



Pursuant to article 5, article 6, article 56, article 59 paragraph 1 and article 62 of the Law no. 03/L-163 on Mines and Minerals, the Board of the Independent Commission for Mines and Minerals in the meeting held on 29.09.2015, hereby issues this:

ADMINISTRATIVE INSTRUCTION

(ICMM IA. No. 01/2016)

ON MERGER OF LICENSES

Article 1

Purpose

1. The purpose of this instruction is to regulate and determine the issue on merger of licenses and the manner of submitting the application on merger of licenses for enterprises possessing mining licenses for minerals.
2. This instruction shall also determine the rules, procedures and terms which ICMM will proceed when it has to do with the applications on merger of licenses by every mining licensee.

Article 2

Scope

This Administrative Instruction shall be implemented by ICMM in all cases when it has to do with the applications of enterprises on merger of licenses, and by it are determined the criteria and conditions to be fulfilled on merger of licenses and procedures and the form of the issuance of licenses in cases where there are applications for merger of two or more licenses.

Article 3

Definitions

1. Terms used in this Administrative Instruction have the following meanings:

- 1.1. ICMM- means the Independent Commission for Mines and Minerals;

- 1.2. **Merger of licenses** – means merger of two or more licenses in one license.
- 1.3. Other terms used in this Administrative Instruction have the definitions determined by the Law No.03/L-163 on Mines and Minerals (amended by Law No.04/L-158)

Article 4

The right to submit the application

Every enterprise possessing a valid mining license for minerals by ICMM and which fulfils the conditions foreseen by this Administrative Instruction has the right to submit the application for merger of licenses.

Article 5

Criteria for Application for Merger of Licenses

1. ICMM has prepared an application specifying which of the documents shall be submitted by enterprises interested to apply for merger of licenses.
2. Upon application for merger of licenses, the enterprise shall submit these documents:
 - 2.1. The application prepared by the ICMM for merger of licenses.
 - 2.2. The coordinates of external boundary for which it is required merger of licenses (in CD and certified hard copy).
 - 2.3. Survey situation (the current state of site) for the whole area where it is required merger of licenses (in CD and hard copy with the records of original measurements).
 - 2.4. An additional Geological study for whole area under paragraph 4.3.2. with the following data.
 - a. Situation map for the whole zone that he applies where the exploited parts shall be distinctive
 - b. A reserves description according to previous studies based on which it has been licensed
 - c. The quantity of exploited reserves according to previous mining licenses
 - d. Geological and mineable reserves remained in previous licenses
 - e. The calculation of existing reserves in the whole area applied for merger of licenses.

3. An Additional Mining Project, that it shall be according to applicable Regulations for compilation of the Mining Projects.

Article 6 **Conditions for merger of licenses**

1. ICMM shall approve Merger of Licenses if the party has fulfilled the criteria determined of license foreseen by the Law no. 03/L-163 on Mines and Minerals and the Law no. 04/L-158 on Amending and Supplementing the Law on Mines and Minerals and the criteria determined by this Administrative Instruction.

2. ICMM shall approve Merger of Licenses if the party has two or more existing Licenses and that physically they are bordered to each other.

3. ICMM may approve Merger of Licenses into a single license, provided that the licensee fulfils the conditions for a new license in compliance with LMM and this AI.

4. The term of license is determined according to the mining project according to article 5, paragraph 3.5. In cases where the application for merger of licenses has duration greater than the duration of the previous licenses, the enterprise must pay the difference of bank guarantee in relation to the surface and term of merged license.

6. Surface created after merger of licenses, must continue to fulfil all conditions and criteria determined by the applicable legislation and shall continue to comply also with the restrictions or prohibitions foreseen by applicable legislation.

Article 7 **Application processing**

1. After receipt of the application from the ICMM, the respective departments shall review the application pursuant to LMM and the Administrative Instruction for Review of the applications for Licenses and Permits.

2. After processing the application by the respective departments obliged to prepare the report pursuant to the Law No.03/L-163 on Mines and Minerals (amended by Law No. 04/L-158) and this Administrative Instruction, the application for merger of licenses shall be presented for the review to the ICMM Board.

Article 8 **Term for applications processing**

1. The term to review the application for merger of licenses is the same with the term for review of the applications for Mining licenses determined with the provisions of the Law on Mines and Minerals.

Article 9
Effect of the License for Merger


1. Upon approval of the application for merger of license by the ICMM Board, a new license shall be issued to the enterprise obtained with license. The new license shall include the licenses area for which the enterprise has required merger.

2. Upon the approval of merger of licenses, the licenses for which it is required merger shall be abrogated”.

Article 10
Transitional provisions

1. Upon the entry into force of this Instruction all applications that are in procedure shall be reviewed by this Instruction.

2. This Administrative Instruction shall enter into force 8 days after its publication in the Official Gazette of the Republic of Kosovo.



Musa Shabani
Chairman of the Board
Independent Commission for Mines and Minerals