



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



Reference No. 001/2009

Pursuant to section 2 of the Law 03/L-081 on amendment of the Regulation 2005/2 on Establishment of the Independent Commission for Mines and Minerals, on 27.03.2009, for the purpose of regulating the compilation of mining projects and responsible persons for activities required in mining industry, hereby ICMM Governing Board issues this instruction:

INSTRUCTION FOR LICENSING OF THE PROJECT COMPANIES AND THE RESPONSIBLE PERSONS IN MINING SECTOR

Section 1

1.1. Geological explorations, compilation of the geological exploration projects and the studies on results of geological exploration; compilation of mining and technological projects, can be carried out by legal person who is registered in the relevant authority to carry out that activity and that has employees with superior geology and mining qualifications, who have authorization to carry out those works.

1.2. Management work of geological and mining explorations, compilation of technical documentation and performance of professional evaluation – revision (of programs, projects and studies) can be carried out by person who, except the conditions under paragraph 1.1 of this section, has at least 3 years of work experience of performance of the respective works and with authorization to carry out those works (certified).

1.3. Authorization to carry out the works of paragraph 1.1- 1.2 of this section and other professional works determined with this administrative instruction decision, shall be achieved with passing of professional examination, who will be done in front of committee which with the proposal of Director the ICMM Board approves it.

1.4. The compilation of technical documentation of paragraph 1 and 2 of this section can be executed also by the foreign legal persons who are registered in the relevant authority for business registration in Kosovo and who possess a valid licence from their state.

Section 2

2.1. The committee for evaluation of the candidates for certification shall be formed with the special decision of the ICMM Board.

2.2. The committee consists of the Head of committee and two other members.

2.3. By one member of committee shall be proposed by MEM and ICMM, while the third member may be a representative of the faculties or other relevant associations.

2.3. Head of committee shall be appointed by relevant field,

2.4. The compensation pertains to the Head and other members of committee, which value shall be determined by the decision on appointment of committee.

2.5 If MEM within a determinate term does not appoint the member of committee in conformity with the section 2.3, then the ICMM Director shall propose to the Board a new member.

Certification of candidates

Section 3

3.1 According to this regulation only the candidates who previously have completed the faculty of geology, mining and other fields related with mining activities, and who has the graduated engineer degree and at least 3 years of work experience in performance of the respective professional works have the right to submit for certification.

3.2. Professional examination shall be passed according to the program determined by the committee.

3.3. The expenses for licensing shall be carried out by the person who submits to the examination for licensing (candidate) or company, respectively the legal person where the candidate is employed.

Section 4

4.1. The candidate submits the application in writing for professional examination to the relevant service in the ICMM. Also these shall be attached to the application:

1. Birth certificate,
2. Diploma or certified copy of diploma,
3. Certification of relevant work experience
4. CV of the candidate.

Section 5

5.1. After evaluation of applications the committee informs the candidate that he has fulfilled the conditions to submit to the professional examination, and also determines the theme and the term to hand in the theme in writing. The theme can be proposed also by

the candidate or the company where he is employed. The theme in writing shall be submitted at least 15 days before the date of the professional examination.

5.2 Candidate is subjected also to the questions concerning the present legislation of the mining sector in Kosovo and also the international standards of this sector.

5.3 The section 5.1 is not applied for the candidates who have scientific degrees (it is not necessary).

5.4. If the candidate does not subject to the professional examination or if before the examination declares that he gives up, it will be considered that he did not subject to the examination.

5.5. If the candidate without reason draws back from the professional examination that has started, it will be considered that he did not pass the examination.

5.6. The work of committee shall be reported in writing, which report will be the base for issuance of the certificate to the candidate. The report must be signed by the head and members of the committee.

Section 6

6.1. Physical persons, Kosovo resident, who posses certificate – evidence for passing the processional examination must apply to obtain the new certificate.

6.2. Physical persons who posses a valid certificate from other states, and have intention to carry out this activity also by other companies in Kosovo, shall make the nostrification of certificate.

6.3. Nostrification shall be done by the certification committee.

6.4. The applicant for nostrification shall submit the valid evidence on the possession of this document.

6.5. For application of paragraph 1 of this section it shall be paid the compensation in amount of 20 €

6.6. For nostrification of paragraph 2 of this section it shall be paid the compensation in amount of 100 €

Section 7

ICMM shall issue the certificate based on the application and report of certification committee.

Licensing of legal entities

Section 8

8.1 Legal persons who are registered to carry out works of paragraph 2 of section 1 of this regulation have the right to submit for licensing and can obtain the adequate licence if:

a) To obtain the mining license the company shall have at least two (2) graduated mining engineers, who have obtained the individual certificates.

b) To obtain the geology licence the company shall have at least two (2) graduated geology engineers, who have obtained the individual certificates.

c) To obtain the licence for other activities under paragraph 1 of section 2 of this regulation, the company shall have one (1) engineer graduated in relevant field, who have obtained the individual certificate.

d) The company can obtain a licence for all activities of a, b, c, or also separately.

8.2. Licence shall be given in the term of 5 years, and it is certified every year.

8.3 Certification of the licence shall be done with the prior approval of the legal office of ICMM that there is any work forbiddance to the licensee by the ICMM Board.

8.4 ICMM shall keep the evidence of issued licences.

8.5. The compensation for issuance of licence shall be paid in amount of 500 euros, whereas the compensation for certification shall be paid in amount of 100 euros.

8.6. The means from compensation from the above paragraph are incomes for the Kosovo Consolidated Budget.

8.7. The licensee is obliged to inform ICMM for any change, in the term of 8 days from the day of the change of conditions.

Project of geological explorations

Section 9

Geological explorations shall be carried out based on the project, which contains:

- a) project task,
- b) general data of exploring area,
- c) history of study,
- d) Project solution of the geological explorations process,
- e) specification of works according to type and volume,
- f) financial pre-calculations of works,

- g) dynamics of implementation of works with the terms of their completions,
- h) description on impacts of negative possibilities in environment and also measures foreseen to minimize or avoid the eventual impacts during and after the performance of explorative operations,
- i) security at work, and also
- j) other conditions determined by law

Study of the geological exploration results

Section 10

Study on the results of geological explorations, respectively on the raw materials reserves, which shall be compiled after the completion of geological explorations foreseen with the exploration project, contains:

- a. representation and evaluation of previous explorations;
- b. purpose and method of exploration;
- c. systemised presentation of the data obtained by the exploration in field;
- d. representation and interpretation of explorations results;
- e. presentation of raw materials reserves (according to the regulations in force for classification and verification of reserves or international standards applied in Kosovo), mining conditions and measures for protection of environment and also
- f. technical-economical evaluation of the exploration results.

Mining projects

Section 11

11.1. The following projects shall be fulfilled for the needs of the development of mining activities:

- A. Main mining project;
- B. Additional mining project;
- C. Simplified mining project;
- D. Project for the closure of mine.

11.2. Compilation of technical documentation according to points (A), (B), (C) and (D) of paragraph (1) of this section shall be done only by the project entities licensed by

ICMM, including also foreign legal persons who are registered in the relevant authority for business registration in Kosovo and who possess the valid licence from their state.

Professional evaluation (revision) of geological documentation and mining projects

Section 12

12.1. Geological study under section 10 of this regulation and projects of paragraph (1) according to points (A), (B) and (D) of section 11, shall be subject to the professional evaluation (revision). Professional estimation (revision) shall be carried out only by legal person licensed for this activity.

12.2. Professional evaluation - revision of paragraph 1 of this section includes control in terms of the content of section 10 and 11 of this regulation on the application of contemporary achievements in the geological-mining and technique field according to specific descriptions, technical regulations, standards, and control in terms of application of the measures and norms for environmental protection, security at work, security of facilities, people and nearby buildings.

12.3. Professional evaluation - revision of the projects shall not be carried out by:

- a. legal person who has compiled this project and legal person who is performer of explorations;
- b. person employed in enterprise or other legal person who has compiled the project or has participated in compilation of this project;
- c. person who is employed to the performer of explorations;
- d. person employed in the institution competent for issuance of the licenses;

Professional evaluation report (revision) and revision clause

Section 13

13.1. Legal or physical person who has carried out professional evaluation of the geological documentation respectively mining projects in terms of section 10 and 11 of this regulation, prepares the report of professional evaluation and gives revision clause by which it is verified that the geological documentation respectively mining projects are compiled in accordance with this regulation and foreseen legal provisions.

