



Prishtina,

**APPLICATION FOR THE TRANSFER OF A LICENCE OR A SPECIAL  
OPERATIONS PERMIT**  
for metallic minerals

**1 AUTHORITY**

Pursuant to UNMIK Regulation 2005/2, Section 2 and 6 and UNMIK Regulation 2005/3, Sections 9, both promulgated 21<sup>st</sup> January 2005 the Governing Board of the Independent Commission for Mines and Minerals (ICMM) has the power to approve the transfer of a Licence or a Special Operations Permit. Except as otherwise provided in any relevant Mine Development Agreement, pursuant to UNMIK Regulation 2005/3, Section 16 or Section 9.2 of UNMIK Regulation 2005/3, no Licence or Special Operations Permit shall be transferred, assigned, or encumbered, whether by mutual agreement or by operation of law.

**2 APPLICATION INFORMATION** (To be filled in by ICMM Registry)

ICMM Application Number \_\_\_\_\_  
Application Date (dd.mm.yyyy) \_\_\_\_:\_\_\_\_:\_\_\_\_\_  
Application Time (hh:mm) \_\_\_\_:\_\_\_\_  
Received by (Signature) \_\_\_\_\_

**3 TRANSFEROR'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

#### **4 TRANSFEREE'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

#### **5 APPLICATION BACKGROUND**

**5.1** A licence (hereinafter the "**Licence**") to explore for metallic minerals at \_\_\_\_\_ was issued to \_\_\_\_\_ (the "**Transferor**")

on \_\_\_\_\_.

**5.2** On \_\_\_\_\_, the Transferee registered a Limited Liability company, \_\_\_\_\_ (the "**Transferee**")

and has requested that the ICMM transfer the Licence to the Transferee. The Transferee confirms that a person or one partner qualifies under UNMIK Regulation 2005/3, Section 21(c) as "responsible person".

#### **6 Documentation required pursuant to UNMIK Regulation 2005/3, Section 9.2**

If a Licensee under an Exploration License or a Mining License or a Permit Holder desires to transfer, assign or encumber such License or Permit, he shall submit to the Commission a completed application for such purpose in the prescribed format, together with the prescribed fee, and shall attach thereto the following:

##### **6.1**

A copy of the concerned License or Permit, the agreement or other instrument representing the proposed transfer, assignment or encumbrance and all other material documentation related thereto;

##### **6.2**

A statement from the applicant setting forth the reasons for the proposed transfer, assignment or encumbrance;

##### **6.3**

The information that the proposed transferee or assignee would be required to submit if it were to apply for the License or Permit in its own name;

##### **6.4** An update, in such detail as the Commission may reasonably require, of:

###### **6.4.1**

The Exploration, Special Operations or Mining Programme to be carried out by the proposed transferee or assignee, or in case of an encumbrance by the current Licensee or Permit Holder, and

###### **6.4.2**

Other information attached to or submitted in connection with the original application for such Licence or Permit as well as any application for an extension thereof, if any;

**6.5**

Evidence demonstrating that the current Licensee or Permit Holder is not delinquent or in default in the performance of any of his obligations under the Licence or Permit and under any related performance bond; and

**6.6**

An agreement by the proposed transferee or assignee to accept and discharge all remaining obligations of the current Licensee or Permit Holder, whether arising under the Licence or Permit, a Mine Development Agreement, the present Regulation, or any other applicable law.

**7 CRITERIA FOR TRANSFER**

**7.1**

The respective conditions of UNMIK Regulation 2005/3, Subsection 9.2 above have been complied with;

**7.2**

The concerned programme of the proposed transferee, assignee or, in case of an encumbrance, the current Licensee or Permit Holder, if different from the current programme, is based on international practice of exploration, mining and environmental protection;

**7.3** The proposed transferee, assignee or current Licensee or Permit Holder:

**7.3.1**

Has the financial resources reasonably required to carry out its updated programme, and

**7.3.2** Is or remains eligible under UNMIK Regulation 2005/3, Section 5; and

**7.4**

Where the transfer, assignment or encumbrance relates to a Mining License, for which the proposed Mining Programme differs from the initial Mining Programme relating to the License:

**7.4.1**

The existence of sufficient deposits or reserves of minerals to justify the updated Mining Programme has been established or may reasonably be inferred;

**7.4.2**

The area of land to which the transferred, assigned or encumbered License applies is not in excess of the area reasonably required to carry out the proposed Mining Programme; and

**7.4.3**

The proposed Mining Programme reasonably ensures the efficient and beneficial use of the Mineral Resources of the concerned area.

**8 TRANSFER OF CONTROL**

**8.1**

Without prejudice to the other requirements of the present Regulation, no Licensee or Permit Holder may, without the written consent of the Commission, enter into or give effect to any transaction that would alter the Person or Persons in effective control of such Licensee or Permit Holder. The Commission may only withhold such consent for good and lawful reasons, which must be provided in writing to the concerned Licensee or Permit Holder.

**8.2**

The Commission may require the submission of such information as it may reasonably deem relevant and necessary upon receiving an application for its consent pursuant to subsection 8.1 above

## 9 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 Section 5 of UNMIK Regulation 2005/3. The submission and/or the use of false documents and misleading statements may constitute an offence against the Provisional Criminal Code of Kosovo (UNMIK Regulation 2003/25) and shall result in a criminal proceeding by the competent authorities.

## 10 AGREEMENT

It is now agreed that:

- (1) The Independent Commission for Mines and Minerals (“**ICMM**”), under the conditions and requirements, stipulated for the original licence application, agrees to transfer the Licence to the Transferee.
- (2) The transferred Licence shall be subject to the same terms and conditions as the original Licence.
- (3) The Transferor and the Transferee shall be jointly and severally liable for any existing and future obligations under the Licence and the new Licence, whether arising before or after the old Licence is cancelled and the new Licence is issued.

## THE TRANSFEROR

**SIGNED** for and on behalf

Company:

by its duly authorised signatory

Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

Date:

## THE TRANSFEE

**SIGNED** for and on behalf

Company:

by its duly authorised signatory

Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

Date:

Acknowledged by the **INDEPENDENT COMMISSION FOR MINES AND MINERALS**

\_\_\_\_\_

Date:

Azem Rexhaj,  
Director of ICMM