



Republika e Kosovës * Republika Kosova * Republic of Kosova

Komisioni i Pavarur për Miniera dhe Minerale
Nezavisna Komisija za Rudnike i Minerale
Independent Commission for Mines and Minerals



Prishtina, 24.05.2012

Pursuant to section 59 paragraph 1, section 62 and also to section 79 paragraphs 2 of the law on Mines and Minerals no. 03/L-163, the Board of the Independent Commission for Mines and Minerals on date 13.07.2011, hereby issues this:

ADMINISTRATIVE INSTRUCTION

(ICMM NO. 02/2012)

on Administrative Penalties and Mandatory Penalties

Section 1

Legal or physical persons, who during exploration, mining or processing-enrichment of mineral resources – Special Operations Permit fail to comply with the **Law on Mines and Minerals No. 03/L-163** and applicable laws, will be penalised under the following items of this administrative instruction.

Administrative Penalties

No.	Code	Description	Amount (€)
1.	DA001	If legal person obstructs other companies with exploration or mining operations without prior agreements between them.	5,000.00 €
2.	DA002	If legal person damages the property during geological explorations without the owner consent respectively of the property user.	10,000.00 €
3.	DA003	If legal person who is obliged to submit a statement, a report or any declaration, submits it with inaccurate data.	5,000.00 €
4.	DA004	If legal person removes any mineral resource (in larger amount than it is allowed) from exploration area.	5,000.00 €
5.	DA005	If legal person does not keep and maintain each sample in good conditions in Kosovo, obtained based on licence, with data on date, location and failing to inform the institution with the location address of metallic sample.	10,000.00 €
6.	DA006	If legal or physical person obstructs the authorised person to carry out his operations pursuant to applicable laws.	10,000.00 €

No.	Code	Description	Amount (€)
7.	DA007	If legal or physical person does not apply the orders of authorised persons in determined term.	1,000.00 €
8.	DA008	If legal person carries out the exploration of mineral raw materials without permit determined by competent body.	5,000.00 €
9.	DA009	If legal person does not apply the measures determined for safety and security of citizens, animals and property during mining operations.	2,500.00 €
10.	DA010	If legal person does not organise the services on safety at work.	5,000.00 €
11.	DA011	If legal person does not submit the report with respective documentation to licensing authority after completion or permanent cease of exploration operations or mining operations.	5,000.00 €
12.	DA012	If legal person avoids the allowed project during the development of mines operations and special operations, without prior consent of licensing authority.	5,000.00 €
13.	DA013	If legal person after temporary cease of exploration or mining operations, does not apply the appropriate safety measures by which there will be excluded the possibility of appearing the risk for people, animals and property.	5,000.00 €
14.	DA014	If legal person does not rehabilitate and re-cultivate the land damaged by exploration, processing and mining operations.	10,000.00 €
15.	DA015	If legal person does not possess the necessary rescue equipments and if they are not attested.	5,000.00 €
16.	DA016	If legal person does not promulgate general regulation on safety at work.	5,000.00 €
17.	DA017	If legal person does not inform the authorised person within determined term for each fatal accidents, major injure or failure.	10,000.00 €
18.	DA018	If legal person does not allow the authorised persons to enter in the working locations or unit locations or to view the plans reports and other documentations, or obstructs in performance of own function.	10,000.00 €
19.	DA019	If legal person does not apply the measures on environmental protection.	10,000.00 €
20.	DA020	If legal person licensed for processing of mining material, but he does not possess mining licence, does not report quarterly, for the origin and quantity of mining material.	5,000.00 €

No.	Code	Description	Amount (€)
21.	DA021	If it is verified the mined volume to legal person as consequence of non-accurate declaration.	5,000.00 €
22.	DA022	If legal person does not maintain accurate and systematic financial records for his operations in mining area.	900.00 €
23.	DA023	If legal person does not report and does not pay on time Revenue obligations.	900.00 €
24.	DA024	If during compilation of project the projector avoids intentionally applying or he applied improperly the determined safety measures at work.	5,000.00 €
25.	DA025	If the project reviewer did not review the project based on the regulation for review of the technical documentation and he has used manipulating data.	10,000.00 €
26.	DA026	Legal person is penalised if the determined person who uses depot, storage, or the preparation site of the place for production of explosives in mines or surface does not comply with determined safety measures at work.	10,000.00 €
27.	DA027	Legal person is penalised if the responsible manager and professional person in technological process and in the services of safety at work do not apply and control the application of safety measures at work related to the safety from dangerous methane blasting, other dangerous gases, different explosives, dust, coal, or aggressive dust of mines, water penetration and fire.	10,000.00 €

Section 2

Mandatory Penalties

No.	Code	Description	Amount (€)
1.	DM001	If legal person does not commence operation within 3 months from the data of issuance of the exploration licence, unless the licence provides otherwise.	1,000.00 €
2.	DM002	If legal person does not inform the authorised person for commencement of exploration and mining operations 15 days before the commencement of operation.	500.00 €
3.	DM003	If legal person does not keep full and accurate data according to licence and permit conditions.	1,000.00 €
4.	DM004	If legal person does not keep and maintain each sample in good conditions in Kosovo, obtained based on licence, with data on date, location and failing to inform the institution with the location address of non-metallic sample.	1,000.00 €
5.	DM005	If legal person does not submit annual report or annual statements to licensing authority, for exploration licence, within two months after the end of calendar year.	500.00 €
6.	DM006	If legal person does not submit annual report or annual statements to licensing authority, for mining licence, within 120 days from the end of calendar year.	1,000.00 €
7.	DM007	If legal person does not submit exploration plan to licensing authority, for the next calendar year (not later than 30 September of each calendar year).	500.00 €
8.	DM008	If legal person who obtained mining licence or special operation permit does not submit quarterly reports to licensing authority, according to licence and permit conditions.	1,000.00 €
9.	DM009	If legal person does not keep in an object within licensed area the complete and accurate technical documentation for all his operations according to licence or permit.	1,000.00 €
10.	DM010	If legal person does not inform immediately in writing the licensing authority for modification in technological scheme (of equipments) according to special operation permit.	1,000.00 €

No.	Code	Description	Amount (€)
11.	DM011	If legal person does not provide the personal protective equipments to employee foreseen for safety at work.	1,000.00 €
12.	DM012	If employee does not use the personal protective equipments foreseen for safety at work, then the company will be penalised.	50.00 €
13.	DM013	If legal person does not maintain the book for supervision of mines and processing facilities.	1,000.00 €
14.	DM014	If legal person does not make the description of workplaces and work conditions for each workplace.	1,000.00 €
15.	DM015	If legal person, for operations of exploration, mining or processing- enrichment of mineral raw material, appoints persons who do not fulfil the determined conditions according to workplace.	1,000.00 €
16.	DM016	If legal person does not operate according to act decision of competent body.	1,000.00 €
17.	DM017	If the employee uses alcohol or narcotics in workplace, the company will be penalised	1,000.00 €
18.	DM018	If legal person did not put posts in the field on which he possesses the licence.	1,000.00 €
19.	DM019	If legal person did not stabilize the survey network (minimum two stabilized points inside/near mine known for position and altitude).	500.00 €
20.	DM020	If legal person does not maintain separate books of account on his mining operations.	1,000.00 €

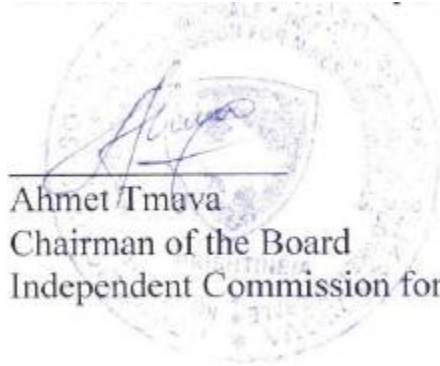
Section 3

All items of administrative penalties and mandatory penalties according to this instruction are valid also for artisanal mining licenses by which the Municipalities are obtained with them.

Section 4
Entry into force

The Administrative penalties and mandatory penalties applied until now will be abolished by this Administrative Instruction.

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



Ahmet Tmava
Chairman of the Board
Independent Commission for Mines and Minerals