13.2. The revision clause shall be signed by responsible legal or physical person who has carried out the professional evaluation.

13.3 The person who has carried out the professional evaluation in the project must be certainly written down in the revision clause in accordance with foreseen legal provisions.

13.4. With the revision clause in ICMM also shall be submitted copies of evidence for legal or physical persons concerning the licenses and the authorization possessed for compiling geological documentation, respectively the mining projects and evidences by authorization or licenses for persons who have carried out professional evaluation (revision).

13.5. If the professional evaluation of some parts of the project has been carried out by more persons, in the revision clause must be separately noted that which persons in which parts of the project have carried out professional evaluation.

Management and technical supervision

Section 14

14.1. During the conduct of mining activities in the mining of sand and gravel, the operator is obliged to provide management and technical supervision of the conduct of mining operations according to mining projects, technical provisions and the provisions for security at work.

14.2. For the competent person - technical supervision with the term of paragraph 1 of this section can be appointed the geology and mining engineer (Bachelor), who has successfully completed the apprenticeship.

14.3. For conducting the apprenticeship the engineer shall possess university degree of relevant fields and at least six (6) months of work experience in a mining company.

14.4. One responsible person of the companies may cover at the same time the obligations arising from paragraph 1 of this section mostly for two (2) mining companies.

Section 15

15.1. During the conduct of mining activities in the mining of quarries with a capacity less than 100 000 m³ per year, the operator is obliged to provide management and technical supervision of the conduct of mining operations according to mining projects, technical provisions and the provisions for security at work.

15.2. For the competent person - technical supervision with the term of paragraph 1 of this section can be appointed the geology and mining engineer, who has successfully completed the apprenticeship.

15.3. For conducting the apprenticeship engineer shall possess university degree of relevant fields and at least six (6) months of experience in a mining company.

15.4. One responsible person of the companies may cover at the same time the obligations arising from paragraph 1 of this section only for one (1) mining company.

Section 16

16.1. During the conduct of mining activities in the mining of quarries with a capacity more than 100 000 m³ per year, the operator is obliged to provide management and technical supervision of the conduct of mining operations according to mining projects, technical provisions and the provisions for security at work

16.2. For the competent person - technical supervision with the term of paragraph 1 of this section can be appointed the mining engineer, who has successfully completed the apprenticeship.

16.3. Reporting of reserves for this category shall be carried out by the geology engineer, who has successfully completed the apprenticeship.

16.4. For conducting the apprenticeship engineer shall possess university degree of relevant fields and at least six (6) months of experience in a mining company.

16.5. The competent persons according the paragraphs 2, 3 of this section may cover the obligations arising from paragraph 1 of this section only for one (1) mining company.

Section 17

17.1. During the conduct of mining activities in the mining of metallic mineral resources, energetic minerals, hydrocarbons, industrial minerals, the operator is obliged to provide management and technical supervision of the conduct of mining operations according to mining projects, technical provisions and the provisions for security at work.

17.2. For the competent person - technical supervision with the term of paragraph 1 of this section can be appointed the engineer of specified field, who possess the authorization to conduct such activities.

17.3. Authorization for the conduct of mining activities shall be issued according to the procedures foreseen by this regulation.

17.4. One responsible person of the companies may cover at the same time the obligations arising from paragraph 1 of this section only for one (1) mining company.

Section 18

18.1. During the conduct of mining activities in the technological process of processing of mineral raw materials, the operator is obliged to provide management and technical

supervision of the conduct of activities according to mining projects, technical provisions and the provisions for security at work.

18.2. For the competent person - technical supervision with the term of paragraph 1 of this section can be appointed the mining, geology engineer and engineer of relevant field, who has successfully completed the apprenticeship.

18.3. For conducting the apprenticeship the engineer shall possess university degree of relevant fields and at least six (6) months of experience in a mining company.

18.4. One responsible person of the companies may cover at the same time the obligations arising from paragraph 1 of this section only for one (1) company.