



Republika e Kosovës – Republika Kosova – Republic of Kosovo

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



Prishtina,

APPLICATION FOR A MINING LICENCE

for

1 AUTHORITY

Pursuant to Article 5, 33 and 56 of the Law No.03/L-163, promulgated on 27 August 2010, and articles 24, 25, 26, 27 and 28 of the Law with no.04/L-158 on Amending and Supplementing the Law No.03/L-163 on Mines and Minerals, the Board of the Independent Commission for Mines and Minerals (ICMM) has the general power to approve Mining Licences.

2 APPLICATION INFORMATION (to be filled in by ICMM Legal Department)

ICMM Application Number

Application date (dd.mm.yyyy)

Application time (hour)

Received by (Signature)

3 APPLICANT'S INFORMATION

(to be filled in by the applicant)

Name of business

Represented by

Officially registered address

Place of Application

Cadastral Zone - Municipality

Business Registration No.

Phone number

Mobile phone number

E-mail address

Rr. Armend Daci Nr.1
Prishtinë, Kosovë
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Web: www.kosovo-mining.org

Kuvendi i Kosovës
Skupština Kosova
Assembly of Kosovo

4 APPLICATION

Documentation required pursuant to Law on Mines and Minerals

No. 03/L-163, Article 31 and articles 24, 25, 26, 27 and 28 of the Law on Amending and Supplementing the Law No.03/L-163 on Mines and Minerals

A Person desiring to mine or otherwise exploit a Mineral resource in Kosovo shall submit to the ICMM a completed application for the issuance of a mining License for the concerned Mineral resources within the concerned area. Such application shall be submitted in the prescribed format, together with the prescribed fee, and the following shall be attached thereto:

4.1. Completed and signed Application Form

4.2. The names and addresses of the applicant's significant owners and directors, if any

4.3. Certificate of the applicant that he has not been determined by a court of competent jurisdiction to have committed any offence according to article 6 of this law

4.4. The official registered address of the applicant in Kosovo (Certificate of Business Registration)

4.5. A description of the technical, professional and managerial capabilities of the personnel to be principally responsible for the conduct of the mining Program, including a copy of their CV and, as may be reasonably required by the ICMM, all relevant diplomas, licenses and certificates

4.6. one or more maps showing:

4.6.1. the area under application, defined by coordinates (in hard copy and CD)

4.6.2. the location of any existing building, infrastructure, agricultural activity, or other significant manmade improvement or surface feature within such area, or within one kilometer from any of its boundaries,

4.6.3. the proposed route of access by the applicant to such area;

4.6.4. the boundaries of each cadastral Municipality (if there are two or more municipalities)

4.6.5. The factual state of site (Situation) with the records of measurements done in format DWG in hard copy and CD.

4.6.6. Possession list shall not be older than 6 month

4.6.7. Copy plan shall not be older than 6 month

4.6.8. Survey network (minimum two stabilized points)

4.7. All relevant cadastral documentation as prescribed by the ICMM

4.8. The environmental consent issued by the MESP, Municipal consent and consent of KFA (if the property is under administration of KFA) and any approvals of other Public Authorities that may be required under the law of Kosovo and specified by ICMM.

4.9. Surface Rights Agreement(s), having a duration of not less than the proposed mining License, between the applicant and all third parties having lawfully registered property rights to the surface area that the applicant proposes to use during the conduct of the concerned mining operations; or evidence of refusal or failure of such third parties to enter into such an agreement on reasonable terms

4.10. The mining program proposed to be undertaken by the applicant, shall include

4.10.1. An updated resource estimate of the Mineral resources to which the License is to relate and an estimate of expected mine life, based on the results of the exploration operations carried out under the exploration License and such other data and reports as may be required by the ICMM

4.10.2. A description of the mine and of the planned activities for its development; all other planned development activities if such exist

4.10.3. A description of the proposed location, extent and duration of mining operations following the commissioning of the mine and related developments, including the methods, techniques and equipment to be employed, the proposed locations of mining operations, an assessment of the expected annual production over the term of the License, and all marketing and agency arrangements, if any; and

4.10.4. A discounted cash flow estimate over the term of the License of projected capital and operating costs and revenues that establishes the financial and economic viability of the mining program.

