



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,

APPLICATION FOR A SPECIAL OPERATIONS PERMIT

For

1 AUTHORITY

Pursuant to Article 5, 40 and 56 of the Law No.03/L-163, promulgated on 27 August 2010, and article 34 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 Special Operations Permits.

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.

Mining Licence No.

Phone number

Mobile phone number

E-mail address

Rr. Armend Daci Nr.1
Prishtinë, Kosovë
Tel: +381 (38) 240 252
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E-mail: ICMM@kosovo-mining.org
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 38

A Person desiring to conduct special operations shall submit to the ICMM a completed application for the issuance of a Permit to conduct the concerned special operation. Such application shall be submitted in the prescribed format and together with the prescribed administrative fee, and the following shall be attached thereto:

- 4.1. Completed and signed Application Form
- 4.2. A copy of any License of the applicant to which the special operation relates;
- 4.3. The names and addresses of the applicant's significant owners and directors, if any
- 4.4. 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
- 4.5. the official registered address of the applicant in Kosovo (Certificate of Business Registration)
- 4.6. a description of the technical, professional and managerial capabilities of the personnel to be principally responsible for the conduct of the special operation, including a copy of their CV and, as may reasonably be required by the ICMM, all relevant diplomas, licenses and certificates.
- 4.7. one or more maps showing:
 - 4.7.1. the area under application, defined by coordinates
 - 4.7.2. 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, and
 - 4.7.3. the proposed route of access by the applicant to such area; and
 - 4.7.4. the boundaries of each cadastral Municipality
- 4.8. all relevant cadastral documentation as prescribed by the ICMM:
 - 4.8.1. Possession list shall not be older than 6 month
 - 4.8.2. Copy plan shall not be older than 6 month
 - 4.8.3. Coordinates of licence boundaries
- 4.9. 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.
- 4.10. Surface Rights Agreement(s), having a duration of not less than the proposed Permit, 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 special

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operations or evidence of refusal or failure of such third parties to enter into such an agreement on reasonable terms.

4.11. Detailed list of the register number of movable and immovable equipments.

4.12. the special operations program proposed to be undertaken by the applicant, which shall include:

4.12.1. a description of the location, extent and duration of the proposed program and the methods, techniques and equipment to be employed; and

4.12.2. a work program and a cost estimate

4.13. Technologic Project of Plant

4.14. Electric Project and reviewable electric protocol.

4.15. a rehabilitation program prepared in each case by suitably qualified and experienced experts

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

4.17. such other documentation as the ICMM may reasonably require.

5 APPLICATION PROCESSING

5.1. Within three (3) months after receiving a complete Permit application from an eligible applicant that meets all the requirements of article 38, the ICMM shall either issue the concerned Permit or provide the applicant with:

5.1.1. the decision of the ICMM not to issue the concerned permit,

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

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

5.2. At any time prior to the expiry of the three (3) month period referred to in paragraph 1 of this article, the ICMM may in exceptional circumstances and in the exercise of its reasonable discretion - extend such period for an additional one (1) month. In such event, the ICMM shall immediately notify the applicant in writing of such extension and of the reasons therefore.

6 CRITERIA FOR ISSUANCE OF A PERMIT

6.1. The ICMM shall issue the concerned Permit if the following criteria have been fulfilled:

6.1.1. the requirements of paragraph 1 of article 38 of this law have been complied with

6.1.2. special operations program is based on best practices

6.1.3. the applicant:

6.1.3.1. has the financial resources required to carry out special operations program, and

6.1.3.2. is eligible under article 6 of this law,

6.1.4. the application and the applicant are otherwise in compliance with the provisions of the present law

6.1.5. each public authority from which an approval is required under the law of 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

6.1.6. the applicant has agreed in writing to pay to the Government

6.1.6.1. any expropriation compensation that may be required as a result of an expropriation process initiated by the ICMM under paragraph 2 of this article; and

6.1.6.2. any reasonable costs incurred by the Government in connection with that process; and

6.1.7. 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, subparagraph 1.8 of article 38 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 Special Operations Program, the ICMM may 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 Permit applicant upon the applicant's payment of the amounts specified in paragraph 1, sub-paragraph 1.6 of this article.

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: