall take all the necessary measures in order to prevent or bring to minimum the disturbance of the water status and the soil pollution, in accordance with paragraphs (1) and (3) of this Article. The concessionaire shall deliver the necessary information to the state administrative body responsible for the activities in the field of minerals and the state administrative body responsible for the activities in the field of



environment in order to provide compliance with the obligations deriving from the Law on Waters.

(5) Where a pond that involves presence of cyanide is installed within the waste facilities, the concessionaire shall ensure reduction of the concentration of weak acid dissociable cyanide in the pond to the lowest possible extent, using the best available techniques, and in any case shall ensure that the concentration of weak acid dissociable cyanide at the moment of discharge of the tailings from the place of processing into the pond, does not exceed 10 ppm for waste facilities.

(6) If the state administrative body responsible for the activities in the field of environment requires, the concessionaire shall be obliged to demonstrate that there is no need to additionally lower the allowed concentration, by a risk assessment, which takes into consideration the special conditions of the location.

## **Article 96**

### **Financial guarantee**

(1) Prior to granting the permit for exploitation, the state administrative body responsible for the activities in the field of minerals shall require a confirmation for a financial guarantee that would be sufficient to cover the cost for elimination of the harmful effects on the environment caused by the allowed activities no matter if they have occurred during or after the expiry of the permit for exploitation based on which:

- all obligations under the permit for exploitation, including the provisions in the after-closure phase of the facility, should be fulfilled and
- in any moment, there are funds readily available for land rehabilitation affected by the facility, as described in the plan for extractive waste management, prepared in accordance with the regulations referred to in Article 87 of this Law.

(2) The calculation of the financial guarantee referred to in paragraph (1) of this Article shall be made on the basis of:

- the possible environmental impact of the facility, taking into consideration the category of the facility, the characteristics of the waste and the future use of the recultivated land and
- the assessment made by independent legal entities or natural persons registered in the Central Register, including also foreign legal entities having a branch office registered in the Central Register of the Republic of Macedonia, and holding an authorization for preparation of mining projects, with regard to the necessary funds for land recultivation.

(3) The amount of the financial guarantee shall be adjusted periodically, in accordance with the activities for land recultivation that should be carried out on the land affected by the facility as described in the extractive waste management plan, prepared in accordance with the regulation referred to in Article 87 of this Law, but it cannot be lower than one third of the estimation of the costs for processing operations and waste disposal.

(4) Where the state administrative body responsible for the activities in the field of minerals approves closure of a waste management facility in accordance with Article 94 paragraph (3) of this Law, it shall be delivered to the concessionaire in a written form, releasing it from the obligation for financial guarantee referred to in paragraph (1) of this Article, except for the obligation of the after-closure phase referred to in Article 94 paragraph (4) of this Law.

## **Article 97**

### **Transboundary effects**

(1) Where the facility for waste management of A category would have transboundary significant negative effects on the environment and resultant risks to human health, or where it is required by a neighboring state likely to be effected, the state administrative body responsible for the activities in the field of minerals shall be obliged to deliver the provided information to the other country, at the same time as they are available to its citizens. Such information shall serve as a basis for any eventually needed consultations within the bilateral relations between the two countries, on a reciprocal and equivalent basis.

(2) Within the bilateral relations of the Republic of Macedonia with other countries, in the cases referred to in paragraph (1) of this Article, accessibility to the requests for permits for exploitation referred to in Article 55 of this Law during a defined period of time shall be also provided to the public concerned of other countries which are likely to be effected, in order they to have the right to give their comments on the request before the state administrative body responsible for the activities in the field of minerals issues the permit for exploitation.

(3) The state administrative body responsible for the activities in the field of minerals shall ensure that, in case of an accident that involves an extractive waste facility, the information that are delivered by the concessionaire that exploits minerals or the operator for management of extractive waste to the state administrative body responsible for the activities in the field of crises management and the State Inspectorate for Technical Inspection in accordance with Article 89 paragraph (2) of this Law are immediately forwarded to the other country in order to help it to bring the consequences of the accident for the human health to a minimum and to assess and reduce to a minimum the degree of actual and potential damage to the environment.

## **Article 98**

### **Register of closed waste facilities**

(1) The state administrative body responsible for the activities in the field of minerals shall keep a register of closed facilities for management of extractive waste, including also the deserted facilities that may cause serious negative effects on the environment or have a potential, at a short- or long-term, to become a serious threat to the human health or environment.

(2) The following shall be an integral part of the register referred to in paragraph (1) of this Article:

- the extractive waste management plan in accordance with Article 87 of this Law and
- the data on the permits for exploitation issued by the state administrative body responsible for the activities in the field of minerals.

(3) The form, the content and the manner of keeping the register of closed waste management facilities shall be prescribed by the minister heading the state administrative body responsible for the activities in the field of minerals.

## **Article 99**

### **Public participation**

- (1) The information contained in the request for a permit for exploitation, the details in relation to the issuance of the permit for exploitation, as well as the very permit for exploitation shall be published on the website of the state administrative body responsible for the activities in the field of minerals.
- (2) The public concerned shall have the right to present its comments and opinions to the state administrative body responsible for the activities in the field of minerals before it issues the permit for exploitation within a period of 15 days as of the day of publication.
- (3) When the permit for exploitation is issued, the state administrative body responsible for the activities in the field of minerals shall inform the public concerned about the content of the permit for exploitation.
- (4) The sensitive information of purely commercial nature such as the information about the business relations and the elements of the costs and the size of the economic mineral reserves shall not be published.

## **PART IX**

# **SUPERVISION**

## **Article 100**

### **Supervision**

- (1) Supervision over the implementation of this Law and the regulations adopted on the basis of this Law shall be conducted by the Ministry of Economy.
- (2) The inspection over the implementation of the provisions of this Law shall be conducted by the State Inspectorate for Technical Inspection through state inspectors for geology, state mine inspectors and state mine electrical inspectors and other inspection bodies under the authorizations defined by this or another law.
- (3) Inspection over the implementation of the provisions of this Law referring to the environment shall be conducted by the State Environmental Inspectorate through state environmental inspectors.
- (4) Supervision over the implementation of the provisions of this Law in relation to conducting detailed geological explorations and/or exploitation of minerals without a concession and permit for exploitation of minerals, in addition to the competent inspection bodies referred to in paragraph (2) of this Article, shall be conducted by the Ministry of Interior.
- (5) If in the course of conducting inspection it is established that the detailed geological explorations or the exploitation of minerals is made without a concession or a permit for exploitation in accordance with the provisions of this Law, the things and the funds with

which excavation, that is, exploitation, transport is made, as well as the mineral, shall be temporary seized.

(6) Supervision and control over the payment of the fees for conducting detailed geological explorations and concession for exploitation of minerals defined under this Law shall be conducted by the Public Revenue Office.

(7) The Public Revenue Office shall be obliged, every three months, to submit a report of the paid concession fees for each concession individually.

(8) The State Inspectorate for Technical Inspection shall be obliged, every month, to submit a report of the conducted inspections to the Ministry of Economy.

## **Article 101**

### **Competence and authorization**

(1) The state inspectors for geology, the state mine inspectors and the state mine electrical inspectors shall be authorized to conduct inspection over the application of the regulations on safety at work in the course of carrying out mining activities, exploitation of minerals, processing of minerals, and conducting detailed geological explorations in accordance with this Law and the regulations on safety at work.

(2) The state environmental inspectors shall be authorized to conduct inspection over the application of the regulations on environment.

## **Article 102**

### **State inspector for geology**

The state inspector for geology shall conduct direct inspection over the application of the laws, the bylaws, and the other general acts, and the application of the prescribed standards and technical norms in the course of geological explorations and especially whether:

- the concessionaire that conducts detailed geological explorations fulfills the conditions determined by this Law and the regulations adopted on the basis of this Law,
- the entity that conducts detailed geological explorations of minerals has been awarded a concession or a permit for detailed geological explorations of minerals,
- the person that conducts the basic and detailed geological explorations of minerals holds an authorization and fulfills the conditions prescribed by this or another law,
- mining measurements are made and whether they have mining plans for conducting detailed geological explorations of minerals along with an updated situation regarding the conducted detailed geological explorations,
- the activities are carried out in accordance with the project for conducting the basic or detailed geological explorations, the standards and the technical norms,
- the concessionaire, at least once a year, submits a report of the conducted geological explorations in accordance with the dynamics determined in the project for geological explorations,
- there is a book for entering the conducted exploration works related to geological explorations,
- there is a detailed report of the design of the facilities incorporating the measures for safety at work,

- there is a decision on designation of an authorized person for managing the works during detailed geological explorations,
- there is a decision adopted to designate a responsible person for supervision and conducting the geological explorations,
- there are certificates for professional qualification of the workers for carrying out the activities and their health condition,
- there are reports of the conducted periodical checks and examinations of the equipment and the means for work for the purpose of determining their operability,
- there are directions for work adopted which incorporate measures for health and safety at work, and
- there is a documentation prescribed by this or another law.

### **Article 103**

#### **State mine inspector**

The state mine inspector shall conduct direct inspection over the application of the laws, the bylaws and the other general acts, as well as over the application of the prescribed standards and technical norms for conducting the activities during conducting the mining activities, exploitation and processing of minerals, and especially whether:

- the concessionaire fulfills the conditions prescribed by this or another law,
- the concessionaire that exploits minerals has been awarded a concession for exploitation of minerals,
- the concessionaire holds a license for exploitation or a permit for conducting mining activities under supplementary mining projects,
- the person that conducts technical management and supervision fulfills the conditions prescribed by this Law and the regulations adopted on the basis of this Law,
- during conducting the mining activities, the technical norms and standards are correctly applied,
- mining measurements are made and there are mining plans with updated situation of the conducted mining activities,
- there is a decision on use for the constructed mining facilities that are used,
- the measures for protection at work defined in accordance with this Law and the regulations adopted on the basis of this Law are implemented,
- the obligation for acquaintance of the workers with the regulations and the measures for safety at work, as well as the measures for implementation of the defense plans and rescue actions in case of unexpected accidents are obeyed,
- the measures for safety of the citizens and their property, the traffic and the neighboring facilities, the safety of the environment and the nature, the cultural heritage, as well as measures for land recultivation in accordance with the law are taken on time,
- the concessionaire conducts rehabilitation of the area in accordance with the agreement on concession and the permit for exploitation,
- records of the produced quantities of minerals are kept in the manner defined by this Law and the regulations adopted on the basis of this Law,
- geodetic measurement of the open pit for the purpose of calculating the excavated quantities of minerals is made regularly,
- information about the exploited quantities of minerals is submitted in a manner defined by this Law and the regulations adopted on the basis of this Law,
- there is a decision on designation of responsible persons and persons for conducting technical management and supervision during carrying out of mining activities and whether

they fulfill the conditions for carrying out those activities,

- there are certificates for professional qualification of the workers for carrying out the activities and their health condition,
- there are reports of the conducted periodical checks and examinations of the equipment and means for work for the purpose of determining their operability,
- there are instructions for work incorporating measures for safety and health at work for the applied technological process of exploitation and processing of minerals, and
- there is a documentation prescribed by this or another law.

#### **Article 104**

##### **State mine electrical inspector**

The state mine electrical inspector shall conduct direct inspection over the application and the observance of the laws, the bylaws and the general acts, and especially in relation to:

- the fulfillment of the prescribed standards and technical norms in the course of operation of electrical devices and installations, as well as whether they, by their operation, endanger the health and life and property of the people and environment,
- the maintenance of the electrical plants, devices and installations in technically correct and safe condition,
- the keeping of records of the technical characteristics of the equipment, the completed examinations indicating the type and date of examinations, the responsible persons under whose supervision the examinations have been made, the established condition and the proposed measures for the operability and safety of the facilities, devices and installation,
- the keeping of records in special controlling books, examination protocols and reports on the established findings and conclusions from the conducted checks and examinations, as well as the measures taken, and
- the fulfillment of the prescribed conditions for professional training of the persons that manage and handle electrical plants, devices and installations.

#### **Article 105**

##### **State environmental inspector**

(1) The state environmental inspector shall conduct direct inspection over the application and compliance with the laws, the bylaws and the other general acts, and especially in relation to:

- determine whether the facility has a permit for exploitation,
- determine whether the concessionaires that exploits minerals have submitted an annual report to the state administrative body responsible for the activities in the field of minerals on all results from the monitoring in order to demonstrate compliance with the conditions for issuance of a permit for exploitation and to broaden the knowledge about the behavior of the waste and the facility,
- determine whether the concessionaires that exploit minerals have designated a responsible person for supervision over the program for prevention of major dangers,
- make an insight and control over the data contained in the records of hazardous waste from the facilities holding an A-integrated environmental permit and for hazardous waste from the facilities holding a B-integrated environmental permit,
- make an insight and control whether the removal of the waste satisfies the requirements prescribed by the permit for exploitation, including the limit values of the emission in the air, water and soil, and
- determine other situations within his/her competence.

(2) On a request of the state environmental inspector, an authorized person of the Ministry of Interior shall be obliged to participate in conducting the activities referred to in paragraph (1) of this Article.

## **Article 106**

### **Adoption of decisions by the state environmental inspector**

(1) In the course of conducting the inspection, the environmental inspector shall by a decision:

- oblige them to prepare and submit an annual report to the competent body within a period not longer than 90 days,
- restrict or prohibit the work of the concessionaire that exploits minerals, provided that it does not have an updated plan for waste management for a period of 30 days at the most,
- restrict and prohibit the work of the concessionaire that exploits minerals, provided that the collection, transportation, treatment, selection, storage and processing of the waste is made contrary to the provisions of this Law, for a period of 30 days within which deadline the reasons for the occurred situation should be eliminated,
- restrict and prohibit the work of the concessionaire that exploits minerals, provided that the waste is treated contrary to the provisions of this Law, for a period of 30 days at the most within which period the reasons of the occurred situation should be eliminated,
- restrict or prohibit the work of the concessionaire that exploits minerals if they have not designated a responsible person for supervision of the program for prevention of major dangers for a period of 30 days within which period the reasons of the occurred situation should be eliminated,
- restrict or prohibit the work of the concessionaire that exploits minerals, provided that the data from the records of waste are kept, stored and treated in a manner contrary to the provisions of this Law for a period of 30 days within which period the reasons for the occurred situation should be eliminated, and
- restrict or prohibit the work of the legal entities and natural persons if they do not carry out monitoring in accordance with the provisions of this Law for a period of 30 days within which period the reasons for the occurred situation should be eliminated.

(2) If in the course of conducting the inspection, the environmental inspector establishes that the concessionaire that exploits minerals does not comply with the laws and the other regulations, the technical regulations, standards, recommendations, and the other general acts, shall by minutes state the established faults and irregularities and shall define the deadline in the decision within which they should be removed.

(3) If the entities referred to in paragraph (1) of this Article do not act in accordance with the decision of the environmental inspector and do not remove the causes for the occurred situation established in the decision, the environmental inspector shall file a misdemeanor motion, that is, criminal report to the competent court.

(4) Where existence of a direct danger to the life and health of the people is determined, the inspector shall issue an oral order for urgent removal of the established irregularities that shall by minutes establish in cooperation with the State Sanitary and Health Inspectorate and shall notify the other competent inspectors or other state bodies about the established irregularities and shall ask for their intervention.

(5) If the stated faults and irregularities referred to in paragraph (4) of this Article pose a danger to the environment, human life and health, the inspector shall immediately prohibit the work of the installation, facility, plant, device, as well as the use of the means and equipment for carrying out the activity.

(6) In the cases referred to in paragraph (4) of this Article, the inspector shall adopt a written decision within a period of 48 hours as of the issuance of the oral order.

(7) The environmental inspector shall have the right to take other measures determined in the Law on Environment for the purpose of carrying out the activities referred to in paragraph (1) of this Article.

#### **Article 107**

##### **Intervals for conducting inspection**

(1) The state inspectors for geology, the state mine inspectors, and the state mine electrical inspectors shall be obliged to inspect the carrying out of detailed geological exploration activities, that is, carrying out of mining activities and exploitation of minerals at each concessionaire individually.

(2) The state mine inspectors shall be obliged to, at least three times a year, control the components of metallic and technogenic minerals in the concentrates they are derived from.

(3) If in the course of conducting the inspection in the case referred to in paragraph (2) of this Article, the state mine inspector establishes that the concessionaire inappropriately presents the components of metallic and technogenic minerals in the concentrates they are derived from and for such established situation does not take appropriate measures, it shall be deemed that the state mine inspector has perpetrated a serious breach of the official duty.

#### **Article 108**

##### **Conclusions and findings**

(1) With regard to every conducted inspection, the inspector shall be obliged to prepare minutes of the established findings, faults and irregularities, and to deliver it to the responsible person in the legal entity or the natural person where the inspection has been conducted.

(2) If the established faults and irregularities pose a danger to the human safety and the property, the inspector shall by a decision order elimination of these irregularities within a period of 30 days as of the day of adoption of the decision.

(3) If the established faults and irregularities are not eliminated within the period referred to in paragraph (2) of this Article, the inspector shall prohibit the detailed geological explorations, the carrying out of the mining activities, and the exploitation of minerals, in that part of the mine or in the whole mine.



## **Article 109**

### **Discontinuation of the geological explorations**

The state inspector of geology shall by a decision discontinue the further geological explorations if:

- the detailed geological explorations are conducted without a concession or a permit for detailed geological explorations,
- the detailed geological explorations are not conducted in accordance with the project documentation, and such explorations undermine the stability of the facility and the safety of human life and health, traffic, neighboring facilities and environment and nature, and
- the conducting of the activities of the basic or detailed geological explorations are conducted contrary to the provisions of this Law.

## **Article 110**

### **Discontinuation of the mining activities**

The state mine inspector shall by a decision discontinue the further mining activities of the mining facility or for a determined period of time if:

- the exploitation, the carrying out of the mining activities, that is, the construction of the facility and the plant is made without a permit or decision,
- the exploitation, the carrying out of the mining activities, that is, the construction of the mining facility or the plant is not made according to the technical documentation based on which the permit for exploitation, that is, construction is issued, and such exploitation, that is, construction undermine the stability of the facility, the safety of human life and health, the traffic, the neighboring facilities and the environment and nature, and
- the carrying out of the activities is transferred contrary to the provisions of this Law.

## **Article 111**

### **Discontinuation of construction and use of electrical installations and devices**

The state mine electrical inspector shall by a decision discontinue the further construction or use of electrical devices and installations if:

- the construction of the facility or the plant is done without a permit or decision,
- the construction of the facility or the plant is not made in accordance with the technical documentation based on which the construction approval is issued, and
- the electrical devices and installations are not in compliance with the prescribed requirements for their safe handling and use.

## **Article 112**

### **Prohibition on carrying out activities**

If in the course of conducting the inspection it is determined that the persons that manage or handle the facilities, devices, plants and installations do not fulfill the conditions determined by this Law and the regulations adopted on the basis of this Law, the inspector shall adopt a decision to prohibit the carrying out of that activities.

## **Article 113**

### **Appeal and enforcement of a decision**

- (1) An appeal against the decision adopted by the inspector imposing an administrative measure may be filed with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within a period of eight days as of the day of receipt of the decision.
- (2) The appeal referred to in paragraph (1) of this Article shall not postpone the enforcement of the decision if the postponement of the enforcement of the decision poses a direct danger to human life and health, property, environment and nature.

## **Article 114**

### **Obligations for taking actions**

- (1) If in the course of conducting inspection it is established that a misdemeanor or a crime is perpetrated, the inspector must immediately file a motion for initiation of a misdemeanor procedure or file criminal charges.
- (2) If a motion for initiation of a misdemeanor procedure or criminal charges for the established misdemeanor or crime referred to in paragraph (1) of this Article are not filed by the state inspector, it shall be deemed that he/she has perpetrated a serious breach of the official duty.
- (3) A competent court shall conduct a misdemeanor procedure for the misdemeanors laid down in this Law.

## **Article 115**

### **Independence in conducting inspection**

The state inspector for geology, the state mine inspector, and the state mine electrical inspector shall carry out the activities related to inspection and taking measures for which he/she is authorized by this or another Law independently and shall keep records of the conducted controls and checks.

## **Article 116**

### **Obligation for provision of information and data**

- (1) The persons that are subjected to inspection shall be obliged, at any time, to allow the state inspector to enter in all of the premises, to provide information and data related to the supervision, at his/her request, to take statements from the responsible persons, to hear witnesses, to take samples, and if needed, to use services of professional organizations and persons.
- (2) If in the course of inspection it is necessary to make examinations (analyses or expertise) by an appropriate professional organization, the costs for the examinations shall be born by the entity where inspection is conducted, provided that it is determined by a legally valid

decision that the results of these examinations are not in accordance with the law and the other regulations adopted on the basis of a law.

(3) The persons referred to in paragraph (1) of this Article must produce all of the technical and other documentation, to allow insight in the technological process, and insight into the appropriate certificates and attests.

(4) For the purpose of correct determination of the location for conducting detailed geological explorations or exploitation of minerals, as well in relation to the determination of the quantities of exploited minerals, as well as in other cases where necessary, the state inspector for geology, the state mine inspector, and the state mine electrical inspector may order a land surveying to be conducted, as well as calculation of the excavated quantities of minerals.

(5) The land surveying, as well as the calculation of the excavated quantities of minerals, shall be made by sole traders – authorized land surveyors and trade companies for land surveying that fulfill the conditions under the Law on Cadastre of Immovables.

(6) The costs for the land surveying referred to in paragraph (4) of this Article shall be born by the entity where inspection is conducted.

#### **Article 117**

##### **Temporary seizure of things, means and raw material**

(1) If in the course of conducting inspection by the state inspector for geology, the state mine inspector and the state mine electrical inspector, as well as the authorized persons of the Ministry of Interior, it is determined that the exploitation of minerals is conducted without a concession, that is, a permit for exploitation to be granted, the things, means for excavation, that is, exploitation, transport, as well as the mineral, that are temporary seized shall be delivered to temporary keeping in accordance with the Law on Management of Confiscated Property, Property Benefit and Seized Items in Criminal and Misdemeanor Procedure.

(2) Minutes shall be prepared for the conducted delivery.

#### **Article 118**

##### **Taking urgent measures**

(1) The state inspector for geology or the mine inspector, as well as the state mine electrical inspector, shall be obliged to immediately make on-the-spot investigation of the reasons for death, collective accident and serious bodily injury, as well as to order measures to be taken without any delay.

(2) In the cases referred to in paragraph (1) of this Article, the state inspector shall be obliged, immediately and in the shortest possible period, to submit a report to the competent bodies along with an opinion about the reasons and the conditions under which the accident has happened.

## **Article 119**

### **Education**

- (1) If in the course of the inspection the state inspector for geology, the state mine inspector, and the state mine electrical inspector establish that an irregularity referred to in Articles 122 paragraph (1) lines 1, 2, 3, 4, 5, 6 and 7, 123 paragraph (1) lines 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, 124 paragraph (1) lines 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, 125 paragraph (1) lines 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24, and 126 paragraph (1) lines 1, 2, 3, 4, 5 and 6 of this Law is perpetrated for the first time, he/she shall be obliged to prepare minutes in which he/she shall define the irregularity and shall indicate that the established irregularity should be eliminated within a period of eight days and shall at the same time hand over an invitation for education of the person or entity where such irregularity has been established during the inspection.
- (2) The form and content of the invitation for education, as well as the manner of delivery of the education, shall be prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.
- (3) The education shall be organized and delivered by the State Inspectorate for Technical Inspection, that is, by the body that has conducted the inspection, in a period not longer than eight days as of the day of conducting the inspection.
- (4) The education may be delivered for several identical, or of the same kind, established irregularities, for one or more entities.
- (5) The education shall be considered delivered if the person or entity to be educated does not show at the scheduled time for education.
- (6) If the person or entity to be educated shows at the scheduled time for education and completes the education, it shall be considered educated in regard to the established irregularity.
- (7) If in the course of inspection the state inspector for geology, the state mine inspector, and the state mine electrical inspector that has conducted the inspection determines that the established irregularities referred to in paragraph (1) of this Article have been eliminated, he/she shall adopt a conclusion to stop the procedure for inspection.
- (8) If in the course of conducting the repeated inspection the state inspector for geology, the state mine inspector, and the state mine electrical inspector that has done the inspection determines that the established irregularities referred to in paragraph (1) of this Article have not been eliminated, he/she shall file a motion for initiation of a misdemeanor procedure with the competent court.
- (9) The State Inspectorate for Technical Inspection, that is, the body that has conducted the inspection and has delivered the education shall keep records of the completed education in a manner prescribed by the minister heading the state administrative body responsible for carrying out the activities in the field of minerals.

(10) The Ministry of Economy – the State Inspectorate for Technical Inspection shall prepare quarterly reports for the conducted controls and shall publish them on the website of the Ministry of Economy on a unified quarterly survey.

## **PART X**

# **MISDEMEANOR PROVISIONS**

### **Article 120**

(1) Fine in the amount of Euro 20.000 in Denar counter value shall be imposed on a legal entity for a misdemeanor if:

- it conducts detailed geological explorations of energy, metallic and/or technogenic minerals without a concession or permit for detailed geological explorations to be awarded,
- prior to the start of conducting detailed geological explorations, it does not obtain a written consent for the land where the detailed geological exploration are to be conducted,
- within a period of 120 days upon completion of the detailed geological explorations, it does not submit a detailed report of the conducted detailed geological explorations to the state administrative body responsible for the activities in the field of minerals,
- it hinders the state inspector for geology in conducting the inspection and does not make the necessary documentation for conducting such inspection available, and
- it does not act upon the enforceable and final decision of the state inspector for geology.

(2) In addition to the fine for the actions referred to in paragraph (1) of this Article, a misdemeanor sanction prohibition on carrying out a particular activity may be also imposed on the legal entity. The duration of the prohibition cannot be shorter than six months nor longer than three years, the same as the activity the carrying out of which is prohibited to the legal entity.

(3) In addition to the misdemeanor sanction, as for the actions referred to in paragraph (1) lines 1 and 2 of this Article, the entities referred to in paragraph (2) of this Article may be imposed a special misdemeanor measure seizure of things used for conducting geological explorations.

(4) Fine in the amount of 30% of the determined fine for the legal entity shall be also imposed for a misdemeanor for the actions referred to in paragraph (1) of this Article on the responsible person in the legal entity and he/she shall be also imposed a misdemeanor sanction prohibition on exercising an office in duration of one year.

### **Article 121**

(1) Fine in the amount of Euro 5.000 in Denar counter value shall be imposed on the legal entity for a misdemeanor if:

- it conducts detailed geological explorations of non-metallic minerals, dimension stone, sand and gravel that are not found in the beds and waterside of surface water bodies (watercourses, lakes and accumulations), all types of clay and quartz aggregate, and mineral, thermo-mineral, and thermal waters, without a concession or a permit for detailed geological explorations to be awarded;
- it does not submit a report of the conducted scientific researches and prospecting,
- within a period of 120 days as of the day of completion of the detailed geological

explorations, it does not submit a detailed geological report of the conducted detailed geological explorations to the state administrative body responsible for the activities in the field of minerals, and

- within a period of 15 days prior to the start of the detailed geological explorations, it does not submit the project for conducting detailed geological explorations to the state administrative body responsible for the activities in the field of minerals.

(2) In addition to the fine for the actions referred to in paragraph (1) of this Article, the legal entity may be imposed a misdemeanor sanction temporary prohibition on carrying out a particular activity. The duration of the prohibition cannot be shorter than six months nor longer than three years, the same as the activity the carrying out of which is prohibited to the legal entity.

(3) In addition to the misdemeanor sanction, as for the actions referred to in paragraph (1) line 2 of this Article, the entities referred to in paragraph (2) of this Article may be imposed a special measure seizure of things used for conducting geological explorations.

(4) Fine in the amount of 30% of the determined fine for the legal entity shall be also imposed for a misdemeanor for the actions referred to in paragraph (1) of this Article on the responsible person in the legal entity and he/she shall be also imposed a misdemeanor sanction prohibition on exercising an office in duration of one year.

## **Article 122**

(1) Fine in the amount of Euro 2.500 in Denar counter value shall be imposed for a misdemeanor on the legal entity if:

- it prepares, conducts and supervises geological exploration without an authorization for preparation of geological documentation, conducting and supervision of geological explorations,
- it deposits harmful, radioactive and other hazardous and waste materials in the deserted mining facilities where geological explorations have been conducted,
- in the course of conducting detailed geological explorations, different types of minerals than the ones for which a concession for detailed geological explorations has been awarded are discovered, and they are not included in the detailed report of the conducted detailed geological explorations and are not properly presented according to quality and quantity,
- it conducts scientific explorations and prospecting without submitting a notification thereof,
- it does not implement the measures for safety and health at work in accordance with this Law or another law, and
- it does not carry out the activities related to geological explorations in accordance with the project for conducting detailed geological explorations, the standards and the technical norms that regulate the carrying out of such activities.

(2) In addition to the fine for the actions referred to in paragraph (1) of this Article, the legal entity may be imposed a misdemeanor sanction temporary prohibition on carrying out a particular activity. The duration of the prohibition cannot be shorter than six months nor longer than three years, the same as the activity the carrying out of which is prohibited to the legal entity.

(3) Fine in the amount of 30% of the determined fine for the legal entity shall be imposed for a misdemeanor on the responsible person in the legal entity for the activities referred to in paragraph (1) of this Article.

(4) Fine in the amount of Euro 250 to 375. in Denar counter value shall be imposed for a misdemeanor on a natural person for the activities referred to in paragraph (1) of this Article.

#### **Article 122-a**

(1) Fine in the amount of Euro 5.000 in Denar counter value shall be imposed on the authorized legal entity which implements technically the examination referred to in Article 32-e of this Law if it does not record the examination, does not live-stream it on the website of the Ministry of Economy and if it does not post the recording of the whole examination on the website of the Ministry of Economy in accordance with Article 32-j paragraph (3) of this Law.

(2) Fine in the amount of Euro 500 to 1.000 in Denar counter-value shall be imposed on the authorized representative referred to in Article 22-j paragraph (5) of this Law if it acts contrary to Article 32-k paragraph (9) of this Law.

(3) Fine in the amount of Euro 5.000 in Denar counter-value shall be imposed on the authorized institution that conducts the examination referred to in Article 32-e of this Law if it does not discontinue the examination in accordance with Article 32-k paragraphs (5) and (6) of this Law.

(4) Fine in the amount of Euro 1.000 to 1.500 in Denar counter-value shall be imposed on the minister heading the state administrative body responsible for carrying out the activities in the field of minerals if he/she does not adopt the decision within the deadline referred to in Article 32-w paragraph (7) of this Law.

(5) Fine in the amount of Euro 2.000 to 3.000 in Denar counter value shall be imposed on the responsible person referred to in Article 32-e of this Law if he/she allows a candidate who does not meet the prescribed requirements under this Law to take the examination.

(6) Fine in the amount of Euro 10.000 in Denar counter value shall be imposed on the authorized legal entity which conducts the examination technically referred to in Article 32-e of this Law if it does not block the radio frequency range in the premises for holding the examination.

(7) Fine in the amount of Euro 2.000 to 3.000 in Denar counter value shall be imposed on the authorized representatives referred to in Article 32-j paragraph (5) of this Law if they allow a candidate to act contrary to Article 32-k paragraphs (2), (3) and (4) of this Law.

(8) Fine in the amount of Euro 100 to 200 in Denar counter value shall be imposed on the candidate if he/she acts contrary to Article 32-k paragraphs (2), (3) and (4) of this Law.

(9) Fine in the amount of Euro 2.000 to 3.000 in Denar counter value shall be imposed on the members of the commission referred to in Article 32-w paragraph (3) of this Law, provided that they establish irregularities in the course of the examination, but they do not note that in the report to the minister of economy.

#### Article 122-b

Fine in the amount of Euro 25 to 50 in Denar counter value shall be imposed for a misdemeanor on the authorized official person of the Institute of Geology if he/she does not require the proofs *ex officio* within the deadline set in Article 7 paragraph (6) of this Law.

Fine in the amount of Euro 25 to 50 in Denar counter value shall be imposed for a misdemeanor on the authorized official person of the state administrative body responsible for carrying out the activities in the field of minerals if he/she does not require the proofs *ex officio* within the deadline set in Articles 32 paragraph (9), 47 paragraph (5), 49 paragraph (6) and 73 paragraph (8) and (11) of this Law.

Fine in the amount of Euro 25 to 50 in Denar counter value shall be imposed for a misdemeanor on the authorized official person of the competent public body who has been required the proofs and data if he/she does not submit the requested proofs and data within the deadline set in Articles 7 paragraph (7), 32 paragraph (10), 47 paragraph (6), 49 paragraph (7) and 73 paragraph (9) and (12) of this Law.

#### Article 123

(1) Fine in the amount of Euro 250.000 in Denar counter value shall be imposed for a misdemeanor on the legal entity that exploits energy, metallic and technogenic minerals if:

- it conducts the exploitation outside the exploitation area defined by the main mining project,
- it exploits newly discovered non-metallic minerals, dimension stone, sand and gravel that are not found in the beds and watersides of surface water bodies (watercourses, lakes and accumulations) and mineral, thermo-mineral and thermal waters without an awarded concession or a permit for exploitation,
- it does not make a land surveying and does not submit a notification within a deadline, in the manner and under the conditions defined by this Law,
- it does not keep records of the produced quantities of minerals in the manner and under the conditions defined by this Law and the regulations adopted on the basis of this Law,
- it trades with the minerals awarded by the concession referred to in Article 40-a paragraph (1) of this Law,
- the concessionaire does not submit authentic data on the components of minerals in the concentrates, that is, metals that are received in the process of their processing,
- it does not act upon an enforceable and final decision of the state mine inspector and the state mine electrical inspector,
- it hinders the inspector in conducting the inspection and does not produce him/her the necessary documentation for conducting the inspection,
- it exploits contrary to the approved mining projects,
- in the course of exploitation, it does not carry out the mining activities in accordance with the permit, the standards and the technical norms applicable for carrying out such activities,
- it carries out mining activities and constructs facilities in the existing mines that are not included in the main mining project, and without a supplementary mining project and a permit for conducting mining activities under a supplementary mining project,
- the technical management and supervision is conducted by a person who does not meet the requirements defined by this Law and the regulations adopted on the basis of this Law,
- in the course of exploitation, it does not implement measures for protection of the environment, the nature and the cultural heritage, as well as measures for land recultivation in accordance with the law,



- it has not rehabilitated and does not rehabilitate the area in accordance with the project for conducting detailed geological explorations, the project for rehabilitation which is an integral part of the main or the supplementary mining project, the agreement on concession, and the permit for exploitation,
- it stores harmful, hazardous, radioactive and waste materials in the deserted facilities and open pits,
- it does not act in accordance with the waste management plan,
- it does not classify and precategorize the ore reserves in the manner and under the conditions defined by this Law and the regulations adopted on the basis of this Law, and
- in the course of carrying out the mining activities, it does not provide technical management and supervision of the carrying out of the mining activities under the mining projects, the technical regulations, as well as under the regulations of safety at work.

(2) In addition to the fine for the actions referred to in paragraph (1) of this Article, the legal entity may be imposed a misdemeanor sanction temporary prohibition on carrying out a particular activity. The duration of the prohibition cannot be shorter than six months nor longer than three years, the same as the activity the carrying out of which is prohibited to the legal entity.

(3) In addition to the misdemeanor sanction, the entities referred to in paragraph (2) of this Article may be imposed a special misdemeanor measure seizure of things used for perpetrating the misdemeanor.

(4) Fine in the amount of 30% of the determined fine for the legal entity shall be also imposed for a misdemeanor for the actions referred to in paragraph (1) of this Article on the responsible person in the legal entity and he/she shall be also imposed a misdemeanor sanction prohibition on exercising an office in duration of one year.

#### **Article 124**

(1) Fine in the amount of Euro 30.000 in Denar counter value shall be imposed for a misdemeanor on the legal entity that exploits non-metallic minerals, dimension stone, sand and gravel that are not found in the beds and watersides of surface water bodies (watercourses, lakes and accumulations), all types of clay and quartz aggregate, mineral water and gas CO<sub>2</sub> and mineral, thermo-mineral and thermal waters if:

- it exploits outside the exploitation area defined by the main mining project,
- it exploits newly discovered non-metallic minerals, dimension stone, sand and gravel that are not found in the beds and watersides of surface water bodies (watercourses, lakes and accumulations), all types of clay and quartz aggregate, mineral waters and gas CO<sub>2</sub> and mineral, thermo-mineral and thermal waters without an awarded concession of permit for exploitation,
- it does not make a land surveying and does not submit a notification within a period, in the manner and under the conditions defined by this Law,
- it does not keep records of the produced quantities of minerals in the manner and under the conditions defined by this Law and the regulations adopted on the basis of this Law,
- it does not act upon an enforceable and final decision of the state mine inspector and the state mine electrical inspector,
- it hinders the inspector in conducting the inspection and does not produce him/her the necessary documentation for conducting the inspection,
- it exploits contrary to the approved mining projects,

- in the course of exploitation, it does not carry out the mining activities in accordance with the permit, the standards and the technical norms applicable for carrying out such activities,
- it carries out mining activities and constructs facilities in the existing mines that are not included in the main mining project, and without a supplementary mining project and a permit for conducting mining activities under a supplementary mining project,
- the technical management and supervision is conducted by a person who does not meet the requirements defined by this Law and the regulations adopted on the basis of this Law,
- in the course of exploitation, it does not implement measures for protection of the environment, the nature and the cultural heritage, as well as measures for land recultivation in accordance with the law,
- it has not rehabilitated and does not rehabilitate the area in accordance with the project for conducting detailed geological explorations, the project for rehabilitation which is an integral part of the main or the supplementary mining project, the agreement on concession, and the permit for exploitation,
- it stores harmful, hazardous, radioactive and waste materials in the deserted facilities and open pits,
- it does not act in accordance with the waste management plan,
- it does not classify and precategorize the ore reserves in the manner and under the conditions defined by this Law and the regulations adopted on the basis of this Law,
- in the course of carrying out the mining activities, it does not provide technical management and supervision of the carrying out of the mining activities under the mining projects, the technical regulations, as well as under the regulations of safety at work, and
- it does not reinject the water if it is so foreseen by the permit for exploitation and the approved mining projects.

(2) In addition to the fine for the actions referred to in paragraph (1) of this Article, the legal entity may be imposed a misdemeanor sanction temporary prohibition on carrying out a particular activity. The duration of the prohibition cannot be shorter than six months nor longer than three years, the same as the activity the carrying out of which is prohibited to the legal entity.

(3) In addition to the misdemeanor sanction, the entity referred to in paragraph (2) of this Article may be imposed a special misdemeanor measure seizure of things used for perpetrating the misdemeanor.

(4) Fine in the amount of 30% of the determined fine for the legal entity shall be also imposed for a misdemeanor on the responsible person in the legal entity for the actions referred to in paragraph (1) of this Article and he/she shall be also imposed a misdemeanor sanction prohibition on exercising an office in duration of one year.

Fine in the amount of Euro 500 to 1.000 in Denar counter value shall be imposed for a misdemeanor on a natural person for the activities referred to in paragraph (1) of this Article.

#### **Article 125**

(1) Fine in the amount of Euro 10.000 in Denar counter value shall be imposed on the legal entity that exploits minerals for a misdemeanor if:

- it transfers the concession contrary to the provisions of this Law,
- it gives the concession under lease,
- shares or stocks at the concessionaire are transferred and they individually or collectively

lead to a change in the controlling stake,

- it puts into operation means for work that are not checked and examined for safe operation, that is, are not operable for safe work,
- immediately, and within 48 hours as of the event at the latest, it does not inform the State Inspectorate for Technical Inspection about any death, collective accident, and any occurrence that pose a direct danger to the safety at work of the employees in a written form,
- in the course of conducting detailed geological explorations, different types of minerals than the ones for which a concession for detailed geological explorations has been awarded are discovered, and they are not included in the detailed report of the conducted detailed geological explorations and are not appropriately presented according to quality and quantity,
- it does not implement the measures for safety of the citizens, their property, traffic and neighboring facilities on time,
- within a period of 15 days as of the start of the detailed geological explorations, it does not submit a project for conducting detailed geological explorations to the state administrative body responsible for carrying out the activities in the field of minerals,
- within a period of 24 hours as of the interruption of the activities at the latest, in the case of major danger, it does not immediately report the temporary interruption of the mining activities related to exploration and exploitation of minerals that has happened due to unpredicted geological, mining or economic reasons (gas or water appearance, rockbursts, pit fires, disturbance of the main winding and drainage tunnels, land sliding, and alike) to the state administrative body responsible for carrying out the activities in the field of minerals and the State Inspectorate for Technical Inspection,
- it plans temporary interruption of the activities for more than six months, and does not inform the State Inspectorate for Technical Inspection thereof within the determined period and does not make mining measurement of the situation, as well as supplementing of the mining plans and does not prepare minutes of the reasons for interrupting the activities and the dangers that may occur in the course of the interruption and at the restart of the activities,
- it does not prepare a supplementary mining project in accordance with the provisions of this Law, provided that it does not continue to exploit minerals within the defined period,
- it puts into use a mining facility without commissioning to be conducted and a decision on use to be issued, as well as without a granted written consent by the state mining inspector,
- in the course of conducting mining activities, it does not take measures for protection of human life and health, as well as for safety of the immovable and movable property,
- it destroys or endangers the infrastructure facilities (road, long-distance transmission line and alike) that pass through the concession area and hinders their use by other persons,
- it does not implement measures for safety at work in accordance with this Law,
- in the course of conducting detailed geological explorations and exploitation of minerals, it does not organize, regulate and implement on time measures for safety at work,
- in the course of conducting mining activities, it does not provide keeping of records for the technical management and supervision in a written form,
- in the course of conducting underground mining activities, it does not organize a service for safety at work,
- it does not organize a rescue service and a service for fire protection in the course of conducting mining activities where there is a danger of fire, explosion, appearance of poisonous gases, or possibilities of entering gases, water and sludge,
- in the period of temporary interruption of the mining activities, it does not maintain the pit areas and facilities in stable, safe and secure condition,
- before assigning the works, that is, tasks, it does not acquaint the worker it has employed with the regulations and measures for safety at work related to the works he/she is to carry out, the dangers that may occur at that job, as well as the organization and implementation of

the safety measures at work, and does not designate a worker whom it shall fully acquaint with the rights and obligations related to the safety at work and the working conditions,

- it does not acquaint the worker that is assigned to mining activities for the first time gradually, and within 15 days at least, with the work under a direct guidance and surveillance of a worker and an instructor designated by a worker with special authorizations and duties,
- it does not acquaint the workers that are assigned to a job in a pit, at their assignment to another job at which they have not worked until then, with the specific dangers at the new job and the measures for safety at work and the dangers that may occur during the carrying out of the works to which they are assigned,
- it does not previously acquaint the workers that are assigned to a job in surface plants who enter the pit occasionally for the purpose of carrying out particular works with the specifics of the work in the pit, all the dangers that result from such work, and the measures for safety at work that they must comply with,
- it does not maintain the means for work in operable condition, it does not check their correctness and safety for work by periodical checks and examinations in the manner and within the deadlines prescribed by the act it adopts, that is, the manufacturer's manual, the technical regulations and standards,
- it does not organize acquaintance of all workers with the regulations and measures for safety at work, as well as with the measures for implementation of the defense plans and rescue actions in case of unexpected accidents and does not organize training for that purpose, and
- once a year, it does not check the knowledge of the regulations and the measures for safety at work, as well as the defense plans and rescue actions in case of unexpected accidents of the workers with special authorizations and duties that conduct supervision, the blaster, as well as of the other workers with special authorizations.

(2) In addition to the fine for the actions referred to in paragraph (1) of this Article, the legal entity may be imposed a misdemeanor sanction temporary prohibition on carrying out a particular activity. The duration of the prohibition cannot be shorter than six months nor longer than three years, the same as the activity the carrying out of which is prohibited to the legal entity.

(3) Fine in the amount of 30% of the determined fine for the legal entity shall be also imposed for a misdemeanor on the responsible person in the legal entity for the actions referred to in paragraph (1) of this Article and he/she shall be also imposed a misdemeanor sanction prohibition on exercising an office in duration of one year.

(4) Fine in the amount of Euro 500 to 1.000 in Denar counter value shall be imposed for a misdemeanor on a natural person for the actions referred to in paragraph (1) of this Article if in the course of conducting the geological explorations and exploitation of minerals he/she does not inform the direct head about the work related accident, serious work related injury, or occurrence that endangers the life of the workers, as well as about the reasons for their occurrence.

#### **Article 126**

(1) Fine in the amount of Euro 6.000 in Denar counter value shall be imposed for a misdemeanor on the legal entity that exploits minerals if:

- at least once a year, it does not submit a report of the conducted geological explorations in accordance with the dynamics determined in the project for geological explorations to the

state administrative body responsible for carrying out the activities in the field of minerals,

- it does not keep the foreseen documentation in the area for conducting detailed geological explorations,
- it does not keep the determined documentation at the place where the mining activities are carried out and minerals are exploited,
- it does not enter the data about the loaded exploited mineral in the information system before the load leaves the concession area,
- the loaded exploited mineral leaves the concession area without issued certificate by the Public Revenue Office,
- the persons that carry out works at particular jobs do not meet the requirements for professional training,
- the workers that are assigned to a job outside a pit, enter the pit without a permit of the head of the pit or a person authorized by him/her, and
- it does not adopt special programs for acquisition, supplementing and development of the knowledge in the fields of safety at work according to the types of works, that is, duties.

(2) Fine in the amount of 30% of the determined fine for the legal entity shall be also imposed for a misdemeanor on the responsible person in the legal entity for the actions referred to in paragraph (1) of this Article.

(3) Fine in the amount of Euro 500 to 900 in Denar counter value shall be imposed for a misdemeanor on a natural person for the actions referred to in paragraph (1) of this Article.

(4) Fine in the amount of Euro 500 to 1.000 in Denar counter value shall be imposed for a misdemeanor on the responsible person and the officer in the state administrative body responsible for carrying out the activities in the field of minerals if he/she does not initiate a procedure for unilateral cancellation of the concession for mineral exploitation within the period set out in Article 75 paragraph (5) of this Law or initiates a procedure for unilateral cancellation of the concession for mineral exploitation without submitting the notice for payment of the concession fee referred to in Article 75 paragraph (5) of this Law to the concessionaire.

#### **Article 126-a**

The determination of the amount of the fine for the legal entity shall be made in accordance with the Law on Misdemeanors.

## **PART XI**

# **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 127**

The procedures for awarding concessions for detailed geological explorations for which an initiative for starting a procedure for awarding a concession for detailed geological explorations is submitted shall continue in accordance with the provisions of this Law.

#### **Article 128**

The concessionaires which have been awarded a concession for detailed geological explorations shall continue to conduct the detailed geological explorations in accordance with the provisions of the Law on Minerals ("Official Gazette of the Republic of Macedonia" nos. 24/2007, 88/2008, 52/2009, 6/10, 158/10, 53/11 and 136/11).

#### **Article 129**

The concessionaires that have completed the detailed geological explorations, but have not submitted a request for awarding a concession for exploitation up to the day of entry into force of this Law, shall continue the procedure for awarding a concession for exploitation in accordance with the provisions of this Law.

#### **Article 130**

The initiated procedures for making an expert assessment (review) of geological documentation and mining projects shall end in accordance with the Law on Minerals ("Official Gazette of the Republic of Macedonia" nos. 24/2007, 88/2008, 52/2009, 6/10, 158/10, 53/11 and 136/11) and the regulations adopted on the basis of that Law.

#### **Article 131**

(1) The authorizations for preparation of geological documentation issued on the basis of the Law on Minerals ("Official Gazette of the Republic of Macedonia" nos. 18/99 and 29/2002) and the Law on Minerals ("Official Gazette of the Republic of Macedonia" nos. 24/2007, 88/2008, 52/2009, 6/10, 158/10, 53/11 and 136/11) shall continue to be valid within a period of six months as of the day of entry into force of this Law.

(2) The issued authorizations shall cease to be valid upon expiry of the deadline referred to in paragraph (1) of this Article.

#### **Article 132**

(1) The authorizations for preparation of mining project issued on the basis of the Law on Minerals ("Official Gazette of the Republic of Macedonia" nos. 18/99 and 29/2002) and the Law on Minerals ("Official Gazette of the Republic of Macedonia" nos. 24/2007, 88/2008, 52/2009, 6/10, 158/10, 53/11 and 136/11) shall continue to be valid within a period of six months as of the day of entry into force of this Law.

(2) The issued authorizations shall cease to be valid upon expiry of the deadline referred to in paragraph (1) of this Article.

#### **Article 133**

The initiated procedures for awarding a concession for exploitation of minerals shall end in accordance with the Law on Minerals ("Official Gazette of the Republic of Macedonia" nos. 24/2007, 88/2008, 52/2009, 6/10, 158/10, 53/11 and 136/11).

#### **Article 134**

(1) The entities which have been issued a license for preparation of geological documentation on the basis of the Law on Minerals (“Official Gazette of the Republic of Macedonia” nos. 18/99 and 29/2002) and the Law on Minerals (“Official Gazette of the Republic of Macedonia” nos. 24/2007, 88/2008, 52/2009, 6/10, 158/10, 53/11 and 136/11) shall be obliged, within a period of one year as of the day of entry into force of this Law, to submit a request for issuance of a license for preparation of geological documentation, conducting and supervision of geological explorations in accordance with the provisions of this Law.

#### **Article 135**

The initiated procedures for issuance of a permit for exploitation and a permit for conducting mining activities under a supplementary mining project shall be ended in accordance with the Law on Minerals (“Official Gazette of the Republic of Macedonia” nos. 24/2007, 88/2008, 52/2009, 6/10, 158/10, 53/11 and 136/11).

#### **Article 136**

(1) The issued approvals for exploitation under the Law on Minerals (“Official Gazette of the Republic of Macedonia” nos. 18/99 and 29/2002) and the issued permits for exploitation under the Law on Minerals (“Official Gazette of the Republic of Macedonia” nos. 24/2007, 88/2008, 52/2009, 6/10, 158/10, 53/11 and 136/11) shall be deemed permits for exploitation and shall be valid up to the expiry of the period for which they have been issued.

(2) The concessionaires referred to in paragraph (1) of this Article, within a period of two years as of the day of entry into force of this Law, shall be obliged to submit a plan for management of mineral waste and a financial guarantee referred to in Article 96 of this Law to the state administrative body responsible for the activities in the field of minerals.

(3) If the concessionaires do not submit a plan for management of mineral waste and a financial guarantee within the period referred to in paragraph (2) of this Article, the Government shall unilaterally terminate the agreement on concession.

#### **Article 137**

(1) The concessionaires which have been issued an approval for exploitation and an approval for exploitation under a supplementary mining project up to the day of entry into force of the Law on Minerals (“Official Gazette of the Republic of Macedonia” no. 18/99), but which have not submitted a request for issuance of a permit for exploitation shall be obliged to submit a request for issuance of a permit for exploitation within a period of one year as of the day of entry into force of this Law.

(2) The agreements on concession shall cease to be valid if the concessionaires do not submit a request for issuance of a permit for exploitation within the period referred to in paragraph (1) of this Article.

#### **Article 138**

The Government on a proposal of the minister heading the state administrative body responsible for the activities in the field of minerals shall adopt a decision to unilaterally

terminate the agreement on concession for exploitation to concessionaires which have been issued an approval for exploitation under the Law on Minerals (“Official Gazette of the Republic of Macedonia” nos. 18/99 and 29/2002), but which have not started the exploitation within a period of three months as of the day of entry into force of this Law.

#### **Article 139**

(1) The concessionaires that have concluded agreements on concession for exploitation of minerals under the Law on Minerals (“Official Gazette of the Republic of Macedonia” nos. 24/2007, 88/2008, 52/2009, 6/10, 158/10, 53/11 and 136/11) shall be obliged to harmonize the respective agreements with the provisions of this Law within a period of two year as of the day of entry into force of this Law, except for the size of the area for which concession for exploitation has been awarded and the concession validity period.

(2) The harmonization referred to in paragraph (1) of this Article shall be made by concluding a new agreement on concession for exploitation.

#### **Article 140**

The provisions of Article 97 of this Law shall start to apply as of accession of the Republic of Macedonia into the European Union.

#### **Article 141**

The register of regulations defined in Article 98 paragraph (1) of this Law shall become accessible to the public as of the 1st of January 2015.

#### **Article 142**

The provisions of this Law that refer to the award of a concession for detailed geological explorations and exploitation of minerals by means of an electronic auction shall start to apply within a period of one year as of the day of entry into force of this Law.

#### **Article 143**

(1) The bylaws determined by this Law shall be adopted within a period of one year as of the day of entry into force of this Law.

(2) The bylaws determined in the Law on Minerals (“Official Gazette of the Republic of Macedonia” nos. 24/2007, 88/2008, 52/2009, 6/10, 158/10, 53/11 and 136/11) shall apply up to the day of entry into force of the bylaws referred to in paragraph (1) of this Article.

#### **Article 144**

(1) The concessionaires that have been issued an approval for exploitation in accordance with the Law on Minerals (“Official Gazette of the Republic of Macedonia” nos. 18/99 and 29/2002) or a permit for exploitation in accordance with the Law on Minerals (“Official Gazette of the Republic of Macedonia” nos. 24/2007, 88/2008, 52/2009, 6/10, 158/10, 53/11 and 136/11) shall be obliged, within a period of one year as of the day of entry into force of this Law, to submit a proof to the state administrative body responsible for the activities in



the field of minerals for measuring the exploited and sold quantity of mineral, except for the minerals referred to in Article 4 paragraph (2) line 6 of this Law.

(2) The Government shall unilaterally terminate the concession agreement if the concessionaires referred to in paragraph (1) of this Article do not submit a proof of installed or a proof that they use an appropriate measuring instrument for measuring the exploited and sold quantities of a mineral, except for the minerals referred to in Article 4 paragraph (2) line 6 of this Law.

#### **Article 145**

As of the day of entry into force of this Law, the Law on Minerals ("Official Gazette of the Republic of Macedonia" nos. 24/2007, 88/2008, 52/2009, 6/2010, 158/2010, 53/2011 and 136/2011) shall cease to be valid.

#### **Article 146**

This Law shall enter into force on the eight day as of the day of its publication in the "Official Gazette of the Republic of Macedonia".

### **PROVISIONS OF OTHER LAWS**

Law Amending the Law on Minerals ("Official Gazette of the Republic of Macedonia" no. 25/2013):

#### **Article 6**

The concessionaires which have been revoked the exploitation concession due to the implementation of the Spatial Plan for the Region of the Spring Rasce Protection Zones ("Official Gazette of the Republic of Macedonia" no. 98/2002) in the period up to 2008 may submit a request for awarding a new concession for exploitation of minerals at another location within a period of three months as of the day of entry into force of this Law.

The procedure for awarding concession for exploitation referred to in paragraph 1 of this Article shall be conducted in accordance with Article 42 of the Law on Minerals ("Official Gazette of the Republic of Macedonia" no. 136/2012).

Law Amending the Law on Minerals ("Official Gazette of the Republic of Macedonia" no. 44/2014):

#### **Article 24**

The Ministry of Economy shall implement the single electronic system for professional examination for licenses within a period of one year as of the day of entry into force of this Law.

#### **Article 25**

The Ministry of Economy shall establish the Register of Issued Authorizations and Licenses within a period of three months as of the day of entry into force of this Law.

#### **Article 26**

The person who holds an authorization for preparation of geological documentation, that is, a license for preparation of geological documentation, and an authorization for preparation of mining projects for surface and underground exploitation, that is, a license for preparation of mining projects for surface and underground exploitation who by the day of entry into force of this Law has at least five years of work experience in the respective field, may submit a request for entry in the Register within a period of six months as of the day of entry into force of this Law.

The required documentation referred to in Article 32-a of this Law for authorizations and licenses for preparation of geological documentation, conducting and supervision of geological explorations, that is, referred to in Article 73 paragraph (8) of this Law for an authorization and a license for preparation of mining projects for surface and underground exploitation and mineral processing referred to in the Law on Minerals ("Official Gazette of the Republic of Macedonia" nos. 136/2012, 25/2013 and 93/2013) shall be submitted in addition to the request referred to in paragraph 1 of this Article.

The Ministry of Economy shall issue a license and shall register the person in the Register of Issued Authorizations and Licenses, provided that he/she meets the requirements, within a period of 30 days as of the submission of the request in accordance with paragraphs 1 and 2 of this Article.

If the person referred to in paragraph 1 of this Article does not submit a request within the period referred to in paragraph 1 of this Article, his/her license shall be revoked.

#### **Article 27**

*Deleted*

#### **Article 28**

The bylaws determined by this Law shall be adopted within a period of six months as of the day of entry into force of this Law.

#### **Article 29**

The procedures for taking the professional examination initiated until the day of application of this Law, shall end in accordance with the provisions of the Law on Minerals ("Official Gazette of the Republic of Macedonia" nos. 136/2012, 25/2013 and 93/2013).

Law Amending the Law on Minerals ("Official Gazette of the Republic of Macedonia" no. 44/2014):

#### **Article 30**

The provisions of Article 9 of this Law shall start to apply one year after the day of entry into force of this Law.

The provisions of Article 73 paragraph (9) determined in Article 18 of this Law shall start to apply one year after the day of entry into force of this Law.

The provisions of Article 20 of this Law referring to mandatory reporting on the data about loaded exploited mineral to the information system for submission of a report for a loaded exploited mineral shall start to apply as of 1 January 2015.

Law Amending the Law on Minerals ("Official Gazette of the Republic of Macedonia" no. 160/2014):

#### **Article 9**

This Law shall enter into force on the day following the day of its publication in the "Official Gazette of the Republic of Macedonia".

Law Amending the Law on Minerals ("Official Gazette of the Republic of Macedonia" no. 129/2015):

#### **Article 11**

This Law shall enter into force on the day of its publication in the "Official Gazette of the Republic of Macedonia".

Law Amending the Law on Minerals ("Official Gazette of the Republic of Macedonia" no. 39/2016):

#### **Article 12**

(1) The natural persons or the legal entities that are owners, lessees of a land where an

exploitation pit for thermo-mineral water is made, or users of an exploitation pit for exploitation of thermo-mineral water and that, without a permit for exploitation, that is, without a concession agreement concluded, by the day of entry into force of this law, conduct exploitation, shall be obliged to submit a request for obtaining concession for exploitation of thermo-mineral water within a period of six months as of the day of entry into force of this Law.

(2) The following shall be attached to the request for awarding concession referred to in paragraph (1) of this Article:

- data on the entity requesting concession,
- an appropriate act proving that the entities referred to in paragraph (1) of this Article are owners, lessees of a land where an exploitation pit for thermo-mineral water is made, or users of an exploitation pit for exploitation of thermo-mineral water,
- a topographic map on a scale of 1:25.000 or 1:50.000 along with coordinates of the bordering points of the location of a defined area,
- a land survey report for special purposes with cadastre indications for the area for which award of exploitation concession is requested, prepared by sole traders – authorized land surveyors and trade companies for land surveying that fulfill the conditions under the Law on Immovable Property Cadastre, and
- a study for the assessment of the impact and the regime of the mineral, thermo-mineral and thermal waters.

(3) The state administrative body responsible for the activities in the field of minerals, within a period of eight days as of the day of receipt of the request referred to in paragraph (1) of this Article, shall by a decision reject the request if it does not submit the documentation referred to in paragraph (2) of this Article.

(4) An appeal against the decision referred to in paragraph (3) of this Article may be filed with the State Commission for Decision-making in Administrative Procedure and Labor Relation Procedure in Second Instance within a period of 15 days.

(5) The state administrative body responsible for the activities in the field of minerals shall *ex officio* , within a period of 15 days, request an opinion from the state administrative bodies responsible for the activities in the field of protection of environment and spatial planning, protection of cultural heritage, transport and communications, agriculture, forestry, waters, as well as other state administrative bodies responsible for the activities in the respective field.

(6) In addition to the bodies referred to in paragraph (5) of this Article, the state administrative body responsible for the activities in the field of minerals shall *ex officio* , within a period of 15 days, request an opinion from the unit, that is, the units of the local self-government where the request for awarding a concession is submitted.

(7) The bodies referred to in paragraphs (5) and (6) of this Article shall be obliged to deliver their opinion within a period of 15 days as of the day of receipt of the request.

(8) If the state administrative bodies responsible for the activities in the field of environment and spatial planning, protection of cultural heritage, transport and communications, forestry and water resources management, agriculture, as well as the other state administrative bodies responsible for the activities in the respective field do not submit an opinion within the period determined in paragraph (7) of this Article, the minister heading the state administrative body responsible for the activities in the field of minerals shall be obliged to notify the Government within a period of five days as of the day of expiry of the period determined in paragraph (7) of this Article.

(9) In the case referred to in paragraph (8) of this Article, the Government shall oblige the competent minister heading the state administrative body responsible for the activities in the respective field to submit an opinion within a period of three days.

(10) If the respective opinion is not submitted upon the expiry of the period referred to in

paragraph (9) of this Article, it shall be deemed that a positive opinion in relation to the submitted request for giving an opinion is delivered.

(11) Upon the expiry of the deadline referred to in paragraph (10) of this Article, the minister heading the state administrative body responsible for the activities in the field of materials shall be obliged to submit a draft-decision for award of concession for exploitation to the Government within a period of 15 days.

(12) The concessionaires which have been awarded concession for exploitation of thermo-mineral water based on paragraph (2) of this Article shall be obliged to pay a fee for the exploited quantity of thermo-mineral water, in accordance with the Tariff for determination of the amount of the fees for issuance of permits and concessions for conducting detailed geological explorations and concessions for exploitation of minerals.

(13) If the natural persons or the legal entities that are owners, lessees of a land where an exploitation pit for thermo-mineral water is made, or users of an exploitation pit for exploitation of thermo-mineral water do not submit a request for awarding concession for exploitation within the deadline referred to in paragraph (1) of this Article, they shall be obliged to stop exploiting the thermo-mineral water, and if they continue to exploit the thermo-mineral water, it shall be considered that they do so contrary to the provisions of this Law.

Law Amending the Law on Minerals ("Official Gazette of the Republic of Macedonia" no. 39/2016):

**Article 13**

This Law shall enter into force on the day of its publication in the "Official Gazette of the Republic of Macedonia".

Law Amending the Law on Minerals ("Official Gazette of the Republic of Macedonia" no. 53/2016):

**Article 40**

The bylaws the adoption of which is determined by this Law shall be adopted within a period of 30 days as of the day of entry into force of this Law.

**Article 41**

The procedures initiated until the day of beginning of application of this Law shall end in accordance with the law they have been initiated.

Law Amending the Law on Minerals ("Official Gazette of the Republic of Macedonia" no. 53/2016):

**Article 42**

This Law shall enter into force on the day of its publication in the "Official Gazette of the Republic of Macedonia" and shall start to apply as of the beginning of application of the Law on the General Administrative Procedure in accordance with Article 141 of the Law on the General Administrative Procedure ("Official Gazette of the Republic of Macedonia" no. 124/15).

Law Amending the Law on Minerals ("Official Gazette of the Republic of Macedonia" no. 120/2016):

**Article 2**

(1) The procedures initiated on a request for awarding a concession for detailed geological explorations upon expiry of the validity period of the agreement on concession for detailed geological explorations in accordance with the Law on Minerals ("Official Gazette of the Republic of Macedonia" nos. 136/12, 25/13, 93/13, 44/14, 160/14, 129/15, 192/15, 39/16 and

53/16), and for which a concession for detailed geological explorations is awarded with or without the possibility of extension of the concession for detailed geological explorations, shall end in accordance with this Law.

(2) The state administrative body responsible for the activities in the field of minerals, within a period of 15 days as of the day of entry into force of this Law, shall make inspection on the spot regarding the initiated procedures under paragraph (1) of this Article.

Law Amending the Law on Minerals ("Official Gazette of the Republic of Macedonia" no. 120/2016):

**Article 3**

This Law shall enter into force on the day of its publication in the "Official Gazette of the Republic of Macedonia".