4.11. A Mine closure plan and a rehabilitation program prepared in each case by suitably qualified and experienced experts, including the cost estimate for the implementation of such plan

4.12. If required by the Mining Strategy of Kosovo and in the light of the size and value of the mineral resources, a study of the social implications of the proposed mining program prepared by suitably qualified and experienced experts

4.13. A performance bond in the format prescribed by the ICMM guaranteeing the availability of sufficient funds to carry out, when and as needed, the mine closure plan and rehabilitation program, such bond to be in an amount equal to or greater than the estimated cost of such plan and program, including contingencies

4.14. A copy of the Exploration License and, if applicable, Retention License held by the applicant; and

4.15. Such other documentation or information as the ICMM may reasonably require.

5 APPLICATION PROCESSING

5.1. Upon receipt of a Mining License application by an eligible applicant, the ICMM shall immediately process the application in accordance with the provisions of the present law.

5.2. Within three (3) months after receiving a complete mining License application from an eligible applicant, the ICMM shall either issue the concerned License or provide the applicant with:

5.2.1. the decision of the ICMM not to issue the concerned mining license,

5.2.2. a written explanation of the reasons for such decision; and

5.2.3.. a written information regarding the applicant's legal rights of appeal and judicial review with respect to such decision.

5.3. If the ICMM needs more time to assess the application, the ICMM shall, before the expiration of the two-month period specified in paragraph 2 of this article, provide the applicant

Application for a Mining Licence

with a notice informing the applicant of the ICMM's need for more time; in such event, the ICMM shall have an additional one (1) month to either issue the License or to provide the applicant with its decision not to issue the concerned license together with the explanation and information required by paragraph 2 of this article.

6 CRITERIA FOR ISSUANCE OF A LICENCE

6.1. The ICMM shall issue the mining License if the following criteria have been fulfilled:

6.1.1. the requirements of paragraph 1 of article 31 have been complied with

6.1.2. reasonable evidence demonstrating the existence of sufficient reserves of minerals to justify the proposed mining program have been provided by the applicant

6.1.3. proposed mining program is based on best practices of mining and environmental protection, and ensures the efficient and beneficial use of the concerned Mineral resources in the concerned area;

6.1.4. the area of land over which the License is sought and the proposed term of the License are not in excess of the area and term reasonably required to carry out the applicant's proposed mining program

6.1.5. the applicant:

6.1.5.1. has demonstrated that he has the financial resources reasonably required to carry out its mining program; and

6.1.5.2. is eligible under article 6 of this law

6.1.6. the application and the applicant are otherwise in compliance with the present Law

6.1.7. the issuance of the License within four (4) months period following the date of application would be consistent with the implementation of the Mining Strategy

6.1.8. the issuance is not prohibited by paragraph 9 of article 18 of this law

6.1.9. each public authority from which an approval is required under the law applicable in Kosovo has either issued such approval or the time limit for issuing such approval has expired and the concerned public authority has not taken any action

6.1.10. any required surface rights not covered by a surface rights agreement have been otherwise acquired by the applicant or lawfully expropriated and assigned to the applicant in accordance with paragraph 2 of this article.

6.2. If, under paragraph 1, sub-paragraph 1.7, of article 31 of this law, the applicant has provided evidence that a third party has refused or failed to enter into a Surface Rights Agreement covering surface rights that are reasonably required by the applicant to pursue its Mining Program, the ICMM shall make an application – in accordance with the provisions of the law on expropriation – to the Government for the expropriation of the required surface rights, and the Government shall expropriate such rights. After the expropriation process is completed, the Government shall assign such surface rights to the License applicant upon the applicant's payment of the costs of the expropriation.

7 APPLICANT'S DECLARATION

The applicant ensures that the documentation submitted is complete and truthful. He also declares with his signature that he has been informed about the eligibility criteria of article 6 of Law No. 03/L-163. The submission and/or the use of false documents and misleading statements constitute an offence against the Criminal Code of Kosovo and shall result in a criminal proceeding by the competent authorities.

Authorised signature:

Applicant

Date: