



Pursuant to articles 37, 38, 39, 40 and articles 59 and 62 of the Law No. 03/L-163 on Mines and Minerals, the Board of the Independent Commission for Mines and Minerals in order to regulate the procedures, conditions and criteria for issuance of the Special Operations Permits in the meeting held on 23.03.2018 issues this:

ADMINISTRATIVE INSTRUCTION No. 002/2018

ON PROCEDURES AND CRITERIA FOR ISSUANCE OF THE SPECIAL OPERATIONS PERMITS

Article 1

Purpose

1. Purpose of this Administrative Instruction is to determinate the procedures, conditions and criteria for issuance of the Special Operations Permits because the Law No. 03/L-163 on Mines and Minerals does not regulate all the criteria for issuance of the Special Operations Permits.
2. Purpose of this Administrative Instruction is for ICMM to harmonize the criteria of licensing with other responsible institutions such as Ministry of Environment and Spatial Planning (MESP), Ministry of Infrastructure, Kosovo Forest Agency, Municipalities and other relevant Institutions.

Article 2

Scope

1. This Administrative Instruction will be applied from the Independent Commission for Mines and Minerals and it will be applied for all applications of the Special Operations Permits.
2. This Instruction shall clearly specify criteria to be applied from the Independent Commission for Mines and Minerals for applications of the Special Operations Permits pursuant to the provisions of the Law on Mines and Minerals No. 03/L-163 and 04/L-158.

Article 3

Definitions

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

- 1.1. **ICMM** - Independent Commission for Mines and Minerals.

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- 1.2. **LMM** - Law on Mines and Minerals.
- 1.3. **MESP** - Ministry of Environment and Spatial Planning.
- 1.4. **Special Operations Permit** – Permits for machineries for milling, grinding and separation of stone (**Quarry**, Processing Plant), machinery for production of concrete (concrete base), machinery for production of asphalt (asphalt base) and machinery for milling, grinding, classification, flotation by using chemical reagents or classification with other mineral methods (flotation).
- 1.5. **Enterprise** – The entity registered according to the Law on Business Organizations applying for exploration licence, mining licence and special operation permits or it is licensed for exploration, mining and other mining activities from the ICMM in compliance with the Law No. 03/L-163 on Mines and Minerals.

Article 4 **Issuance of the Special Operations Permits**

1. Special Operations Permit shall be issued only when the enterprise submits to the ICMM:
 - 1.1. Consent valid from the respective Municipality for development of this activity in the determinate zone in its application. The consent from Municipality is valid only when approval is given to the application of the enterprise to exercise the type of special operation.
 - 1.2. The evidence on property possession or agreement with property owners to use the property where it is indicated as well the mining destination and this agreement shall be valid and it shall have minimal term as the term of Permit.
 - 1.3. Copy plan for the zone where the machinery will be erected destined for Special Operation Permit.
 - 1.4. All necessary consent from other competent Institutions related to the issuance of this Permit.
 - 1.4.1. Distance from the road shall be covered by the consent of the Ministry of Infrastructure,
 - 1.4.2. Environmental conditions for Permits near national parks or nature protected monuments shall be covered by the environmental consent of MESP.
 - 1.4.3. Environmental conditions determined by the environmental consent of MESP shall be covered by the distances from the inhabited or temporarily inhabited houses or other facilities, where all measures for protection of environment such as land, water, air from polluting emissions shall be determined.
 - 1.4.4. Distance from the archaeological monuments shall be covered by the consent of the Institute for the Protection of Archaeological Monuments of the Ministry of Culture, Youth and Sports.
 - 1.4.5. Distance from other important facilities (energy facilities, high voltage over 35 kV dams, cemeteries, worships facilities etc.) will be covered by enterprises

with consents from the Institutions responsible for the management of those facilities.

- 1.5. And all the documents prescribed in article 38, paragraph 1 (1.1 to 1.12) of the LMM.
2. As well the enterprises with a valid agreement with licensed mining enterprises may also be granted with Special Operations Permits.
 - 2.1. These enterprises shall also fulfil all the criteria set out in paragraph 1 of this article.

Article 5 Term

1. Special Operations Permits shall have a term of five (5) years with possibility of extension.
 - 1.1. This term is defined by assessing as a reasonable and rational term for these types of activities in compliance with article 37 paragraph 1 of LMM.
 - 1.2. Since the term of Special Operations Permits is 5 years, the review protocols (earthing and lightning detection) shall be done with the term of 2-3 years.

Article 6 Special Operations within Mining Licence

1. Enterprises pursuant article 34 paragraph 1.2. have a right to apply to erect machinery Special Operations Permit with these criteria:
 - 1.1) Enterprises when submitting the mining application, shall submit as well the projects for machinery, including all projects as in the case of regular application;
 - 1.2) Except Mining License, the Special Operation Permit will be issued to enterprise with the term of 5 years;
2. Application will be reviewed as a single application in ICMM and it will be inserted like this in the Database with clarifications related to special activity.
3. It shall be written in the issued License: Mining License with Separation.

Article 7
Entry into force

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

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