

MANUAL FOR GOOD ADMINISTRATION OF THE MINING AND ENVIRONMENTAL ACTIVITIES



MANUAL FOR GOOD ADMINISTRATION OF THE MINING AND ENVIRONMENTAL ACTIVITIES

Joint inter-institutional initiative

1. INDEPENDENT COMMISSION
FOR MINES AND MINERALS
2. MINISTRY OF ENVIRONMENT
AND SPATIAL PLANNING
3. KOSOVO FOREST AGENCY
4. MINISTRY OF LOCAL
GOVERNMENT
ADMINISTRATION- MUNICIPAL
ASSOCIATION



1. KOSOVO POLICE

CONTENT:

MANUAL FOR GOOD ADMINISTRATION OF THE MINING AND ENVIRONMENTAL ACTIVITIES	1
LEGAL PROVISIONS – REGARDING PREVENTION OF ENVIRONMENTAL DEGRADATION	11
WHO ISSUES THESE LICENSES AND PERMITS?	13
WHAT DO WE CALL MINING ACTIVITY?	13
WHO INSPECTS THESE LICENSES AND PERMITS?	13
CLASSIFICATION OF ILLEGAL MINING OPERATION- ICMM	14
EXPLORATION LICENSES -ICMM	20
MINING LICENSES - ICMM	21
SPECIAL OPERATIONS PERMITS - ICMM	22
CLASSIFICATION OF ILLEGAL MINING OPERATIONS - ICMM	31
ILLEGAL OPERATION IN EXPLORATION - ICMM	36
ILLEGAL OPERATION IN MINING- ICMM	36
ILLEGAL OPERATIONS WITH ENVIRONMENTAL DEGRADATION CONSEQUENCES AND CAUSING THE RISK-ICMM	37
ILLEGAL OPERATIONS IN SPECIAL OPERATIONS - ICMM	51
ENRICHMENT (FLOTATIONS AND ENRICHMENT OF COAL) - ICMM	54
LEGAL BASIS - MESP	56
CONSENTS, LICENSES OR PERMITS-MESP	57
PROCEDURES ON ISSUANCE OF A CONSENT OR PERMIT-MESP	78
CLASSIFICATION OF ILLEGAL MINING OPERATIONS -MESP	83
ILLEGAL OPERATION IN EXPLORATION -MESP	86
ILLEGAL OPERATION IN MINING -MESP	86
ILLEGAL OPERATIONS WITH ENVIRONMENTAL DEGRADATION CONSEQUENCES AND CAUSING THE RISK - MESP	87
ILLEGAL OPERATIONS IN SPECIAL OPERATIONS -MESP	99
PROCESSING (CONCRETE AND ASPHALT BASE)-MESP	101

ENRICHMENT (FLOTATIONS AND ENRICHMENT OF COAL)-MESP	103
DEGRADING ENVIRONMENTAL ACTIVITIES BY COMPANIES POSSESSING SPECIAL OPERATION PERMITS - MESP	104
LEGAL BASE - KFA.....	109
CONSENTS, CONTRACTS -KFA	112
CLASSIFICATION OF ILLEGAL MINING OPERATIONS IN FOREST AND FOREST LAND- KFA	117
ILLEGAL OPERATIONS IN EXPLORATION -KFA	117
ILLEGAL OPERATIONS IN MINING - KFA	117
ILLEGAL OPERATIONS WITH ENVIRONMENTAL DEGRADATION CONSEQUENCES AND CAUSING THE RISK -KFA.....	118
DISPOZITA LIGJORE – LIDHUR ME INSPEKTORATET KOMUNALE, PARANDALIMI DHE KONTROLLA - MAPL.....	124
CONSENTS, PERMITS AND CONTRACTS - MUNICIPALITIES.....	126
CLASSIFICATION OF ILLEGAL MINING OPERATIONS - MUNICIPAL INSPECTORATE	131
ILLEGAL OPERATION IN EXPLORATION - MUNICIPAL INSPECTORATE	131
ILLEGAL OPERATION IN MINING - MUNICIPAL INSPECTORATE	131
ILLEGAL OPERATIONS WITH ENVIRONMENTAL DEGRADATION CONSEQUENCES AND CAUSING THE RISK - MUNICIPAL INSPECTORATE	132
ILLEGAL OPERATIONS IN SPECIAL OPERATIONS - MUNICIPAL INSPECTORATE	147
ENVIRONMENTAL DEGRADING ACTIVITIES FROM COMPANIES POSSESING SPECIAL OPERATION PERMIT - MUNICIPAL INSP.	150
KOSOVO POLICE.....	155

Lists of figures:

Figure 1 Deep drilling machine -ICMM	14
Figure 2 Geophysical exploration method - ICMM	15
Figure 3 Exploration method with trenches - ICMM	16
Figure 4 Crusher with sorting plant - ICMM	17
Figure 5 Concrete plant - ICMM.....	18
Figure 6 Plant for preparation of asphalt - ICMM.....	18
Figure 7 Plant for enrichment of minerals - Floatation - ICMM.....	19
Figure 8 Form of an exploration license - ICMM	20
Figure 9 Form of a mining license - ICMM	21
Figure 10 Form of a special operations permit – ICMM	22
Figure 11 The old model of licenses and permits, the first page and last pages of the old model of licenses - ICMM.....	23
Figure 12 Removal of the overburden as a preparatory stage of the commencement of mining works - ICMM.....	24
Figure 13 Preparation activity of a field for blasting - ICMM.....	25
Figure 14 Mining activity, preparation of a field for blasting - ICMM	25
Figure 15 Commencement of the construction of a mining bench - ICMM	26
Figure 16 Final benches - ICMM	27
Figure 17 Recultivation of mine benches with recultivation - ICMM	27
Figure 18 Illegal mining in rivers and degradation of riverbeds - ICMM	39
Figure 19 Damage to surrounding farmlands from mining of sands on farmland	40
Figure 20 Recultivation-filling with waste of mined holes - contamination of land with urban waste - ICMM	41

Figure 21 Creation of water basins as a result of mining of sands - ICMM	42
Figure 22 Mining of inerts in the river, damage to the floor layer of Mirusha riverbed - ICMM	43
Figure 23 Creation of water dump and damage to border of surrounding farmlands - ICMM	44
Figure 24 Water dump from mining of clay and sand, degrading basins and risk for people - ICMM	45
Figure 25 Mining of coal where mining is carried out without criterion by damaging the environment, causing the risk and damage of the properties around the mining site - ICMM	47
Figure 26 Mining without criterion, creation of altitude of benches and lack of recultivation - ICMM	47
Figure 27. The illegal operator has failed to carry out mining in depth and he has only achieved to use that layer that it was allowed by machinery. Field degradation and environmental degradation - ICMM	49
Figure 28 Damage to environment and risking the final bench as mining without criterion - ICMM	50
Figure 29 The operation of an illegal separation and taking illegally the resource (sand) - ICMM	52
Figure 30 The illegal operation of the concrete base and the mining of the resource processed by sorting plants - ICMM.....	53
Figure 31 Application for water conditions – MESP Figure 32 Application for water consent – MESP	76
Figure 33 Water Permit Application – MESP Figure 34. Form of a Decision (Water Permit, Water Consent, Water Conditions) MESP	77
Figure 35 Removal of the overburden as a preparatory stage of the commencement of mining works - MESP	80
Figure 36 Preparation activity of a field for blasting - MESP	80
Figure 37 Mining activity, preparation of a field for blasting - MESP	81
Figure 38 Commencement of the construction of a bench - MESP	81
Figure 39 Final benches - MESP	82
Figure 40 Recultivation of mine benches with recultivation - MESP	82
Figure 41 Illegal mining in rivers and degradation of riverbeds - MESP	89

Figure 42 Damage to surrounding farmlands from mining of sands on farmland - MESP	90
Figure 43 Recultivation-filling with waste of mined holes - contamination of land with urban waste - MESP	91
Figure 44 Creation of water basins as a result of mining of sand - MESP	91
Figure 45 Mining of inerts in the river, damage to the floor layer of Mirusha riverbed - MESP	92
Figure 46 Creation of water dump and damage to border of surrounding farmlands - MESP	93
Figure 47 Water dump from mining of clay and sand, degrading basins and risk for people- MESP	94
Figure 48 Mining of coal where mining is carried out without criterion by damaging the environment, causing the risk and damage of the properties around the mining site – MESP	96
Figure 49 Mining without criterion, creation of altitude of benches and lack of recultivation - MESP	96
Figure 50. The illegal operator has failed to carry out mining in depth and he has only achieved to use that layer by machinery. Field degradation and environmental degradation - MESP	98
Figure 51 Damage to environment and risking the final bench as mining without criterion – MESP	99
Figure 52 The operation of an illegal separation and taking illegally the resource (sand) - MESP	100
Figure 53 The illegal operation of the concrete base and the mining of the resource processed by sorting plants - MESP	102
Figure 54 Environmental degradation by dust - MESP	106
Figure 55 Continuous degradation and actual state of contaminated environment around the plant - MESP	107
Figure 56 Efficient system of separation work using spraying system or ventilation system - MESP	108
Figure 57 Photo for review of request by the Commission to change destination of forest land	116
Figure 58 Removal of plant vegetation layer (woody and herbaceous) with the abovementioned negative effects - KFA	119
Figure 59 Effects of illegal use where the forests are being damaged as national assets and biodiversity photo 2 – KFA	120
Figure 60 Removal of the overburden as a preparatory stage of the commencement of mining works	127
Figure 61 Preparation activity of a field for blasting	127

Figure 62 Mining activity, preparation of a field for blasting	128
Figure 63 Commencement of the construction of a bench	128
Figure 64 Final benches, is other institutional responsibility - Municipal inspectorate	129
Figure 65 Recultivation of mine benches with recultivation approved by the responsible institutions - Municipal inspectorate	130
Figure 66 Illegal mining in rivers and degradation of riverbeds - Municipal inspectorate	136
Figure 67 Damage to surrounding farmlands from mining of sands on farmland- Municipal inspectorate	137
Figure 68 Recultivation-filling with waste of mined holes - contamination of land with urban waste – Municipal inspectorate	138
Figure 69 Creation of water basins as a result of mining of sands	139
Figure 70 Mining of inerts in the river, damage to the floor layer of riverbed - Municipal inspectorate	140
Figure 71 Creation of water dump and damage to border of surrounding farmlands – Municipal inspectorate	141
Figure 72 Water dump from mining of clay and sand, degrading basins and risk for people –Municipal inspectorate	142
Figure 73 Mining of coal where it is carried out without criterion by damaging the environment, causing the risk and damage of the properties around the mining site – Municipal inspectorate.....	144
Figure 74 Mining without criterion, creation of altitude of benches and lack of recultivation- Municipal inspectorate.....	144
Figure 75. The illegal operator has failed to carry out mining in depth and he has only achieved to use that layer that it was allowed by machinery. Field degradation and environmental degradation - Municipal inspectorate.....	146
Figure 76 Damage to environment and risking the final bench as mining without criterion - Municipal inspectorate	147
Figure 77 The operation of an illegal separation and taking illegally the resource (sand) - Municipal inspectorate	148
Figure 78 The illegal operation of concrete base and mining the resource processed from sorting plants - Municipal inspectorate	150
Figure 79 Environmental degradation from dust - Municipal inspectorate	152
Figure 80 Continuous degradation and the actual polluted environmental state around the plant - Municipal inspectorate	153
Figure 81 Form of Control.....	158

INTRODUCTION

This manual will serve as a knowledge of information related to mining activity and other business activities about the exercising of their activity and environmental impact.

Mining activity exercises their operations in function of exercising their businesses in compliance with applicable laws. Actual legislation of exercising mining activities is specified as per manner of licensing, obtaining with relevant consents and permits. Since these activities during application of obtaining with licenses and permits are subject to some procedures that this document has explained in detail by including responsible institutions such as:

- ICMM- Independent Commission for Mines and Minerals
- MESP- Ministry of Environment and Spatial Planning in some cases
- Kosovo Forestry Agency and
- Level of local government - Municipalities.

These activities often become illegal that in the local terminology are called as illegal operations. These illegal operations by physical and legal persons have for purpose the misuse of mineral resource excluding mining methods with mining standards which have resulted in economic damage to country and causing potentially high risk areas for people and the environment in particular.

In some cases, except illegal operations, the licensed operators during the exercise of the license right also cause abuses, causing environmental degradation as a result of non-compliance with the rules set by the conditions set in the consents or permits. For this reason, it is planned that this manual will be a descriptor of such activities and the measures to be taken in these cases by the institutions.

LEGAL PROVISIONS – REGARDING PREVENTION OF ENVIRONMENTAL DEGRADATION

Applicable legislation

- Constitution of Kosovo 2008
- Law on Courts (No. 03/L-199)
- Criminal Procedure Code
- Criminal Code of the Republic of Kosovo (No. 04/L-082)
- Law on Environmental Protection (No. 03/L-025)
- Law on Police (No. 04/L-076)
- Law on Ombudsman (No. 03/L – 195)
- Law No. 03/L – 233 on Nature Protection (approved by the Assembly of Kosovo on 30 September 2010),
- Law No.04/L-060 on Waste (approved by the Assembly of Kosovo on 24 May 2012),
- Law No. 03/L-015 on Environmental Strategic Assessment (approved by the Assembly of Kosovo on 12 February 2009),
- Law No. 02/L-102 on Noise Protection (17 March 2008),
- Law No. 03/L-024 on Environmental Impact Assessment (26 February 2009),
- Law No. 03/L-160 on Air Protection (approved by the Assembly of Kosovo on 25 February 2010),
- Law No. 03/L-043 on Integrated Pollution Prevention and Control (approved by the Assembly of Kosovo on 26 March 2009),
- Law No. 04/L-147 on Waters (approved by the Assembly of Kosovo on 19 March 2013),
- Law No. 04/L-110 for Construction (approved by the Assembly of Kosovo on 31 May 2012).

Law No. 03/L-163 on Mines and Minerals (approved by the Assembly of Kosovo on 27 August 2010)

Law No. 04/L-158 on amending and supplementing the Law on Mines and Minerals (approved by the Assembly of Kosovo on 02 May 2013)

In addition to primary legislation in Kosovo, secondary legislation in the area of environmental law is typically issued based on explicit authorisation by a statutory provision for the implementation of law provisions. Secondary legislation comprises of:

- Decisions- which are taken by the competent authority and in the framework of authorisations granted by the law in relation to appointments, proposals or dismissals, as well as other administrative issues that require a decision by a respective authority;
- Regulations - which are issued based on the authority granted by a given law and in compliance with the aim and the goals of the respective law as well as with a view to regulating issues that the law deals with in detail;
- Administrative Instructions - which are sublegal acts that regulate matters pertaining to a limited scope of action.



ICMM

What do we call mining activity?

Who issues these licenses and permits?



Who inspects these licenses and permits?

Law No. 03/L-163 on Mines and Minerals

Exploration	Method to discover mineral
Mining	are exploitation methods which have discovered earlier
Special operation	there are included methods of processing, enrichment of mineral and production of products from minerals

ICMM according to the Law on Mines and Minerals No.03/L-163 and amendment and supplementation of Law with No.04/L-158

Exploration licenses for two years with possibility of extension

Mining licenses from 1 to 25 years

Special Operation Permits with the decision of the ICMM Board. Currently five years

According to the Law No.03/L-163 and amendment and supplementation of Law with No.04/L-158

ICMM reviews applications for permits and license

The ICMM Inspectorate of Mines inspects mining activities

The Inspectorate of Mines also controls illegal activities of the mineral resource

CLASSIFICATION OF ILLEGAL MINING OPERATION- ICMM

It is considered all those mining operations such as exploration, mining or special operation by which enterprises carry out their activity in compliance with licences and permits.

What do exploration, mining and special operation mean?

Exploration operation means exploration operation of an enterprise for the needs of exploration of a mineral in the exploration licence.

Exploration operations of an enterprise can be with:

- deep exploration drillings that are done with exploration machinery, Figure 1
- with geophysical methods, Figure 2 and
- trenches, Figure 3



Figure 1 Deep drilling machine -ICMM



Figure 2 Geophysical exploration method - ICM



Figure 3 Exploration method with trenches - ICMM

Mining operation means mining operation that has for purpose mining of the explored mineral and scientifically identified earlier by mining exploration operation. We distinguish basically two methods of mining system according to mining systems and they are:

- Surface mining method and
- Underground mining method

Special operation means processing of a mineral for profits of final, processing and enrichment products and facilities that are constructed in fixed – static positions and they are:

- Plants for separation of sand and hard rock (sorting plants) Figure 4
- Plants for processing of concrete (concrete bases) Figure 5
- Plants for processing of asphalt product (asphalt bases) Figure 6 and
- Plants for enrichment of a mineral (flotations) Figure 7



Figure 4 Crusher with sorting plant - ICMM



Figure 5 Concrete plant - ICMM



Figure 6 Plant for preparation of asphalt - ICMM



Figure 7 Plant for enrichment of minerals - Floatation - ICMM

What do license and special operations permit mean?

License means an exploration license and a mining license, while permits are issued only to special operations.

What is the term of these licenses and permits?

Exploration licenses have a term of 2 to 3 years and with the possibility of their extension only once. Their surface is limited up to 100 km² for metallic licenses and for industrials up to 10 km².

The mining licenses are determined by the exploitable mineral reserves in report to the annual production but not more than 25 years.

Special operations permits are regulated according to the Administrative Instruction. These permits have a term set by the Board of the ICMM as a decision-making body and now these permits are issued with a term of 5 years with the possibility of extension.

How do these licenses and permits issued by ICMM look like?

An operator - enterprise who works in a particular zone must have his license issued by the ICMM in his office and if it is requested by an official person, he must show the license to him.

EXPLORATION LICENSES -ICMM

The license is prepared in A4 format paper with a design as it is presented in Figure 8. It has yellow coloured cover and it is made of semi-solid non-plasticized paper.

A license has these characteristics:

- License name
- Business name
- Business Registration No.
- ICMM Registration No.
- Business owner
- The term of a license and the surface of operation and
- Sketches with license border coordinates.

This document is valid if it has the ICMC's stamp with the Director's signature, registration number and the issuance date of license.

[illegible]

Figure 8 Form of an exploration license - ICM

MINING LICENSES - ICMM

The license is prepared in A4 format paper with a design as it is presented in Figure 9. It has yellow coloured cover and it is made of semi-solid non-plasticized paper.

A license has these characteristics:

- License name
- Business name
- Business Registration No.
- ICMM Registration No.
- Business owner
- The term of a license and the surface of operation and
- Sketches with license border coordinates.

This document is valid if it has the ICMC's stamp with the Director's signature, registration number and the issuance date of license.

[illegible]

Figure 9 Form of a mining license - ICMM

SPECIAL OPERATIONS PERMITS - ICMM

The permit is prepared in A4 format paper with a design as it is presented in Figure 10. It has yellow coloured cover and it is made of semi-solid non-plasticized paper.

A permit has these characteristics:

- Permit name
- Business name
- Business Registration No.
- ICMM Registration No.
- Business owner
- The term of a permit and the surface of operation and
- Sketches with license border coordinates.

This document is valid if it has the ICMM's stamp with the Director's signature, registration number and the issuance date of license.

REPUBLICA E KOSOVES
REPUBLIKA KOSOVA - REPUBLIC OF KOSOVO
Komisioni i Pavarur për Mbrojtje të Mjedisit
Independent Commission for Mines and Minerals

LEJE PËR AKTIVITETET E VEÇANTA
DOZVOLE ZA POSEBNE AKTIVNOSTI/SPECIAL OPERATIONS PERMITS
XXXX/20XX

Emri i Biznesit/Name of Business: XXXXXXXX
Nr. i Biznesit/Biz. Number: XXXXXXXX
Nr. i Regjistrimit/Reg. Number: XXXXXXXX
Propr. i Biznesit/Bus. Owner: XXXXXXXX
Kohëzgjatja/Duration: 01.01.2021 - 31.12.2021
Sipërfaqja/ Surface Area: 100.000.000 (hectares)
Emri i vendit/Location: XXXXXXXX
Komuna/Opština/Municipality: XXXXXXXX

Të drejtat dhe detyrimet/PRAVA i obavezani Rights and Obligations:

- > Kompania obligohet që t'i përmbushë detyrimet në tërësi. Leja dhe obligimet të përmbushë detyrimet sipas rrethit 41 të Ligjit për Mbrojtjen e Mjedisit në 03.1.181 të dhe në Ligjin nr. 04.1.158 për Ndërtimin dhe Përdorimin e Ligjit në 03.1.181 për Mbrojtjen e Mjedisit.
- > Kompania është e detyruar që të përmbushë detyrimet në tërësi, të ndërtojë dhe të përdorë sipas detyrimeve të rrethit 41 të Ligjit për Mbrojtjen e Mjedisit në 03.1.181 të dhe në Ligjin nr. 04.1.158 për Ndërtimin dhe Përdorimin e Ligjit në 03.1.181 të dhe në Ligjin nr. 04.1.158 për Mbrojtjen e Mjedisit.
- > Kompania është e detyruar që të përmbushë detyrimet në tërësi, të ndërtojë dhe të përdorë sipas detyrimeve të rrethit 41 të Ligjit për Mbrojtjen e Mjedisit në 03.1.181 të dhe në Ligjin nr. 04.1.158 për Ndërtimin dhe Përdorimin e Ligjit në 03.1.181 të dhe në Ligjin nr. 04.1.158 për Mbrojtjen e Mjedisit.

Drejtues i Komisionit/President of the Commission: XXXXXXXX
Nr. Protokollit/Protocol No.: XXXXXXXX
Data/Date: XXXXXXXX

Mapa e Lirisë/Map of the Area: XXXXXXXX

Permit name
Permit No.

Data from company

Term of a permit and
surface

Location of a permit

Signature of the ICMM
Director

Registration number,
the issuance date of
permit

Figure 10 Form of a special operations permit – ICMM

Do all licensed operators have this standard form or can they have any other form of a license?

Yes, they may also have old forms because such forms as presented above are new models of a license in one page. Older forms have this design and they can be valid as in Figure 11. This form is almost the same for cases of the special operations permits and rarely for exploration licenses due to their short term it is possible there are less or no such forms of licences and permits.

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

Pristina, xx.xx.20xx

LICENCE PER SHFRYTEZIM Nr. xx/ICMM0x
Per: Shkëmb të fort ose tjetër

AUTORITETI
Bordi Qeverisës i Komisionit të Pavarur për Miniera dhe Minerale më 05.12.2005 ka aprovuar këtë Licence për Shfrytëzim në bazë të Rregullores së UNMIK-ut 2005/2, nën 2 dhe 6, dhe Rregullores së UNMIK-ut 2005/3, nën 29, 30, 31, 32, 33, 34 dhe 35, të shpallura më datën 21 Janar 2005.

PERSONI I PAJISUR ME LICENCË:
Emri i Biznesit : "xxx" sh.p.k.
Emri : Emri Mbiemri bartës i Licencës
Adresa : Vendi: Komuna
Nr. i Regjistrimit të Biznesit : Nr. identifikues personal biznesit

MINERALET E LICENSUARA PËR SHFRYTËZIM: Shkëmb të fort ose tjetër
Personi i pajisur me Licence me këtë rast është i autorizuar që të shfrytëzojë mineralet e shkëmbit të fort brenda Zonës së Licencës.

ZONA E LICENCËS:
Zona e Licencës përfshin një sipërfaqe prej (shënuar me numër sipërfaqja) m². Sipërfaqja është një poligon, e përkufizuar me koordinatat në tabelën e bashkëngjitur (Shtojca S), dhe përfshin ngjarjet kadastrale të renditura në tabelën e bashkëngjitur (Shtojca R).

AFATI:
Afati i kësaj Licence është 33 vite, nga xx.xx.2000 deri më xx.xx.20xx.

KUSHTET:
Kjo Licence lëshohet duke iu nënshtruar kushteve standarde të parashtruara në Rregulloren e UNMIK-ut 2005/3, Neni 35 dhe të gjitha kushteve të tjera të cilat janë përcaktuar më poshtë.

Personi i pajisur me Licence kërkohet që të përmbajet kushteve si më poshtë:

UNMIK

DOKUMENTET E BASHKËNGJITURA JANË PJESE E LICENCËS:
Shtojca A: Kërkesa
Shtojca B: Vërtetimi i lëshuar nga Policia mbi mos përfshirje në hetime
Shtojca C: Deklarata e Paraqitësit të Kërkësës mbi Përshtatshmërinë
Shtojca D: CV e Personit Përgjegjës
Shtojca E: Formulimi i Personit Përgjegjës
Shtojca F: Kualifikim(et) e vërtetuar - Diploma
Shtojca G: Certifikata e Plotë e Regjistrimit të Biznesit
Shtojca H: Pelqimi komunal
Shtojca I: Marrëveshje(t) mbi të Drejtat në Sipërfaqe nëse është e aplikueshme
Shtojca J: Hartë e cila paraqet fushën për të cilën paraqitet kërkesa, duke përfshirë koordinatat në Kosovare#01 dhe Hollësitë
Shtojca K: Kopja e Planit(ëve) të Fushës për të cilën paraqitet kërkesa
Shtojca L: Lista(t) Poshëse të Kopjeve të Planeve
Shtojca M: Koordinatat në Kosovare#01

..... Datë: xx.xx.200x.
Xx xxx
Drejtor
Komisioni i Pavarur për Miniera dhe Minerale

Nënshkrimi i autorizuar

..... Datë: xx.xx.200x
Personi i pajisur me Licence

Page 5 nga 5

Figure 11 The old model of licenses and permits, the first page and last pages of the old model of licenses - ICMM

How does an enterprise carry out its operation with a mining license issued by the ICMM?

Each enterprise that has carried out its own geological exploration work and it has verified that an economic evaluation of resource utilization is profitable for the enterprise then entrepreneur applies for a mining license to the ICMM. Application for a mining license to the ICMM is a legal condition to complete the required documentation, where among other things, as a basic document is the mining project by which he plans to exploit the mineral according to project approved previously before taking the license.

It will be explained by practical examples of mine development from its opening to its closure how the surface mine is developed among its stages:

- a) The mine shall prepare the zone for development of a mining operation by building the accompanying infrastructure and removing the topographic layer of field crust and starting of loading Figure 12.



Figure 12 Removal of the overburden as a preparatory stage of the commencement of mining works - ICMM

This activity is in compliance with project and company must have a mining license issued by the ICMM.

- b) If the activity of a mine is with blasting then the preparation system shall be done for a field for blasting as it is known in the ICMM as pre-blasting and preparation for blasting Figure 13, 14



Figure 13 Preparation activity of a field for blasting - ICMM



Figure 14 Mining activity, preparation of a field for blasting - ICMM

This activity is in compliance with project and entrepreneur must have a mining license issued by the ICMM with mining activity with blasting and it is allowed to use explosive but he shall have a permit to use explosive in the day when he uses explosive. If the entrepreneur doesn't have a permit for blasting then it is considered an illegal mining activity.

- c) Commencement of the construction of the stages (benches) Figure 13 and 15 and



Figure 15 Commencement of the construction of a mining bench - ICMM

It is a condition to create benches and final benches of a mine. The working benches are with bigger dimension of works square¹ while the final benches can be smaller. These mining works shall be controlled by ICMM.

d) Creation of final stages and preparation for closure of a mine Figure 16



¹ Works square - the width of the space where it can be moved freely between two levels of benches

Figure 16 Final benches - ICMM

e) Final benches and recultivation of a mine Figure 17 (1 and 2).

This process is known as a pre final activity of a mine where the final benches are good constructed.



Figure 17 Recultivation of mine benches with recultivation - ICMM

Some criteria shall be explained for obtaining mining licenses and special operation permits

1. A company before applying for a mining license, shall previously ensure that it has applied in the zone where it has carried out exploration according to the exploration license.
2. Company may apply for any applying surface for license but it shall be in compliance with surface and previous consents such as:
 - 2.1 Consent, extract or notice from the municipality that it is not in contradiction with the urban and urban plan.
 - 2.2 Consent by owner (owner can be: municipality, KFA, PAK or private property)
 - 2.3 Environmental consent by MESP.
3. Projects, required documentation and
4. Review of application is done in compliance with the Law on Mines and Minerals.

What do you mean with consents and can any license or permit be issued without consents?

The consents are legal acts which approves the application of the applicant in order to obtain consent. ICMM accepts these consents and those according to the description in consent. It shall be explained that without relevant consents, the applicant cannot obtain a mining license or special operation permit. It shall be explained that the ICMM has a right of discretion but such action has never been practised until now, so it means it is respected the criterion that without the above-mentioned consents cannot obtain licenses or permits.

The review of the application has been explained as well from the previous description in compliance with the Law on Mines and Minerals.

Describe in a few details some basic elements that the company should fulfil?

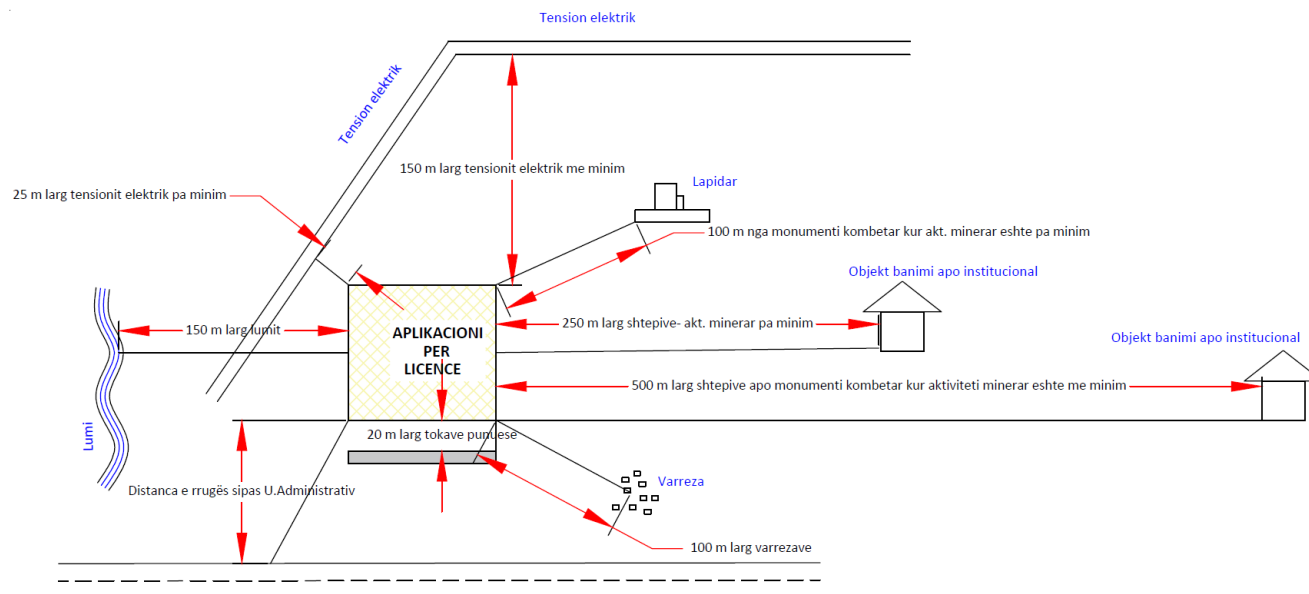
Review of application in compliance with the Law on Mines and Minerals according to:

1. Law on Mines and Minerals No. 03/L-163 and its amendment and supplementation No.04/L-158.
2. Part 1 of this law Article 3 specifies licenses and permits according to definition and Article 13 restricted activities.

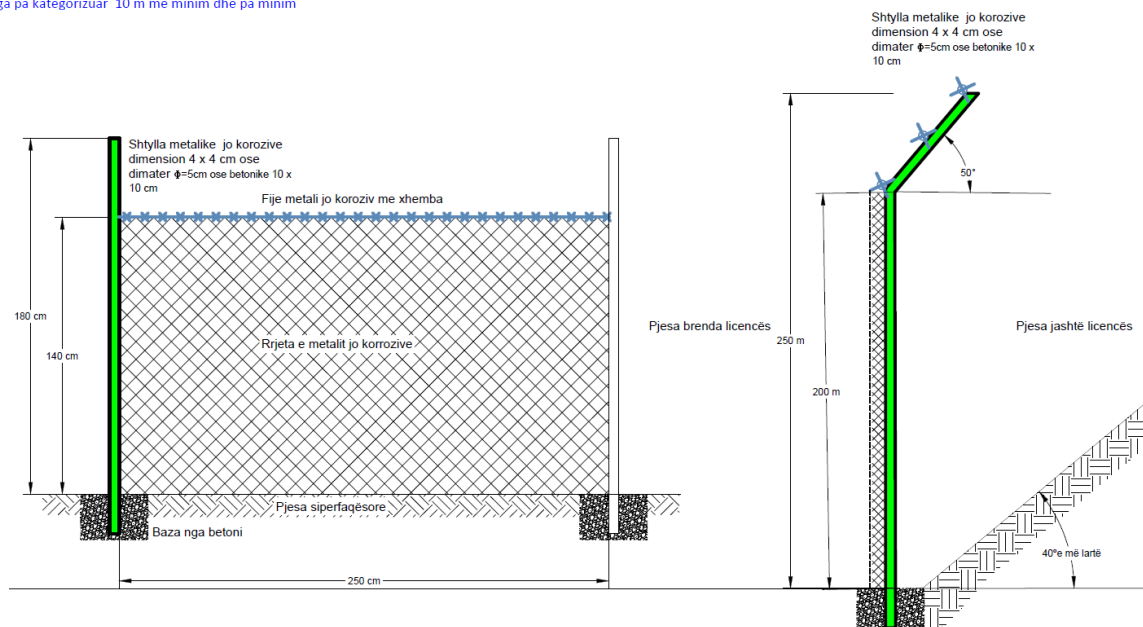
What does it mean with respecting of Article 13 “Restricted activities”?

It means all distances which are indispensable in relation with application. It will be explained for more details with practical schemes for each object or surrounding infrastructure along the application for license.

Scheme 1: Detailed explanation for applications for mining licenses - Distances specified under the Law on Mines and Minerals



Rruga Autoudhe 100 m pa minim dhe 500 m me minim.
 Rruga Nacionale, lokale, vendbanimit dhe urbane 60 m pa minim dhe 500 m me minim
 Rruga lidhese 60 m me minim dhe pa minim
 Rruga pa kategorizuar 10 m me minim dhe pa minim



Is it specified how a mine should be fenced and how signalling of a mine should be used?

The Administrative Instruction on the forms of fences and signalling has been drafted and I believe that by the third half of next year from the year of this document will be fully implemented.

Where can we find these Administrative Instructions?

In the Official Gazette, but you can find them faster in the ICMM webpage. <https://www.kosovo-mining.org/publications/administrative-instructions/>

Can the ICMM make an exception to these restrictions of Article 13 “Restricted Activities”?

The ICMM can make exceptions to these restrictions only under the LMM and they may be allowed according to paragraph 2 of this Article where it is stated that the owner’s approval under the agreement or consent to the facility or infrastructure or the ascertainment of consent issued for approval can be used as a mitigating and approved criterion for the exclusion of such prohibitions.

Are these operations performed as well by legal or physical persons without a license or a permit?

Unfortunately, there are legal and physical persons who carry out illegally this operation and in those zones where their operations is in a surface and with a digging mining system when the mineral is inert or brittle to be removed by the topography of surface crust or it has deposits of inert resources such as sand and gravel.

How are these illegal-legal operations classified?

In order to better explain the classification of illegal mining operations, we will present some examples with description of these operations.

CLASSIFICATION OF ILLEGAL MINING OPERATIONS - ICMM

How is considered an illegal mining operation according to the Law on Mines and Minerals?

Article 70

Illegal Exploration, Mining and Special Operations

1. If an authorized inspector has good reason to believe that a person is conducting exploration, mining or special operations and that such person does not hold any License or Permit from the ICMM, the inspector shall immediately inform the Kosovo Police, which shall be required to immediately dispatch at least two officers to the scene.
2. After the arrival of the officers, and with their assistance, the inspector shall obtain the identity of the persons involved in such activities and determine whether or not such persons or their employer, (if any), holds a License or Permit from the ICMM.
3. If no such Person or their employer (if any), holds a License or Permit from the ICMM, the police officers shall arrest the concerned Persons, who shall be subject to the administrative fine provided for in paragraph 2 of Article 79 of this law and the criminal penalties established by this law in Article 80. Furthermore, the inspector shall confiscate all working means and extracted minerals at the scene.
4. If such Persons or their employer do hold such a License or Permit from the ICMM, but the mining or exploration activities being conducted are not authorized by such License or Permit, the inspector shall immediately report the unauthorized activities to the ICMM, and the ICMM shall be required to impose on the Licensee or Permit Holder the measures provided for in Article 9 of this law.

After preparing reports from the field about illegal operations, performing measurements and report by Department of Finance, then Legal Department shall prepare the decisions for fines and it shall send the criminal charges to the competent respective Prosecutor.

Regarding licenses issued by the ICMM, it shall be acted according to Article 9 of the LMM in cases where it does not comply with the terms of a license or it loses any of the terms of a license - suspension or revocation of a license or permit for non-compliance.

Mining illegal operations and their group:

1. Illegal operation in exploration
2. Illegal operation in mining and
3. Illegal operation in special operations

Legal basis and organization structure of inspections in regions?

Inspectorate of mines has responsibilities according to the directives compiled by the Chief Inspector of Mines.

According to the distribution of responsibilities and the progress of inspection duties, the inspectorate of mines has the following responsibilities:

- Inspector of mines (mining inspector and geologist) by an inspector in each region. In total five regions.
- Inspector of mines for inspections of underground mines.
- Inspector of surface mines KEK, Ferro-Nickel, Sharr Cem.
- Inspector of mines for explosive.
- Inspector of mines machinery and electrics.
- There is as well an officer for quality control within this structure.

How are operators identified during inspections, if they possess licenses and permits?

Inspectorate of mines has under their control all operators exercising their activity according to licences and permits. This is done by integrated Geo-Database system, an ICMM Database that contains data for each operator depending on their status they have.

What does it mean with the status of operator?

Each operator in the above-mentioned Database contains data related to status and this means:

- Operator has only application for permit and license and it is in its review stage to be provided with permit or license.
- Operator has active permit and license and it is in its working stage and it has specified as well the term of permit and license.
- Operator has a suspended status of mining activity depending on his request or any other circumstances where among other things are: loss of validity of any consent as a criterion of a license or permit or noncompliance of obligations by operator, set by ICMM.
- Operator has a cancelled license or permit and it is in final stage or license or permit have been closed.
- Operator has been identified as illegal operator without license and permit and it is identified how many times it has exercised its illegal activity and in which locations.

How does ICMM act according to procedures, identification of an illegal operator?

This has been explained above within this explanatory chapter respectively according to LMM (Law on Mines and Minerals) Article 70. However, to make a criminal charge as functional and documented as possible, the ICMM has a document named "Circular" that makes each Department of the ICMM responsible and obliged to compile their reports procedurally until finalization of a completed criminal charge to the prosecutor.

How does this circular function and how do the procedures of the progress for a criminal charge?

The circular is accessible for the ICMM and it functions from these Departments:

1. INSPECTORATE-Report of the Inspectorate of Mines – Report for illegal mining activities.
2. REGISTRATION OFFICE- Electronic and physical archive
3. SURVEY- Report of the Survey Department.
4. FINANCES-Report of the Finance Department.
5. LEGAL OFFICE-Decision related to the fine and criminal charge.
6. GEOLOGY- Report of the Geology and GIS Department.
7. APPEALS REVIEW COMMISSION
8. ICMM BOARD.

First step - Report of the Inspectorate of Mines – Report for illegal mining activities

- Region Inspector of mines or other inspectors of the ICMM firstly identify the operator encountered for a mining activity where the mineral commodity has for purpose commercialization (so it means the operator profits materially from the excavated mass and it is considered as mineral “non-taxed” mass).
- Inspector takes basic records to prepare a field report. Basic data needed to fulfil a field report by the Inspector of Mines shall include:
 - Data of operator,
 - Records about location,
 - Records about the mine mineral type,
 - Records on machinery with which he is working,`
 - Records with field’s coordinates where the excavation is done,
 - Other additional records as needed.

After the Inspector takes these records, he issues a document to the operator found “Order to cease illegal activity”.

- Inspector when issuing this order with the data taken from the field then it verifies the zone in Geo-Database in the ICMM for the said location and it compiles a report named “Report on illegal mining activities” and if there are reasons to recommend survey measurements then he obliges the Survey Department to make survey measurement.
- Here it is finished the Inspectorate report by which other Departments of the ICMM can process the circular according to point 2.

Second step - Report of Registration Office Electronic and physical archive

- From the title of the report submitted for archiving, an electronic folder is immediately created with the name of the company or physical persons and there it is saved this scanned and registered report. The initial report by inspector is scanned in order to continue with other reports according to above explanations and other reports according this explained circular.

Third step - Report of the Survey Department

- From the report of the Inspectorate if it takes a recommendation that it shall be done survey measurements, it shall be done together with one of the inspectors of Mines who compiled the report. The measurement must not be done later than three working days, except it can be postponed in exceptional circumstances, if the Survey Department has other obligations that cannot meet this deadline. Such cases of measurement delays are very few or almost none of them.
- After there are done measurement and comparison of the volumes before excavation and the exploited area, this department shall compile a report entitled: "Report on Volume Calculation", the volume mass excavated from this zone (pit) where the operator has been encountered.
- This report as registered and scanned is put into the folder via the archive according to the "second step" explanation
- Here it is finished report of the Survey Department by which other Departments of the ICMM can process the ordering according to circular from point four.

Fourth step - Report of the Finance Department

- After the report is prepared by the Survey Department, the Registration office shall forward the report according to the title of the report to the Finance Department and together with the data related to the resource type in which category of mineral resources belong to, then it imposes to the operator two fines in the value of 5,000 € and the other according to the triple of royalty for that mineral resource by multiplying with the measured volume.
- The Finance Department gives the statement for the monetary value for the damage caused from the report registered in table
- Here the report of the Finance Department is finished in order to open the path to the other ICMM's Departments to proceed with the circle according to the point 5.

Fifth step – Decision for fine and criminal charge

- After the Legal Office takes these data from the Finance Department from Registration office , it is figured out if the conditions have been fulfilled according to the circular and it compiles two letters:
 - Decision act related to fine including basic elements from the reports explained according to the circular and
 - Criminal charge
- These two documents shall be saved as registered and scanned in the folder from Archive according to the "second step"

Sixth step – Report of the Geology and GIS Department

- Upon receiving the ruling from archive, Geology shall insert data and location according to explanation of the second step" where it is encounter illegal operation.
- Here it is finished the evidence of the operator's data with location and quantity of mineral resource.

Seventh step– Report of ARC

- After the company has received the ruling for fine, then the legal term derives for the right to appeal.
- The appeal shall be scanned and it shall be saved as registered and scanned in the folder from Archive according to the “second step”
- If the company appeals against ruling, then the ARC² (Appeals Review Commission) shall review the appeal with the proofs submitted by the appellant and the state created by circular and it gives recommendations for the ICMM Board.

Eighth step – Decisions of the ICMM Board

- The ICMM Board analyses the recommendations and it has a right to approve, to return it for review, to refuse the ARC recommendations.
- After this decision the unsatisfied part has a right to appeal only in the Basic Court, Department for administrative issues.
- The ruling shall be scanned and it shall be saved as registered and scanned in the folder from Archive according to the explanation of “second step”.

If the ICMM has a well-regulated imposing of criminal charges, then are there mandatory and offence penalties?

Law on Mines and Minerals is a special law and the procedures of infringement or misuse of resources is regulated and categorized as a criminal offence, whereas the law doesn't foresee it for violation.

Except criminal charges of criminal offence theft of resource, ICMM also has administrative and mandatory penalties.

As this document foresees only environmental protection then it can be explained only some articles of mandatory penalties that the ICMM can impose in degradation cases by mining activities to the licensed legal operators.

ADMINISTRATIVE PENALTIES

- DA013- If legal person after temporary cease of exploration or mining operations, does not apply the appropriate safety measures by which there will be excluded the possibility of appearing the risk for people, animals and property..... The measure of imposing a fine 5,000 €
- DA014 - If legal person does not rehabilitate and re-cultivate the land damaged by exploration, processing and mining operations..... The measure of imposing a fine 10,000 €
- DA019- If legal person does not apply the measures on environmental protection..... The measure of imposing a fine 10,000 €

² ARC-Appeals Review Commission consisting of five professional internal member of the ICMM

ILLEGAL OPERATION IN EXPLORATION - ICMM

means all those operations carried out by the physical or legal persons who carry out exploration operations such as:

- a) without exploration licence
- b) in expired, closed or suspended licence and
- c) outside the licence zone foreseen in the conditions set in licence.

These cases with illegal exploration operations have not been identified nowhere.

Specification of these explorations are that there are cases when other institutions (KFA) which in one way they are owner of parcels where the enterprises want to do exploration and that they do not get approval for owner and there is noncompliance that exploration cannot be carried out without consent of the owner. ICMM has not regulated this by the Law because zones for exploration licence are with great surface and with multiple parcels that carry out explorations and this exploration issue is regulated between enterpriser and owner of parcel where the exploration is carried out.

Exploration operations cannot cause great degradations for environment only in some minor cases such as exploration with trenches that that have interest for a metallic mineral resource, these are very few cases.

ILLEGAL OPERATION IN MINING- ICMM

These operations are more noticeable and they have to do with commercial activity of resource without possession of a licence by the legal persons.

These cases are considered illegal mining operation:

When meeting a physical or legal person who does not show a mining license to the inspectorate of mines.

When there is a mining operation: excavation-loading-transport of the excavated mass for commercialization (ascertainment of commercialization of excavated mass)

When this excavated mass according to the point (c) is not stored in any other location for which it has a consent from the owner for both excavation and filling of excavated mass but it is not known land of storage or storage does not cause a risk to the environment in relation to the stored volume.

Commercialization of the blasted mass where the request for a special blasting is redestined for something else such as: opening of roads, rehabilitation of the state, creation of different levels and such a mass is commercialized (ICMM cannot charge such excavated mass for royalty without license number)

ILLEGAL OPERATIONS WITH ENVIRONMENTAL DEGRADATION CONSEQUENCES AND CAUSING THE RISK-ICMM

The consequence of an illegal operation in mining is always manifested by causing environmental degradation and risk to humans and animal. According to mineral deposits, we distinguish illegal operation such as:

Inert deposits (sand and gravel)

- We have degradation of the riverbed along the rivers, degradation of rivers cadastre and river displacement in zones where we have property damage and risk of loss of surface water in attempt of drainage in groundwater as a result of damage to the floor layer of the riverbed. (Figure 18 photo 1, 2, 3, 4)







Figure 18 Illegal mining in rivers and degradation of riverbeds - ICMM

The inspector of mines in these cases when he ascertain that it doesn't have a licence, starts the procedures taken for identification of illegal operator and process the case according to the presented circular.

- There is damage to property – farmlands in the farmlands from the border of the surrounding lands as a result of the erosion of the area's border where mining have been carried out and damage to property by the other owner (Figure 19. Photo 1 and 2).



Figure 19 Damage to surrounding farmlands from mining of sands on farmland

Damage of properties in surroundings even if the operator has a license, is not allowed to be done but mining near borders or owners around can be done only when the company licensed to use mineral must have a prior agreement between licensed operator and owners of the farmlands around.

- Causing the risk from re-cultivation often without criterion from the dumping of hazardous waste where as a consequence the groundwater flow can be contaminated as a result of water infiltration from the surface in contact with the waste as a result of mixing the clean water with waste as a result of water contamination. (Figure 20)



Figure 20 Recultivation-filling with waste of mined holes - contamination of land with urban waste - ICMM

This is prohibited and this activity shall immediately cease, an order to cease this activity shall be issued, “a criminal charge” shall be made and the company shall be certainly obliged to clean the re-cultivated zone with hazardous material and it shall be replaced with the necessary re-cultivated material.

- Causing the risk to storage - water bearing basins where people who use them for freshness during summer may be at risk, risk to hunters during winter as a result of not finding that such a zone is profound. (Figure 21)



Figure 21 Creation of water basins as a result of mining of sands - ICMM

These zones shall be shut down by operator who has caused this or by municipal budget of that Municipality where this state has happened.

- The risk of damage to the floor layer of the farmland as a result of the drainage of the zone around the zone where mining have been carried out (Figure 22 Photo 1 and 2).





Figure 22 Mining of inerts in the river, damage to the floor layer of Mirusha riverbed - ICMM

“A criminal charge” shall be made in these cases and it shall immediately process the case for misuse of resources and environmental degradation.

Unconsolidated deposits (clay, quartz sand, soil and similar ones)

Unlike inert ones, these deposits are not found in rivers as a priority, but they have their own negative sides such as:

- There is damage to property – farmlands in the farmlands from the border of the surrounding lands as a result of creating benches, high altitude along the border where we have demolition along the border in the later stages due to the lack of stability of the slope created without criterion (Figure 23).
- Causing the risk from holes - water bearing basins where people who use them for freshness during summer may be at risk, risk to hunters during winter as a result of not finding that such a zone is profound. (Figure 24 photography 1 and 2).



Figure 23 Creation of water dump and damage to border of surrounding farmlands - ICMM





Figure 24 Water dump from mining of clay and sand, degrading basins and risk for people - ICMM

- High altitude of creating the benches as altitude for risking to fall from altitude and
- There is no re-cultivation type to close the mined area with which erosion destroys the topographic state and it creates a bad environmental image (Figure 19 to 24)

Medium hardness mineral commodities (schists, quartz schists, serpentinites, coal, etc)

- In the surface mining there is damage to property – there are often found plants such as: bushes from the border of the bushes as a result of creating benches, high altitude along the border where we have demolition in the later stages due to the lack of stability of the slope created without criterion (Figure 25 Photo 1,2,3)





Figure 25 Mining of coal where mining is carried out without criterion by damaging the environment, causing the risk and damage of the properties around the mining site - ICMM

- In some cases, depending on the deposit, we also have water dump as a risk to children and animals from flooding.
- High altitude of creating the benches as altitude for risking to fall from altitude (Figure 25, 26)



Figure 26 Mining without criterion, creation of altitude of benches and lack of recultivation - ICMM

“A criminal charge” shall be made in these cases and it shall be remedied the state by municipal level where the degradation and causing of risk have happened.

Hard rocks (tectonically destroyed limestone, thin-bedded limestone, hazburgite, fresh serpentinite, collapsed dunites, sericite schists etc.)

- It is characteristic that these deposits have a shallow depth of their use comparing to the deposits mentioned above and we are dealing only with damage to the surface crust that could damage the flora and the environment.
- Creation of holes with shallow depth and damage to the environmental surface image. (Figure 27 Photo 1,2,3 and Figure 28)





Figure 27. The illegal operator has failed to carry out mining in depth and he has only achieved to use that layer that it was allowed by machinery. Field degradation and environmental degradation - ICMM



Figure 28 Damage to environment and risking the final bench as mining without criterion - ICMM

ILLEGAL OPERATIONS IN SPECIAL OPERATIONS - ICMM

Illegal special operations shall mean:

- Separation (sorting plants)
- Processing (concrete and asphalt base) and
- Enrichment (Flotations)

SEPARATION

Illegal separation means any activity that carries out its own illegal operation without permit and that it has installed the machinery in active working condition.

Causing the risk:

- Taking mineral resources in processing by illegal operators or with origin from the operator who has an indirect impact as well on the mining operations. (Figure 29 Photo 1 and photo 2)





Figure 29 The operation of an illegal separation and taking illegally the resource (sand) - ICMM

- Causing the pollution of the environment from the dust, the noise and vicinity of their uncontrolled construction near the residential houses and the technically unaccepted plant.

Such cases shall be processed with criminal charges according to circular since the operators are not provided with the pre-licensing documentation with environmental and municipal consents.

PROCESSING (CONCRETE AND ASPHALT BASE)

Illegal processing means any activity that carries out its own illegal operation without permit and that it has installed the machinery in active working condition.

Causing the risk:

- Taking mineral resources in processing by illegal operators - and special separation operation or with origin from the operator who has an indirect impact on the mining operations. (Figure 30 Photo 1 and 2)



Figure 30 The illegal operation of the concrete base and the mining of the resource processed by sorting plants - ICMM

- Causing the pollution of the environment from the dust, the noise and vicinity of their uncontrolled construction near the residential houses and the technically unacceptable plant.

Such cases shall be processed with “criminal charges “according to circular since the operators are not provided with the pre-licensing documentation with environmental and municipal consents.

ENRICHMENT (FLOTATIONS and ENRICHMENT OF COAL) - ICMM

This phenomenon is not present because the enrichments are costly, they are usually used as plants that enrich the ore with metal and coal content where the mining activity is usually carried out with blasting and it has high extraction costs and that the coal is a non-commercialized mineral in market according to LMM expect for Tertore factory in Obiliq.

MESP

LEGAL BASIS - MESP

Applicable legislation

- Law No. 04/I-175 on the Inspectorate of Environment, Waters, Nature, Spatial Planning and Construction,
- Law No. 03/L-025, on Environmental Protection,
- Law No. 03/I-214, on Environmental Impact Assessment
- Law No. 03/L-015 on Environmental Strategic Assessment,
- Law No. 02/L-102 on Noise Protection,
- Law No. 03/L-160 on Air Protection,
- Law No. 03/L-043 on Integrated Pollution Prevention and Control,
- Law No. 04/I-197 on Chemicals,
- Law No. 04/L-147 on Waters of Kosovo,
- Law No. 03/L-233 on Nature Protection,
- Law No. 04/L-174 on Spatial Planning,
- Law No.04/L-110 on Construction,

In addition to primary legislation in Kosovo, secondary legislation in the area of environmental law is typically issued based on explicit authorisation by a statutory provision for the implementation of law provisions. Secondary legislation comprises of:

- administrative instructions - which are sublegal acts that regulate matters dealing with a limited scope of action (there are more than 70 Administrative Instructions).
- decisions - which are taken by the competent authority and in the framework of authorisations granted by the law in relation to appointments, proposals or dismissals, as well as other administrative issues that require a decision by a respective authority, (there are as well 30 decisions)
- regulations - which are issued based on the authority granted by a given law and in compliance with the aim and the goals of the respective law as well as with a view to regulating issues that the law deals with in detail;

CONSENTS, LICENSES OR PERMITS-MESP

The Department of Environment and Water Protection at MESP administers a total of thirty-eight (38) permits as following, but we will only present those which are necessary:

No.	Department of environmental and water protection
DEPW-13	Consent on management of nature goods of the rocky zones Article 51 LNP No.03/L-233, it is proposed to be removed
DEPW-18	Permit for exploration of location finding of minerals, fossils and exfoliations Article 111 LNP No.03/L-233
DEPW-19	Permit for export of minerals, fossils and exfoliations Article 111 LNP No.03/L-233
DEPW-20	Permit for intervention and works in the strict reserves, special zone, national park, nature park and nature monument Article 34 LNP No.03/L-233
DEPW-26	Licensing of physical persons drafting Environmental Impact Assessment reports (It is proposed to be removed with amendment and supplementation of Law on EIA)
DEPW-27	Licensing of legal persons drafting Environmental Impact Assessment reports (It is proposed to be removed with amendment and supplementation of Law on EIA)
DEPW-36	Integrated environmental permit
DEPW-37	Environmental consent
DEPW-38	Water permit
ARPL-MESP	Water permit for use of water and its discharges

The deadline to reply for the most of Licenses, Consents and Licenses issued by DEPW, is based on the applicable legislation for the general administrative procedure unless otherwise specified by a special law.

1. Department of Environment Protection and Waters (DEPW) within Ministry of Environment and Spatial Planning (MESP) based on the Law No. 03/L-214 on Environmental Impact Assessment issues Environmental Consent. The deadline of Environmental Consent is permanent if the operator's activity begins before the two year period; otherwise the validity of the Environmental Consent is terminated: The Environmental Consent is issued for these activities which include over 100 activities:

- Production and processing of metals,
- Mineral industry,

- Extractive industry,
- Energy industry,
- Transport infrastructure,
- Food industry,
- Waste and wastewater treatment and disposal,
- Water storage, transfer and supply projects,

The decision of Environmental Consents shall contain these data in its form:

1. Issuance date,
2. Reference Number,
3. Name, activity and location of operator,
4. Name and signature of General Secretary, and the stamp of MESP,
5. Name of the document.

The decision of the Environmental Consent is valid after its signature and stamp.

ENVIRONMENTAL CONSENT



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria – Vlada - Government

Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

DATË/A/E:	XXXXXX
REFERENC-Ë/E:	XXXXXX/DEPW
PËR/ZA/TO:	XXXXXXXXXXXX
CC:	
PËRMES/PREKO/THROUGH:	
NGA/OD/FROM:	XXXXXXXXXXXXXX
TEMA/SUBJEKAT/SUBJECT:	XXXXXXXXXX

Zyra e Sekretarit të Përgjithshëm / Kancelarija Permanentni Sekretara / Office of the General Secretary

Ministry of Environment and Spatial Planning has reviewed the Environmental Impact Assessment Report submitted by your company according to request with Reg. No. XXXXXX/DMMU and after its review it has decided as in the decision attached to this cover letter.

1. Decision on Environmental Consent for the operator, with activity and location.

2. Annex: Obligations and liabilities deriving from the Law on Environmental Protection No. 03/L-025 (Article 31, paragraph 1, 2. and Article 35).

Issuance date of the environmental consent

Reference No.

Company name

Department of MESP

Consent title

Article 15

Content of the EIA Report

1. The EIA Report shall contain:
 - 1.1. a description of the project, including in particular:
 - 1.1.1. description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases;
 - 1.1.2. description of the main characteristics of the production processes;
 - 1.1.3. an estimate, by type and quantity, of expected residues and emissions - water, air and soil pollution, noise, vibration, light, heat, ionized and unionized radiation, etc. -resulting from the operation of the proposed project;
 - 1.2. an outline of the main alternatives studied by the developer and an indication of the main reasons for one of this choice, taking into account the environmental effects;
 - 1.3. a description of the environmental aspects likely to be significantly affected by the proposed project, including in particular population, flora, fauna, soil, water, air, climatic factors, material assets, including the cultural, architectural and archaeological and heritage, landscape and inter-relationship between the above factors;
 - 1.4. a description of the likely significant effects of the proposed project on the environment, covering direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects, resulting from:
 - 1.4.1. the execution of the project;
 - 1.4.2. the use of natural resources;
 - 1.4.3. the emission of pollutants, the creation of nuisances and the elimination of waste;
 - 1.4.4. the description by the applicant of the forecasting methods used to assess the effects on the environment. These effects should include those resulting from the construction or execution of the project as well as those resulting from the existence or operation of the project when complete.
 - 1.5. a description of how the proposed project could affect or be affected by the geological storage of CO₂ in storage sites;
 - 1.6 a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse impact on the environment;
 - 1.7. a non- technical summary of the information provided under the above headings;
 - 1.8. an indication of any difficulties -technical deficiencies or lack of know-how encountered by the applicant in compiling the required information.

Remark:

This content is the same for all activities in exercising of general activities.



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria – Vlada - Government

Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

DATË/A/E:	15.02.2019
REFERENC-Ë/E:	Registration Number/ DEPW
PËR/ZA/TO:	Name of operator and location
CC:	
PËRMES/PREKO/THROUGH:	
NGA/OD/FROM:	General Secretary of MESP
TEMA/SUBJEKAT/SUBJECT:	Decision

Zyra e Sekretarit të Përgjithshëm / Kancelarija Permanentni Sekretara / Office of the General Secretary

Ministry of Environment and Spatial Planning has reviewed the Environmental Impact Assessment Report submitted by your company according to request with Reg. No.: Registration Number/DMMU and after its review it has decided as in the decision attached to this cover letter.

1. Decision on Environmental Consent for concrete base in Malisheve.
2. Annex: Obligations and liabilities deriving from the Law on Environmental Protection No. 03/L-025 (Article 31, paragraph 1, 2. and Article 35).

Kind regards,



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria – Vlada - Government

Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

Zyra e Sekretarit të Përgjithshëm / Kancelarija Permanentni Sekretara / Office of the General Secretary

Ministry of Environment and Spatial Planning pursuant to Article 29 paragraph 1 of the Law No. 03/L-025 on Environmental Protection, Article 22 and Article 25 of the Law No. 03/L-214 on Environmental Impact Assessment and Article 44 of the Law No.05/L-031 on General Administrative Procedure issues this:

DECISION

It is APPROVED the request of the company “NAME OF OPERATOR” L.l.c Location for Environmental Consent for the activity of operator and location.

Justification

Ministry of Environment and Spatial Planning (MESP) has reviewed the request, EIA Report, documentation submitted and the Municipal consent of the company “NAME OF OPERATOR” L.l.c. Location, for Environmental Consent for concrete base in Location, in the part of cadastral parcel No. P-72310047-01376-1, case number 2206-3018, Cadastral zone Location. A public debate has been held pursuant to Law No. 03/L-214 for EIA, Article 20 and in this case, the Ministry of Environment and Spatial Planning gives an Environmental Consent for concrete base for it with the following conditions:

- To concrete and isolate the plateau where the equipment for concrete production is located, as well as all functional surfaces;
- To set a system for the treatment of industrial waters and atmospheric waters created on operational surfaces during precipitation (sedimentation and separator for the separation of derivatives and oils from water), prior to their discharge;
- To concrete and isolate the storage plateau where the oils and derivatives are stored, as well as residues from by-products created during the production and washing process of auto mixers;

- To make permanent monitoring of dust filters, replace damaged ones;
- To hermetic seal the pipes and channels for the transmission (transport) of cement, to isolate all generation points of dust.
- To monitor the emissions of dust and water discharged into the environment;
- The laboratory results shall be reported to the Ministry of Environment and Spatial Planning, based on agreement;
- To set adequate equipment for the disposal of solid and liquid waste;
- Levelling, greening of the terrain and adjustment of the field fence near the concrete base;
- Make a plan for remedial measures in case of pollution and damage to the environment, during the implementation of the project and after its completion.

The applicant, except the above mentioned conditions, shall comply with the recommendations and conditions described in the EIA report.

If the above conditions are not fulfilled, consent will be cancelled (will be taken).

Operator is obliged by Law to apply for Environmental Consent.

This Environmental Consent is valid for two years pursuant to Article 25 of the EIA Law No. 03/L-214.

This decision shall enter into force on the day of its issuance.

Legal advice: Unsatisfied party can initiate an administrative conflict with a charge to the Basic Court in Prishtina against this decision, within 30 days after the receipt of the same one.

Ministry of Environment and Spatial Planning
No.: Registration Number xx /xx date: xx.xx.20xx
Prishtina

It shall be sent to:

1. The Applicant
2. EIA Commission
3. Inspectorate
4. The Cabinet of the Minister
5. MESP Archive

General Secretary

2. ANNEX: Obligations arising from the Law No.03/L-025 on Environmental Protection on further procedure (Article 31, paragraph 1, 2. and Article 35).

ENVIRONMENTAL PERMIT

Article 31 Environmental Permit

1. Constructed facilities, installations and machinery that have been subject to Environmental Impact Assessment cannot commence operations without an Environmental Permit.
2. An Environmental Permit shall be issued for a five-year period, and during the determined procedure for technical acceptance and probation period for the technical approval of objects and facilities, but not later than six month after starting of operations.

For the above mentioned activities, based on Law No. 03/L-025, on Environmental Protection and Administrative Instruction No. 07/2017, of Environmental Permit, for all activities for which Environmental Consent is issued, Environmental Permit is also issued. The environmental permit shall be issued according to procedure set for the technical acceptance of the objects and facilities or after the completion of probation work for up to six months, but nevertheless prior to commissioning. The term of the Environmental Permit is 5 years. A draft decision of the Environmental Permit is presented as following



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria – Vlada - Government

Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

Zyra e Sekretarit të Përgjithshëm / Kancelarija Permanentni Sekretara / Office of the General Secretary

DATË/A/E:	xx.xx.20xx
REFERENC-Ë/E:	xx/xxxx/xx/DEPW
PËR/ZA/TO:	“NAME OF OPERATOR” L.I.c. Location Activity, Exploration, crushing and separation of limestone in the location.
CC:	
PËRMES/PREKO/THROUGH:	
NGA/OD/FROM:	General Secretary of MESP
TEMA/SUBJEKAT/SUBJECT:	Decision on Environmental Permit

Ministry of Environment and Spatial Planning has reviewed the request to obtain Environmental Permit of the company “NAME OF OPERATOR” L.I.c. Location, with Reg. No. xx/xxxx/xxx/DMMU, date: xx.xx.20xx.

MESP after reviewing the above-mentioned request, a series of meetings and site visits, make the decision which it is attached to this cover letter together with annex:

1. Decision on Environmental Permit for the company “NAME OF OPERATOR” L.I.c. Location for activities: exploration, crushing and separation of limestone in the Location.
2. Annex: Obligations and liabilities deriving from the Law on Environmental Protection No. 03/L-025 and Administrative Instruction on Environmental Permit No. 07/2017.



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria - Vlada - Government

Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

Zyra e Sekretarit të Përgjithshëm / Kancelarij Generalnog Sekretara / Office of the General Secretary

Ministry of Environment and Spatial Planning pursuant to Article 31 of the Law No. 03/L-025 on Environmental Protection and Administrative Instruction No. 07/2017, of Environmental Permit, issue this:

DECISION

Environmental Permit

Company “Xxx” L.l.c. location – Municipality for activities: exploitation, crushing and separation of limestone in the Location– Municipality.

Justification

After review of the request for environmental permit, field visit and review of the additional information for the company “NAME OF OPERATOR” L.l.c. Location, for activities: exploitation, crushing and separation of limestone, on the cadastral parcels: No. xxx, cadastral zone Location, Ministry of Environment and Spatial Planning shall assess if the operator fulfils the technical and environmental conditions and it takes Decision to issue Environmental Permit.

Operator is obliged to:

- To continuously monitor equipment, respectively the fulfilment of technical requests, boundary value of air quality to be in the allowed level;
- Report on results of monitoring the air quality according to the dynamics set by legislation to be submitted to MESP;
- To notify MESP if there are any technical damages during operation and that will have impact in environment and population health;

- Spraying system (with water) to be functional;
- To maintain fencing of parcel where it is done the exploitation of limestone;
- To comply with the conditions of exploitation of limestone according to the description in application;
- Person of engineering profile who is responsible for environment shall be for environment managing system;
- After completion of activity, the operator is obliged to return the location in previous state.

This Environmental Permit is issued for the period of 5 (five) years, in conformity with Article 31 paragraph 2 of the Law No 03/L-25 on Environmental Protection and Administrative Instruction No. 07/2017 for Environmental Permit.

This decision shall enter into force on the day of its issuance.

Legal advice: Unsatisfied party can initiate administrative conflict with charge against to this decision to the Court within 30 days after the receipt of this decision.

Ministry of Environment and Spatial Planning
No.: 19/2135/ZSP/ xxxx /19 date: xx.xx.20xx.
Prishtina

It shall be sent to:

1. The Applicant
2. Municipality
3. DEPW
4. Inspectorate
5. The Cabinet of the Minister
6. MESP Archive

General Secretary

INTEGRATED ENVIRONMENTAL PERMIT

MESP based on the Law No. 03/L-043 on Integrated Prevention Pollution Control issues **Integrated Environmental Permit**. IEP is valid for ten (10) years. You have a following draft of IEP.

IEP is issued according to the Annex I of the Law 03/L-043 on IEP and for these activities:

1. Energy industries
2. Production and processing of metals,
3. Metal industry,
4. Chemical industry,
5. Waste management ,
6. Mining activities
7. Underground extraction of mineral resources with an extraction capacity exceeding one hundred thousand (100,000) tonnes per year.
8. Open-cast extraction of mineral resources on a site exceeding twenty five (25) hectares , and
9. Other activities



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria – Vlada - Government
Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

Zyra e Sekretarit të Përhershëm / Kancelarija Stalnog Sekretara / Office of the Permanent Secretary

DATË/A / E:	
REFERENC-Ë /E:	
PËR/ZA/TO:	“NAME OF OPERATOR”, Location
CC:	
PËRMES/PREKO/THROUGH:	
NGA/OD/FROM:	Mr. Xxxx Xxxx , General Secretary of MESP
TEMA/SUBJEKAT/SUBJECT:	Decision for Integrated environmental permit

Dear Sir/Madam,

Ministry of Environment and Spatial Planning has reviewed the application for Environmental Permit of the operator “NAME OF OPERATOR”, Location with Registration No.. Commission after it had a series of meetings with the representatives of “NAME OF OPERATOR”, Location and after having a Public Debate has decided as in the decision attached to this cover letter.

1. Decision on issuance of Integrated Environmental Permit “NAME OF OPERATOR”, Location.

Kind regards,



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria – Vlada - Government
Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

Zyra e Sekretarit të Përhershëm / Kancelarija Stalnog Sekretara / Office of the Permanent Secretary

INTEGRATED ENVIRONMENTAL PERMIT

Permit Number 2A

Ministry of Environment and Spatial Planning, based on Article 30 of the Law No 03/L-025 on Environmental Protection, Law No. 03/L-043 on Integrated Pollution Prevention and Control and Administrative Instruction No.03/2011 on Form, Content and Completing Method of Application for an Integrated Permit and according to the request of operator “NAME OF OPERATOR”, Location, makes this:

DECISION

On issuance of Integrated Environmental Permit

Operator: “NAME OF OPERATOR”, Location

Address: “xx xx” No. xx, postal code.

Postal Code City: xx -xx

State: Republic of Kosovo

Company Registration Number: xxxxxx

Cadastral Zone: location

Cadastral zone number: xxxxxxxx

Certificate number: UL-xxxxxxx-xxxxx

For operation of the plant in: Location

The full name of the plant: "NAME OF OPERATOR", Location

Application of the operator "NAME OF OPERATOR", Location submitted to the Ministry of Environment and Spatial Planning on date is in compliance with the provisions of the Law No. 03/L-043 on Integrated Pollution Prevention and Control and Administrative Instruction No.03/2011 on Form, Content and Completing Method of Application for an Integrated Permit.

Operator has presented all necessary documentation in the application according to the Law on Integrated Pollution Prevention and Control.

The Operator has presented the list of Consents: Environmental Consent for storage location "NAME OF OPERATOR", Location and Activity. The applicant declares true, accurate, complete and available to the public all information presented in this application, as well as proof of payment of administrative fee.

The Commission has reviewed the application, held a series of meetings with representatives of the "NAME OF OPERATOR", Location and with activity

After preparation of the first draft, the Public Debate was held on the date

In compliance with the above data the Commission considers that the operator "NAME OF OPERATOR", Location, has fulfilled all conditions for obtaining the **Integrated Environmental Permit**.

No.: /ZSP/ / date:

Prishtina

It shall be sent to:

1. Operator
2. Commission for IEP/DEPW
3. Inspectorate
4. The Cabinet of the Minister
5. MESP Archive

General Secretary

LICENSING ON MANAGEMENT OF ALL WASTES

Based on the Law No. 04/L-060 on Waste and provisions of Administrative Instruction of Waste Administration Licensing No.9/2014, DEPW-MESP issues Licenses on managing all waste types drafted by Board. License is valid for 5 years.



Operator who has to apply for LMW



Republika e Kosovës
Republika Kosova-Republic of Kosovo

Qeveria -Vlada-Government

Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Sredine i Prostornong Planiranja
Ministry of Environment And Spatial Planning
Departamenti për Mbrotjen e Mjedisit dhe Ujërave
Department of Environment Protection and Waters
Departament za Zaštitu Sredine i Voda

LISTË DISTRIBUIMI/ CIRKULARNO PISMO/ ROUTING SLIP

REFERENCE/E:		Request Reg. No. xx/xxx/x-xxx-DMMU, dat xx.xx.20xx			
PËR/ZA/TO:		General Secretary of MESP			
CC:					
PËRMES/PREKO/THROUGH:		xxxt xxx, Director of DEPW			
NGA/OD/FROM:		Xx Xxx, Chairman of the Board			
TEMA/SUBJEKAT/SUBJECT:		Board decision for Licensing on management of wastes for company :“NAME OF OPERATOR”, Location			
Nr. i zyrës:	1517	Lokacioni:	Objeki Qeveritar - Ish	Data:	xx.xx.20x
Br. kancelarije:		Kucni:	Rilindja Kati XV	Datum:	x
Room No.:		Extension:		Date:	
Për AKTIVITET/ZA AKTIVNOST/for action					<input checked="" type="checkbox"/>
Për MIRATIM/ZA USVAJANJE/for approval					<input checked="" type="checkbox"/>
Për NËNSHKRIM/ZA POTPIS/for signature					<input checked="" type="checkbox"/>
Për KOMENTE/ZA KOMENTARE/for comments					<input type="checkbox"/>
A MUND TË DISKUTOJMË/DALI MOZEMO RASPRAVLJATI/may we discuss					<input type="checkbox"/>
VËMENDJA JUJ/VASA PAZNJA/your attention					<input type="checkbox"/>
SIPAS DISKUTIMIT/KAKOJE RASPRAVLJENO/as discussed					<input type="checkbox"/>
SIÇ ËSHTË KËRKUAR/KAKO JE ZATRAZENO/as requested					<input checked="" type="checkbox"/>

SHËNIM DHE PËRGJIGJE/BELESKA I ODGOVOR/NOTE AND RETURN	<input type="checkbox"/>
PËR INFORMIMIN TUAJ/ZA VASU INFORMACIJU/for your information	<input type="checkbox"/>
AFATI/KRAJNI ROK/DEADLINE	

Board established with decision of Minister No. xx/20xx registered with No. xxx/xx dated xx.xx.20xx on evaluation and issuance of Waste Management License, in the meeting held on 17.06.2019 has reviewed the request with registration number 2596/19 dated 02.05.2019 of the company "NAME OF OPERATOR" Location and based on Article 55 of the Law No. 04/L-060 on Waste and provisions of Administrative Instruction of Waste Administration Licensing Nor.9/2014, Board evaluated that the applicant "NAME OF OPERATOR" Location, fulfils the conditions on waste management and proposes to Minister of MESP, to approve this:

DECISION

1. The company "NAME OF OPERATOR" Location, is licensed for Centre/object for activity:
2. Collection, accumulation, storage and physical treatment of oil and fats with No of KEM: 200125. According to the conditions set by Law No. 04/L-060 on Wastes and Administrative Instructions No. 09/2014,
3. Applicant from point 1 is responsible for eventual environmental damages caused during waste management.
4. Applicant from point 1 is obliged to present a report in MESP according to Article 29 of the Administrative Instructions No. 09/2014 and to fulfil legal obligations based on which license is issued.
5. The term of licenses is five (5) years from the licensing date.
6. Applicant from point 1 is represented by Xxxx Xxxx with personal identification No. 1xxxxxxxxx, in the capacity of technical manager and professional responsible person.

Justification

The board for assessment and issuance of license for waste management of MESP, has reviewed the request with registration No. 2596/19, date xx.xx.20xx of "NAME OF OPERATOR" Location, with Business No. assessed that the applicant fulfils the conditions for licensing of waste management from point 1 of this Decision for which the Decision for licensing is taken as in disposition.

WATER PERMITS

Whereas based on the Law No. 04/L-147 on Waters of Kosovo and Administrative Instruction No. 03/2018 on procedures for Water Permits, Regional Authority of River Basin (RARB) within MESP issues Water Conditions, Water consent which are conditions to obtain Water Permit. The term of Water Permit is from 2 to 25 years. Water consent and water permit shall be issued for:

- extracting water for general consumption,
- discharge of polluted waters,
- indirect discharge of underground waters,
- artificial insertion of underground waters,
- construction, reconstruction or demolition of buildings and equipment that affect the water regime and water property;
- activity of regulation of water flow
- activities of mines and geological works which affect the water regime;
- building and regulation of tailings,
- for hydro-geologic research and collecting data;
- exploitation of sand, gravel, stone and clay;
- use of water in order to use electricity and geothermal energy and
- other activities that may affect the water regime
- and some other activities.

- Procedures for water permits to the users of operation with inerts (separation, quarry, etc.) who apply to use water, water discharge from production and extraction of inerts from riverbed, are presented as following:

- Party shall apply in RARB- MESP to obtain the right to use water resource and it is in procedure according to the criteria foreseen in the Law No. 04/L-147 on Waters of Kosovo and AI No.03/2018, on procedures for Water Permits.

1. What do water conditions mean?

- By water conditions it is decided on the examination of terms for realization of the water right according to the request presented at the concrete location and for the specific destination, there are set the conditions that must be completed by the documentation for the construction of objects and realization of the activities.
- In addition to the water conditions, it should be attached as well the documentation presented in the following figure.

Të dhënat e aplikantit:		I autorizuar: Jo <input type="checkbox"/> Po <input type="checkbox"/>
Emri dhe mbiemri/ emri i biznesit:		
ID personale/ numri i biznesit:		
Adresa:		
Nr.tel/ e-mail:		


 Republika e Kosovës
 Qeveria
 Ministria e Mjedisit dhe Planifikimit
 Hapësior

AUTORITETI I RAJONIT TË PELLGJEVE LUMORE
Kati XV / Zyra 1603/Ndertesha e ish Rindesjes,
10000 Prishtine

APLIKACIONI PER KUSHTE UJORE

Të dhënat e objektit ose aktivitetit : (të dhënat baze të objektit ose aktivitetit,lloji,destinimi e ngjashëm)	
Qëllimi: (qëllimi dhe destinimi i ndërimit te objektit ose aktivitetit)	
Lokacioni: (Të dhënat mbi lokacionin e objektit planifikuar ose aktivitetit:Komuna,zk,parc)	
Arsyet shites:	

Aplikacionit varësisht nga qëllimi i objektit ose aktivitetit i bashkëngjitet:

- Kopja e vërtetuar e certifikatës së biznesit dhe numrit fiskal;
- Kopja e vërtetuar e ID;
- Dëshmi mbi pagesën e tarifave administrative;
- Autorizimi mbi përfaqësimin e aplikuesit;
- Studimi i hartuar nga personi juridik i cili i plotëson kushtet dhe kriteret sipas këtyj udhëzimi;
- Certifikata mbi pronësinë (lëshon zyra komunale e regjistrimit të tokës);
- Kopja e planit kadastral e lëshuar nga organi kompetent /me të dhënat mbi paluejtshmërinë, trashëgimimin e tjera;
- Situacioni i lëveshmëri i terrenit me shënimin e lokacionit në 1:1000 – 1:5000;
- Mendimin mbi përputhshmërinë e aktivitetit të planifikuar me dokumentet e planifikimit hapësior të lëshuara nga ana e organit kompetent për planifikim hapësior;
- Dokumentacionin mbi hulumtimet e deritanismje,dhe
- Dokumentacionin tjetër sipas kërkesës së Autoritet të rajonit të pellgjeve lumore.

Data dhe vendi:

Nënshkrimi i Aplikuesit:

(nënshkrimi personal përgjegjës)

Mbi përmbajtjen e studiumit, shënimet paraqiten ne faqen e dyte (rrutullo!)

Të dhënat e aplikantit:	I autorizuar: Jo <input type="checkbox"/> Po <input type="checkbox"/>
Emri dhe mbiemri / emri i biznesit:	
ID personale/ numri i biznesit:	
Adresa:	
Nr.tel/ e-mail:	

Republika e Kosovës
Qeveria
Ministria e Mjedisht dhe Planifikimit
Hapësiror

AUTORITETI I RAJONIT TE PELLGJEVE LUMORE

Katë XVI /Zyra 1603/Ndërresa e ish Rilindjes,
10600 Prishtinë

APLIKACIONI PER LEJE UJORE

Të dhënat e objektit ose aktivitetit : (te dhënat baze te objektit ose aktivitetit ,llloji,destinimi e ngjashëm)	
Qëllimi: (qëllimi dhe destinimi i ndërtimit te objektit ose aktivitetit)	
Lokacioni: (Te dhënat mbi lokacionin e objektit planifikuar ose aktivitetit Komuna,zk, parce)	
Te dhënat mbi Dokumentacionin projektues (Numri dhe data e dokumentit të lëshuar, emri organit i cili e ka lëshuar)	
Te dhënat mbi lejen e lëshuar te ndërtimit (Numri dhe data e dokumentit te lëshuar,emri organit i cili e ka lëshuar)	

Aplikacionit varësisht nga qëllimi i objektit ose aktivitetit i bashkëfshillet:

1. Kopja e vërtetuar e ID ose certifikatës së biznesit (vetëm për persona juridikë);
2. Kopje e vërtetuar e certifikatës së numrit fiskal;
3. Dëshmi mbi pagesën e tarifave administrative;
4. Autorizimi mbi përfundimin e apjekutit;
5. Kopja e vendimit mbi lejimin e ndërtimit;
6. Kopja e vendimit të Pëlqimit Ujore;
7. Projekti i gjendjes së zbatuar
8. Rregulloret(akt i përgjithshëm) mbi mirëmbajtjen,shfrytëzimin dhe vëzhgimin e objektit ujore dhe sjelljen në rast të dëmeve ose аварис;
9. Programin i aprovuar i monitorimit dhe raportimit(periodik ose vjetor)nmbi testimin dhe vlerësimin e kualitetit te ujrave te ndotura;
10. Te dhënat mbi lejen e lëshuar mjedisoro,kushteve ndërtimore ose kopjet e vendimeve te lëshuara
11. Dokumentacioni tjetër sipas kërkesës se Autoritetit te rajonit te Pellgjeve

Data dhe vendi:

Nënshkrimi i Aplikuesit:

V.V

[nënshkrimi personit përgjegjës]

Figure 31 Application for water conditions – MESP

Figure 32 Application for water consent – MESP

What does Water Consent mean?

- It is verified with water consent that the documentation attached to the application for water consent has been drafted in accordance with water conditions, water legislation and planning documents for the respective region.
- In addition to the application for a water consent, it must be attached the documentation presented in the application.
- Water permit is provided for all objects and activities by which the issuance of water consent is determined by legal provisions, except the extraction of material from water streams and regulation of water streams and other waters.
- In addition to the application for a water permit, the operator must also attach the documentation presented in the application.

What do these documents, (conditions, consent and permit) look like, copies with photo?

Të dhënat e aplikantit:		I antaruar: Jo <input type="checkbox"/> Po <input type="checkbox"/>																				
Emri dhe mbiemri / emri i biznesit:																						
ID personale/ numri i biznesit:	<table border="1" style="width: 100%; height: 1.2em;"> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>																					
Adresa:																						
Nr.tel/ e-mail:																						

Republika e Kosovës
 Qeveria
 Ministria e Mjedisit dhe Planifikimit Hapësinor

AUTORITETI I RAJONIT TE PELLGJEVE LUMJORE
 Kati XVI/Zyra 1603/Ndërrëse e ish Rilindjes, 10000 Prishtinë

APLIKACIONI PER LEJE UJORE

Te dhënat e objektit ose aktivitetit : (te dhënat bazë te objektit ose aktivitetit, lloji, destinimi e ngjashëm)	
Qëllimi: (qëllimi dhe destinimi i ndërtimit te objektit ose aktivitetit)	
Lokacioni: (Te dhënat mbi lokacionin e objektit planifikuar ose aktivitetit: Komuna, z.k, parë)	
Te dhënat mbi Dokumentacionin projektues (Numri dhe data e dokumentit të lëshuar, emri organit i cili e ka lëshuar)	
Te dhënat mbi lejen e lëshuar te ndërtimit (Numri dhe data e dokumentit te lëshuar, emri organit i cili e ka lëshuar)	

Aplikacionit varësisht nga qëllimi i objektit ose aktivitetit e bashkëngjitet:

1. Kopja e vërtetuar e ID ose certifikatës së biznesit (vetëm për persona juridik);
2. Kopje e vërtetuar e certifikatës së numrit fiskal;
3. Dëshmi mbi pagesën e tarifave administrative;
4. Autorizimi mbi përfaqësimin e aplikuesit;
5. Kopja e vendimit mbi lejimin e ndërtimit;
6. Kopja e vendimit të Pëlqimit Ujorë;
7. Projekti i gjendjes së zbatuar
8. Rregullore (akt i përgjithshëm) mbi mirëmbajtjen, shfrytëzimin dhe vëzhgimin e objektit ujor dhe sjelljen në rast të dëmeve ose avarive;
9. Programin i aprovuar i monitorimit dhe raportimit (periodik ose vjetor) mbi testimin dhe vlerësimin e kualitetit të ujërave të ndotura;
10. Te dhënat mbi lejen e lëshuar mjedisore, kushteve ndërtimore ose kopjet e vendimeve të lëshuara
11. Dokumentacioni tjetër sipas kërkesës së Autoritetit të rajonit të Pëllgjeve

Data dhe vendi: _____
 V.V

Nënshkrimi i Aplikuesit: _____
 (nënshkrimi personit përgjegjës)

Figure 33 Water Permit Application – MESP

Republika e Kosovës
Republika Kosova - Republic of Kosovo
 Qeveria – Vlada - Government
 Ministria e Mjedisit dhe Planifikimit Hapësinor
 Ministarstvo Sredine i Prostornog Planiranja
 Ministry of Environment and Spatial Planning

Zyra e Sekretarit të Përgjithshëm/Kancelaria Opsteg Sekretary/Office of the General Secretary

DATE/A:	XXXXXX	
REFERENCË:	XXXXXX	ARPL / 2019
PËR/Z/TO:	XXXXXXXXXX	
CC:		
PËRMES/PREKO/THROUGH:		
NGA/OD/FROM:	XXXXXXXXXX	
TEMA/SUBJEKAT/SUBJECT:	XXXXXXXXXX	

Sipas kërkesës tuaj me nr. të protokollit xxxxxx, organi kompetent i MMPH-së ka shqyrtuar aplikacionin për dhe ka vendosur si në vendimin e bashkangjitur të kësaj letër përcjellëse.

Nr. i protokollit të operatorit _____

Data e lëshimit të Vendimit _____

"Me respekt"

Data e lëshimit të Vendimit

Numri i Protokollit

Operatorin

Sekretari i Përgjithshëm, Nënshkrimi dhe Vula, MMPH-së

Leje ujore ose Pelqim Ujorë , Kushte Ujore

Figure 34. Form of a Decision (Water Permit, Water Consent, Water Conditions) MESP

How does an enterprise with documentation from MESP conduct an activity?

In order that the company commence its activity in lawful and legal way before commencement of activity, shall apply and obtain with:

1. Environmental consent,
2. Environmental permit,
3. Integrated environmental permit
4. Water permit.

PROCEDURES ON ISSUANCE OF A CONSENT OR PERMIT-MESP

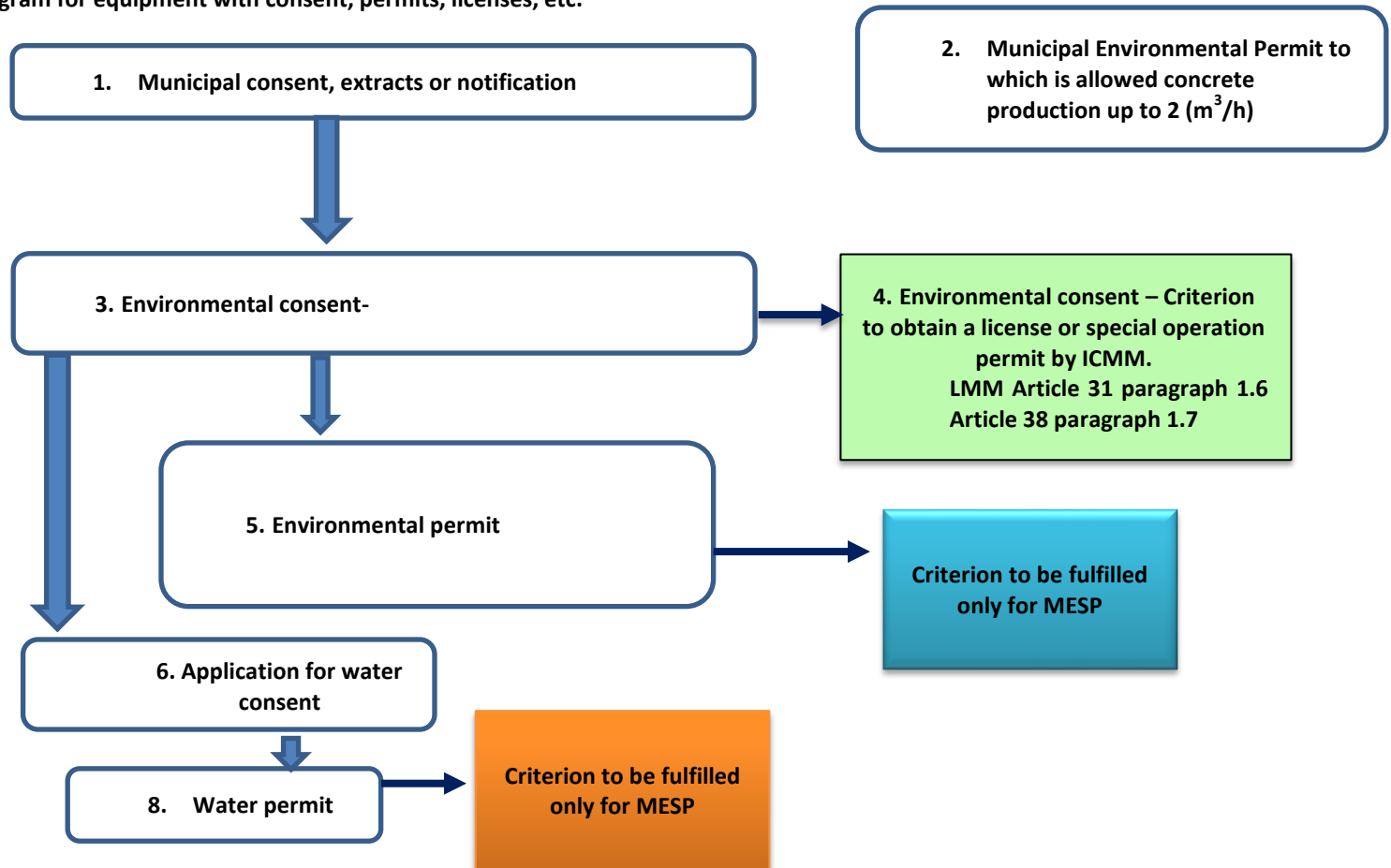
How does an operator operates to obtain an adequate documentation to continue its work or mining activity or with special activity?

The operator must obtain the following documentation to conduct an activity:

1. Consent, extract, municipal notice showing that the municipality does not obstruct this activity,
2. Municipalities also issue Municipal Environmental Permit, for concrete production bases at 2 (m³/h),
3. Environmental consent,
4. License for activity from ICMM,
5. Environmental permit
6. Integrated environmental permit ,
7. Water permit and
8. Water Permit for water use and its discharge.

You have the following:

Scheme 2: Organogram of responsibilities and valid functional documents between institutions
Organogram for equipment with consent, permits, licenses, etc.



Who is that body that should inform for revocation of consent?

ICMM institution that has required environmental consent as a precondition for issuance of license or special operation permit
 From MESP, operator who is working as in photo-figure 35 to 40, as following should obtain Environmental Consent.



Figure 35 Removal of the overburden as a preparatory stage of the commencement of mining works - MESP



Figure 36 Preparation activity of a field for blasting - MESP



Figure 37 Mining activity, preparation of a field for blasting - MESP



Figure 38 Commencement of the construction of a bench - MESP



Figure 39 Final benches - MESP



Figure 40 Recultivation of mine benches with recultivation - MESP

Are legal or physical persons as well working without license and permit in these activities?

Yes, these above mentioned activities are also done without proper legal documentation by physical and legal persons. But such action is illegal.

CLASSIFICATION OF ILLEGAL MINING OPERATIONS -MESP

How is considered an illegal mining operation according to the Law of MESP?

An illegal activity according to the legal basis of MESP shall be considered if it does not possess the following documents:

1. Environmental consent,
2. Environmental permit,
3. Water permit.

Environmental consent

According to the Law No 03/L-025 on Environmental Protection, respectively it is stated in Article 10:

Article 10

“No institution may issue the permit for using of natural resources without environmental consent related to project contains protect measures and rehabilitation of environment.”

As well according to the Law No 03/L-214 on Environmental Impact Assessment, it is stated in Article 7:

Article 7 The Obligation for Environmental consent

1. An environmental consent shall be required for every public or private project listed in Annex I or Annex II of this Law, which is likely to have significant effects on the environment by virtue, inter alia, of its nature, size or location,
2. All projects which are listed in Annex I shall be obliged to undergo EIA.
3. Projects listed in Annex II shall be examined, case by case and in accordance with the criteria set out in Annex III, in order to determine whether they must undergo EIA.
4. The Ministry shall not grant the environmental consent referred to in paragraph 1 of this Article until an Environmental Impact Assessment has been carried out on the project.
5. Applicants shall not be granted a construction permit or any other permit, for a project referred to in paragraphs 1 and 2 of this Article and he shall not begin to execute such a project, until he has not been granted an environmental consent by the Ministry. 6. The Ministry may allow, for special cases, non-completion of the EIA for projects with national defence purposes and upon decision of the Government.

According to the Law No 03/L-025, AI 07-2017 and LM on Environmental Protection, it is stated in Article 31:

Environmental Permit

1. Constructed facilities, installations and machinery that have been subject to Environmental Impact Assessment cannot commence operations without an Environmental Permit.
2. An Environmental Permit for operation shall be issued for a five-year period, during the application procedure and probation period for the technical approval of objects and facilities, but not later than six month after starting of operations.
3. The Ministry, by legal act, shall prescribe the activities that are subject to an Environmental Permit, the application form, the content of Environmental Permit, continuing of effectively and the registry of approved permits.

According to the Law No. 04/L14 on Waters of Kosovo, it is stated in Article 56:

Protecting and improving the water regime by extraction of inert from bottoms and shores of surface water bodies

1. In order to protect the water regime, river bottoms and shores there shall be extracted the inert -sand, gravel and stones from surface water bodies in certain segments.
2. Determination of the segments where there can be extracted the sand, gravel and stones, is determined in harmony with National Water Strategy and Plan for Management of River Basin.
3. Until the approval of National Water Strategy and Plan for Management of River Basin, this issue is resolved by a decision of the Ministry.
4. Extraction of sand, gravel and stones from the body water surface is performed according to conditions, manners and procedures of water permit.

It is stated in Article 70:

Gain and conditions of gaining the water right

Gain of the water legal right, is provided as following:

a) with the water permit;

b) with the concession.

2. Bearer of water rights shall use the water according to the criteria determined by the act of gaining the water right.
3. Concession, respectively the public and private partnership, is performed in conditions, manner and procedure for the concession of water use determined by this Law and legislation into force.

Water permit

Whereas it is stated in Article 72:

Water permit shall be issued for:

- 1.1. extracting water for general consumption;
- 1.2. discharge of polluted waters;
- 1.3. construction, reconstruction or demolition of buildings and equipment that affect the water regime;
- 1.4. activities of mining and geological works which affect the water regime;
- 1.5. for hydro-geologic research and collecting data;
- 1.6. exploitation of sand, gravel, stone and clay;
- 1.7. use of water in order to use electrical and geothermal energy; and
- 1.8. other activities that may affect the water regime.

2. Water permit is not required for: use of the wells, resources, similar facilities and tankers for supplying with drinking water for housekeeping, fires extinction and undertaking emergency measures and sanitary and other measures, in case of general danger.

3. By water permit there shall be determined the destination, method and conditions of water use, discharge of contaminated waters, the work regime of objects and plants, dumping of solid and liquid waste and also other conditions.

Water permit, according to this Law, for the use of inter-boundary waters and the discharge of polluted waters, in inter-boundary waters, is given in accordance with international convention or agreement.

5. The right of use or discharge of contaminated water, obtained under the water permit, cannot be transferred to other persons, without consent of the competent authority.

6. Ministry issues water permits by sub-legal act, the Ministry may delegate powers for which the municipalities and the Authority may issue the water permit.

7. Water permit shall be revised at least every five (5) years.

8. Holder of water right shall be obliged to inform authority of permit issuance, in case of change in action, technology and water use or other cases, when it can have significant impact on water regime.

ILLEGAL OPERATION IN EXPLORATION -MESP

MESP does not issue any consent for exploration licenses for the exploitation of mining resources unless requested by the licensing authority.

Clarification: ICMM also requires environmental consent for exploration licenses where companies for exploration have sand and gravel mineral resources.

ILLEGAL OPERATION IN MINING -MESP

All mining activities by physical and legal persons are considered as illegal if they are not provided with the following permits - documents:

1. Environmental consent,
2. Environmental permit,
3. Water permit.

ILLEGAL OPERATIONS WITH ENVIRONMENTAL DEGRADATION CONSEQUENCES AND CAUSING THE RISK - MESP

The consequence of an illegal operation in mining is manifested by causing environmental degradation and risk to humans and animal such as:

Inert deposits (sand and gravel)

We will present in the following photos degradation, interference in the river flow – its deviation, destruction of riverbed, damage of underground water bearing layers etc. from the exploitation of inerts of river – sand and gravel that are illegal actions prohibited by Law No. 04/L-147 on Waters of Kosovo, except when the operator is granted with water permit to regulate riverbed, its cleaning, construction of road infrastructure, or infrastructural actions of taking water etc.







Figure 41 Illegal mining in rivers and degradation of riverbeds - MESP

Interference as well in the land surfaces as in photo 1 and 2 and that are out or river flow present environmental degradation, without respective legal documents issued by MESP are considered as illegal-unlawful actions.



Figure 42 Damage to surrounding farmlands from mining of sands on farmland - MESP

- Recultivation as in figure 43 is illegal action and MESP doesn't issue any document for recultivation as in this figure. Preventive measures for degradation shall be taken immediately for such actions, the state created must be remedied with accepted recultivation measure.



Figure 43 Recultivation-filling with waste of mined holes - contamination of land with urban waste - MESP

- Illegal action, degradation with high risk to the lives of citizens especially for children during hot seasons is in this figure.



Figure 44 Creation of water basins as a result of mining of sand - MESP

Environmental degradation from illegal action in the river flow, high risk to the lives of citizens is presented in the figure 45.



Figure 45 Mining of inerts in the river, damage to the floor layer of Mirusha riverbed - MESP

Unconsolidated deposits (clay, quartz sand, soil and similar ones)

- Environmental consent and environmental permit are needed as well for deposits with resources such as in figure 46, and photo 1 and 2 to exploit them legally, otherwise the action is illegal or unlawful.



Figure 46 Creation of water dump and damage to border of surrounding farmlands - MESP



1



Figure 47 Water dump from mining of clay and sand, degrading basins and risk for people- MESP

Operation manner doesn't present illegal action but it present misuse of resource for non-compliance of the conditions of operation according to respective documentation and for which the operator is penalized by Inspectorate.

Medium hardness mineral commodities (schists, quartz schists, serpentinites, coal, etc)

For legal operations to exploitation sites of schists, quartz schists, serpentinites as in photo 1, 2 and 3 and in the figure 49, it is need by MESP that the operator to have environmental consent and environmental permit, otherwise the action is illegal.

Whereas regarding exploitation-mining, trade-sale and transportation of coal except KEK for exploitation and Kosova Coal (Kosova Thëngjilli) for trade, other operators operating are completely illegal because MESP doesn't issue documents for this activity.





Figure 48 Mining of coal where mining is carried out without criterion by damaging the environment, causing the risk and damage of the properties around the mining site – MESP



Figure 49 Mining without criterion, creation of altitude of benches and lack of recultivation - MESP

To such exploitation except the almost not rehabilitated environmental degradation, a great concern remains as well the risk to the lives of citizens and animals from the height of the slope – exploitation scale, groundwater collection, soil sliding etc.

Hard rocks (tectonically destroyed limestone, thin-bedded limestone, hazburgite, fresh serpentinite, collapsed dunites, sericite schists etc.)

MESP issues environmental consents and environmental permits as well for exploitation of hard rocks deposits (tectonically destroyed limestone, thin-bedded limestone, hazburgite, fresh serpentinite, collapsed dunites, sericite schists etc.) as in photo 1, 2 and 3 and in figure 50, whereas for cases when the operator doesn't possess the abovementioned documents he is carrying out illegal – unlawful activity. Hereupon, great environmental and nature degradations from such operations as in photo 1, 2 and 3 and figure 50 and this manner of exploitation shall not be allowed even if the operator possesses documentation.





Figure 50. The illegal operator has failed to carry out mining in depth and he has only achieved to use that layer by machinery. Field degradation and environmental degradation - MESP



Figure 51 Damage to environment and risking the final bench as mining without criterion – MESP

ILLEGAL OPERATIONS IN SPECIAL OPERATIONS -MESP

These documents are issued regarding activities of separation, concrete bases, asphalt bases and flotation for enrichment of ore:

1. Environmental consent,
2. Environmental permit,
3. Water permit and
4. Integrated environmental permit.

Operator in order to carry out legal action of a separation as in photo 1 and 2 in figure 52 shall be granted by MESP with environmental consent, environmental permit and water permit (water permit to use water and water permit for water discharge). Otherwise the action is illegal.



Figure 52 The operation of an illegal separation and taking illegally the resource (sand) - MESP

-Main problems caused by separations are: environmental degradation, dust, noise and water pollution, damage of underground water bearing layers etc. All these conditions are foreseen in the documents issued by MESP.

PROCESSING (CONCRETE AND ASPHALT BASE)-MESP

- Operator in order to carry out legal action of concrete base as in photo 1 in figure 53 shall be granted by MESP with environmental consent, environmental permit and water permit (water permit to use water and water permit for water discharge). Otherwise the action is illegal.

Whereas operator in order to operate legally for asphalt base, shall be granted by MESP with environmental consent and environmental permit. Otherwise the action is illegal.



Figure 53 The illegal operation of the concrete base and the mining of the resource processed by sorting plants - MESF

The main pollutions in the environment from the concrete and asphalt bases are: pollution of air, water, noise and creation of (solid and oil) waste.

ENRICHMENT (FLOTATIONS and ENRICHMENT OF COAL)-MESP

- These documents are issued by MESP regarding activities of enrichment - flotation activity, for legal action of operators:

1. Environmental consent,
2. Environmental permit,
3. Water permit and
4. Integrated environmental permit.

MESP issues for the companies for enrichment – flotation of ore: environmental consent, environmental permit and water permit, integrated environmental permit, whereas if the operator carries out the activity without any of these documents, it is illegal.

As for coal enrichment, MESP issues: environmental consent, environmental permit and water permit, whereas if the operator carries out the activity without any of these documents, it is illegal.

The main pollutions of these operators are: environmental degradation, air pollution, water pollution, noise, land pollution etc.



DEGRADING ENVIRONMENTAL ACTIVITIES BY COMPANIES POSSESSING SPECIAL OPERATION PERMITS - MESP

We are highlighting once again the companies operating with permits of these activities such as:

- Separation (sorting plants)
- Quarries,
- Bases for concrete production
- Bases for asphalt production and
- Flotations

They are the major environmental degraders in most cases even though they have permits. We will explain the most specific cases in the following figure 54 with photos 1, 2 and 3.





Figure 54 Environmental degradation by dust - MESP

MESP or ICMM imposes fines or “criminal charge” from the following figure 54, depending on the legal of violation of rules and damaged caused to environment and it obliges the company to rehabilitate the created state.

The company is obliged to respect the criteria set by Inspectorate and to set the spraying system or dust absorption through filters and the dust emission rate shall be very small as in the following figures.

Depending on the state created, it frequently occurs that the degrading activities can be hidden but degrading level is shown by the environment around as in figure 55 the following photo 1.



Figure 55 Continuous degradation and actual state of contaminated environment around the plant - MESP



Figure 56 Efficient system of separation work using spraying system or ventilation system - MESP

Figure 56 photo 1 shows the level of dust allowed to be emitted. It can be seen around the very clean environment from photography 1 which proves that the dust did not emit pollution and that the degrading effect on the mountain around it is in the allowed parameters, or as in photo 2 when it is seen the function of spraying system where the dust emission is almost negligible.

KFA

Legal base of KFA

Legal base by which it is regulated the forest sector and forest lands are:

1. Law No. 2003/3 on Forests in Kosovo,
2. AI deriving by this law and that specifies:
 - a. obligations,
 - b. Obligations and responsibilities of each actor by starting the right to use private forest, state forest,
 - c. The right of temporary conversion of forests and forest land in order to carry out different activities in other sectors without excluding as well the right to use different minerals located in forests and forest land regardless ownership.

According to the above-mentioned Law, **Article 7**

7.1. The Kosovo Forest Authority shall manages and administer private forests and it is as well responsible for all matters relating to the regulation of forest and private forests. According as well to this law

Article 2

2.1 sub-paragraph (b) “ forest” is surface land covered with woods and registered as such in the cadastral records.

Temporary or permanent conversion of destination means use of forest or forest land for other purposes, hereupon to protect forest fund, it is not allowed to any physical person that possesses forest or private forest land to convert destination without taking previously the consent from Kosovo Forest Agency , whereas in cases where the forest or forest land is identified in the name of other Institutions such as Municipalities, after completing the necessary documentation, the Kosovo Forest Agency issues a consent to convert destination and the Municipality is obliged to enter into a contract.

In other cases when the property forest or forest land is a state, public, social owned property then the requests of physical or legal persons to convert destination after completing the necessary documentation and review by Professional Commission appointed by the Chief Executive Officer according to the procedures foreseen with IA No. 10/2010 on amending and supplementing the IA 41.2006 on Change of Use of Agricultural Land, if the recommendation is positive the Forestry Agency shall issue a consent to the party with which he applies to other institutions to obtain the necessary documentations, MESP and ICMM and after obtaining the license from ICMM and submitting bank guaranty, the Kosovo Forestry Agency compiles a Contract where the implementing and sanction responsibilities are specified deriving from this contract.

No person dares to commence any mining activity of non-wood forest product in public forest without a contract.

Law No. 03/L-153 on amending and supplementing the Law No. 2003/3 on Forests has delegated competence to protect forest to the municipal level together with the staff dealing with protection (**forest guards and other technical staff**), economical-forestry terrain is divided to each forest guard for the responsibility starting from-500-1500/ha and it is obligation to each guard to not allow any physical or legal person to use minerals, stones, gravel or other products without a contract.

The owner has the responsibility to protect the private forest and forest lands but according to legislation not even private owner doesn't dare to have activities in these forests **without the permit of local and central institutions**.

The permit to use forests is issued by the Municipal authority whereas damnification shall be done by the experts of Kosovo Forestry Agency whereas the conversion of destination can start after initially it takes the consent from the Kosovo Forestry Agency without excluding obligations for MESP and ICMM that it has depending on the nature of conversion of destination, for example as well licences of the ICMM is required for minerals but in case the owner wants to carry out hotel activities he has to take the consent for conversion of destination from Kosovo Forestry Agency but he doesn't need any document from ICMM.

For the contract with the Kosovo Forestry Agency to give for rent the forest land to use minerals except **forest guards who are obliged by law to not allow operations without a contract, the Regional Coordinative Directorate that implements these contracts** is determined in this contract.

Central Inspectorate of Forest and Hunting according to the two above-mentioned laws has responsibility of inspection to implement actual legislation and all IA deriving from these Laws. More specifically obligations and responsibilities of Forest Inspectorate are defined by the Law No. 03/L-029 on Agriculture Inspection and IA No. 03/2006 for the Authorizations and Competences of Forests Inspections and Procedures of Issuing Decisions where it is specified that this Inspectorate shall monitor and inspect the use and administration of forests lands like rent, change of destination, change of property, quarries, constructions etc, in forests and forests lands.

CONSENTS, CONTRACTS -KFA

The consent is prepared in A4 format paper with the similar presented design. The consent to change the destination of forest or forest land without taking into consideration the property and it contains these data:

- Business name
- Business Registration No.
- Cadastral zone
- Cadastral parcel
- The surface allowed to change the destination
- Minimum of amount of 30% from rehabilitation cost to submit bank guaranty
- Total amount of rehabilitation cost according to re-cultivation plan
- Registration number and date
- Signatures of Chief Executive Officer of Forestry Agency and party.

Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Qeveria -Vlada-Government

MINISTRIA BUJQËSISË, PYLLTARISË DHE ZHVILLIMIT RURAL
MINISTARSTVO POLJOPRIVREDE, SUMARSTVA I RURALNOG RAZVOJA
MINISTRY OF AGRICULTURE, FORESTRY AND RURAL DEVELOPMENT

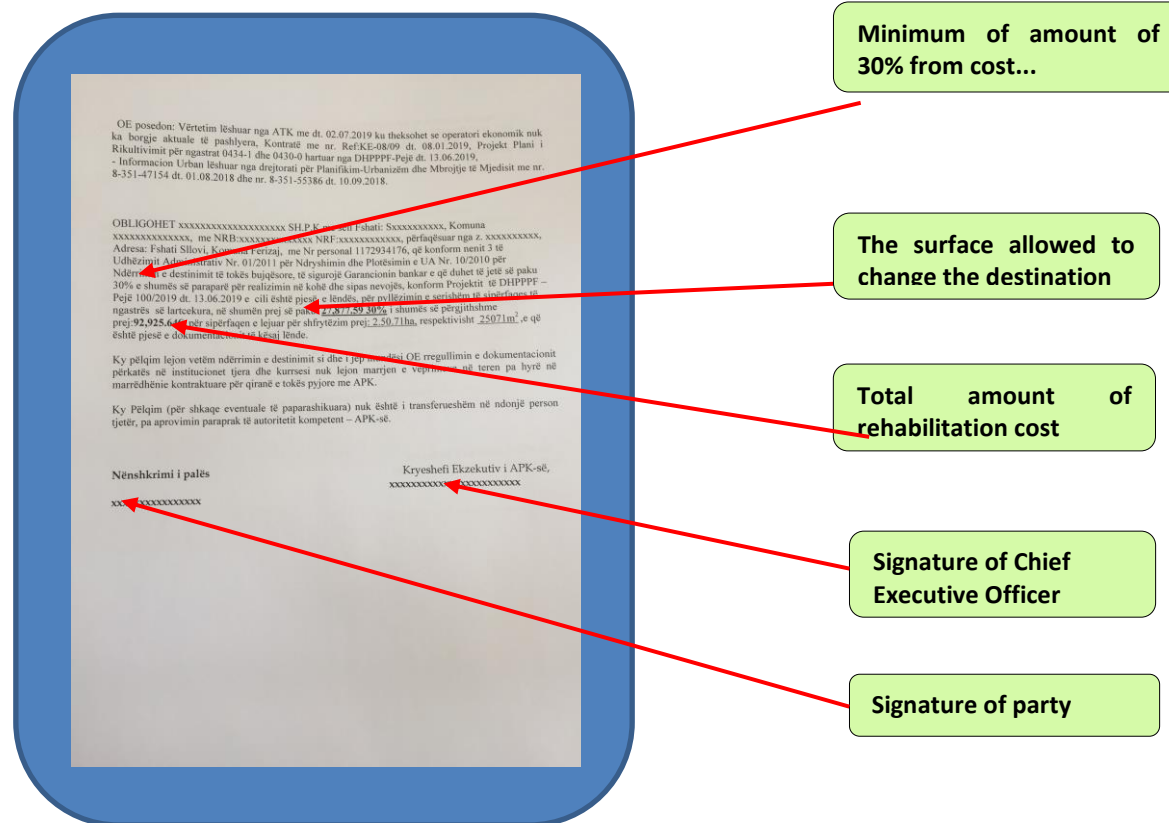
Agencia Pyjorë e Kosovës
Agencia za Šumë Kosovo
Kosovo Forest Agency

Regjistrimi i Konsentit
Nr. KE____/19
Dt: 30.09.2019

Bazuar në nenin 23 të Ligjit nr.06/L-113 për Organizimin dhe funksionimin e administratës shtetërore dhe të agjencive të pavarura, në nenin 7.1 dhe 21.2 të Ligjit për Pyjet e Kosovës, ligji për tokën bujqësore me nr.02/L-26, Ligji për Procedurën e Përgjithshme Administrative, Nr. 05/L-024, Udhëzimin Administrativ Nr.10/2010, dhe UA-Nr:01/2011, për Ndryshimin dhe Plotësimin e UA Nr. 10/2010, të nenit 1, 3, 4 paragrafi 13.3, 13.5 të UA nr.10/2010 për Plotësimin dhe Ndryshimin e UA. Nr.41/2006 për Ndërrimin e Destinimit të Tokës Bujqësore, Kryeshefi Ekzekutiv i APK- së, duke shqyrtuar kërkesën me shkrim të: OPI-XXXXXXXXXXXXXX, me seli Fshati: XXXXXXXX, Komuna: XXXXXXXXX me NRB:XXXXXXXXXX, përfaqësuar nga z. XXXXXXXX, Adresa:XXXXXXXXXX Komuna XXXXXXXX me Nr personal XXXXXXXX, me nr. e kërkesës me Nr Arkivi 2411 dt.26.06.2019 si dhe rekomandimit të Komisionit të APK-së me NP-3889 e dt. 30.09.2019, për marrje në shfrytëzim të përkohshëm të tokës pyjore me qira, për lejimin e zgjerimit të sipërfaqes për Shfrytëzimin e Gurit Gëlqeror, në sipërfaqe 25071 ha, respektivisht 25071 m², në token pyjore të pronësis Publike me të cilën menaxhon APK, pjesë e ngastrës kadastrale 00434-1,00430-0, ZKXXXXXXXX, Komuna XXXXXXXX përkohësisht t'i jepet:

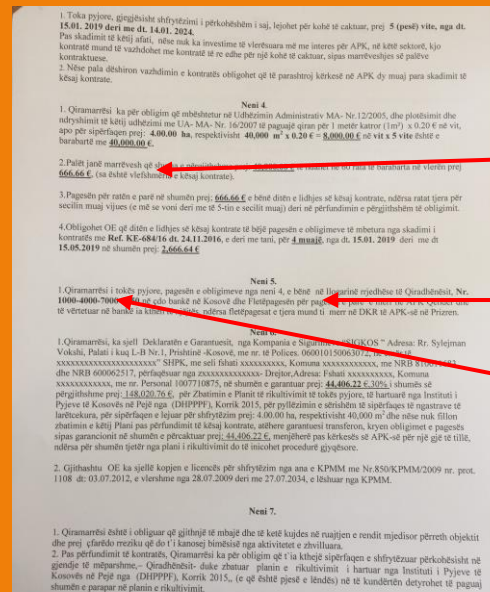
P E L Q I M

Për lejimin e ndërrimit të destinimit të përkohshëm, për marrje në shfrytëzim të përkohshëm të tokës pyjore me qira, për zgjerimin e sipërfaqes, për Shfrytëzimin e Gurit Gëlqeror, në sipërfaqe 25071 ha, respektivisht 25071 m², në token pyjore të pronësis Publike me të cilën menaxhon APK, pjesë e ngastrës kadastrale 00434-1, 00430-0 ZK-XXXXXX Komuna XXXXXXXX dhe sipërfaqe të tokës pyjore me shkrim të OPI-XXXXXX Konfirmim SHPK me seli Fshati:Silovi, Komuna Lipjan, me NRB:XXXXXX, NRB:600912150, përfaqësuar nga z. XXXXXXXX, Adresa: XXXXXXXXX, Komuna XXXXXXXXX me Nr personal XXXXXXXXX me nr. e kërkesës me NP-3889 e dt. 30.09.2019 si dhe rekomandimit të Komisionit të APK-së me NP- 3889/2019, pjesë nga ngastrat kadastrale me 60027 00434-1, 00430-0, Kultura dhe Klasa e Tokës Pyjore, 00434-1 Kullorë e Klasës 4 dhe 5, 00430-0 Ma i Klasës 5, Vendi i quajtur Çuka, Trbove, Kopja e Planit me 6 pika koordinative lëshuar nga XXXXXXXXX me dt. 29.05.2019.
Promisa e ngastrës evidentohet; Druri i Kosovës, Seksioni i Pylltarisë.

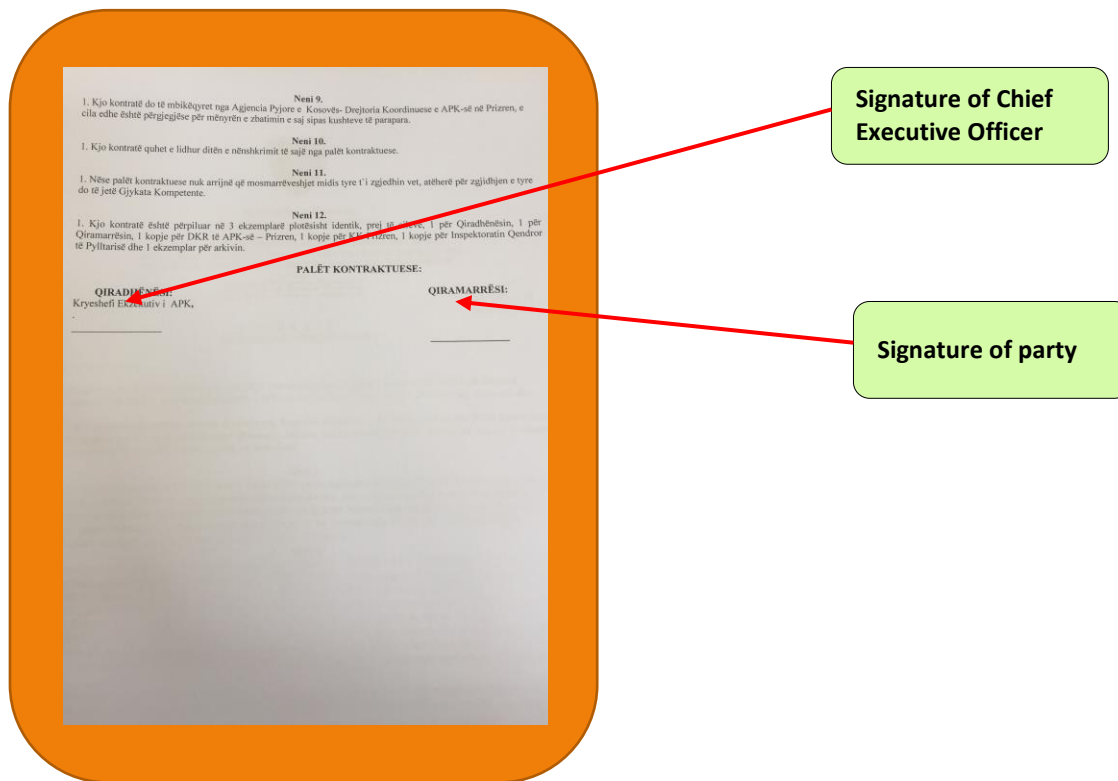


CONTRACTS with the Kosovo Forestry Agency for the use of forestry land leased for quarry

- Contract name
- Business Registration No.
- Cadastral zone
- Cadastral parcel
- The surface allowed to change the destination
- Contract Number to allow change of destination
- Duration of the contract
- Lease obligations
- Minimum of amount of 30% from rehabilitation cost, number of bank guaranty
- Total amount of rehabilitation cost according to re-cultivation plan
- Registration number and date
- Signatures of Chief Executive Officer of Forestry Agency and party.



Total amount of rehabilitation cost according to re-cultivation plan



How does an enterprise with a mining contract issued by the KFA carry out its activity?

Every enterprise that has completed the documentation from all competent institutions and finally it has a contract with the Kosovo Forestry Agency where there is a public or social owned property and with a name of former social economy with culture forest or forest land can commence the activity to use land with lease for mining activities specified in the criteria of contract.

In cases when the property is public even if it is with the name of any Municipality but it has **culture forest or forest land** all procedures are the same with the only distinction that the contract shall be with **the property holder** and that the use shall commence after taking the contract.

In cases when the property is private with culture forest or forest land of course all procedures are same except that the party is not obliged to have contract but it is sufficient with **consent to allow the change of the destination of forest land** issued by Kosovo Forestry Agency and when it obtains with this consent, the ICMM shall issue Mining or Exploration License depending on the request. We have clarified these procedures and obligations with the ICMM as well through agreement of cooperation concluded between the two Institutions.



Figure 57 Photo for review of request by the Commission to change destination of forest land

Do the legal or physical persons without consent and contracts carry out these activities?

It is happened that we have such cases of illegal activities of the use of stones, gravel, usually in private sector during the construction of any object, opening of any road and that are of temporary character concerning deadlines.

Illegal activities to public properties usually **are carried out by the companies that don't use blasting, but excavation with mechanization**, we have cases when they commence mining after they have consent from Kosovo Forestry Agency especially in cases when the property's owner are Municipalities, so they avoid to have a contract by avoiding also the payment of lease which they damage the state budget and market competition.

There are not excluded as well the cases of totally illegal actions in properties managed by the Kosovo Forestry Agency but those are very rare cases and this is argued as well by operative plan implemented by DEPW, MESp, ICMM and KFA DQIPGJ, where only two cases have been encountered in the whole territory, even a criminal charge has existed to the one of them for the same place where it has been encountered whereas the other one was an activity commenced in this time.

Illegal activities are considered as well **the exceeds of surfaces by Economic Operators** who have contracts which actions have occurred and there have been ascertained as well during the implementation of this plan but the their number was not high.

How are these illegal operations classified?

To explain better the classification of illegal mining activities we will present several examples with the description of these activities.

CLASSIFICATION OF ILLEGAL MINING OPERATIONS IN FOREST AND FOREST LAND- KFA

How is considered an illegal mining operation according to the Laws and sublegal acts regulating forest sector

Illegal operations using inerts, stones, gravel and other minerals according to the applicable legislation are considered:

To private properties where culture is forest or forest land, if it is commenced with the activities to remove (herbal or woody) plant and that it is considered change of destination without obtaining consent to change the destination of forest or forest land by the Kosovo Forestry Agency. In this consent through recultivation plan and bank guarantee of at least 30% of total value of recultivation plan, it is ensured that the parcel after completion of exploitation will be returned to the previous state, after the bank guarantee can be withdrawn only after the inter-institutional commission of KFA, ICMM and MESP give recommendation of completion the obligation of recultivation plan.

ILLEGAL OPERATIONS IN EXPLORATION -KFA

means all activities carried out by physical and legal persons in forests and private forest lands without obtaining consent to allow the temporary change of forests and forest lands by which document the party avoids regular removal procedures through marking and granted with cutting permits as the procedure is shortened only by issuing cover letters for the wood mass during the activity of temporary change of destination, whereas for public forests no activities, even researchers, which are manifested by surface layer removal actions with herbaceous or woody vegetation, with the opening of roads and other similar activities is considered illegal if the physical or legal person is not provided with a contract. **Only in cases of exploration to the locations when the explorations are carried out by drillings and there are no actions which are manifested by removal of woody or herbaceous vegetation, with the opening of roads or other damages of forests, exploration activities can be carried out as well without obtaining a contract but the actions to be carried out without causing side damages shall be defined in consent.**

ILLEGAL OPERATIONS IN MINING - KFA

Any activity of commencing the use of public forests and forest lands in order to use minerals, soil, stones, gravel, etc. without obtaining a contract by the management body that in 90% of cases is the Kosovo Forest Agency, without excluding any case when these properties may be with other owners, municipalities or other enterprises but the commence of mining activities can start only after the party has obtained the contract.

Illegal activities in private forests and forest lands, are considered any activity that affects the change of temporary destination of forests and forest lands without obtaining consent for change of destination by the Kosovo Forest Agency

The responsibility for protection in forests and public forest lands, is delegated to municipalities which, through the staff of forest guards, supervise any activity carried out by not allowing exploitation without obtaining contracts. Also, the Central Inspectorate of Forestry and Hunting, through activities of controls and inspections, shall monitor the implementation of legal and sub-legal acts that regulate the forest sector and in case of encountering these illegal activities with minutes, decisions and through putting the tapes, prohibits illegal activity by firstly requiring responsibility from forest guards who have shared the lands of responsibility for the protection of forests and forest lands from any illegal activity.

ILLEGAL OPERATIONS WITH ENVIRONMENTAL DEGRADATION CONSEQUENCES AND CAUSING THE RISK

-KFA

The consequence of an illegal operation in mining is always manifested by causing environmental degradation and risk to humans and animal such as:

- Direct, indirect consequences for the present and future of not only the forest sector but also its impact on other sectors are caused by Illegal use and without criteria of forests and forest lands
- From deforestation, removal of vegetation and wood layer illegally affects the reduction of forests, damages the environment and landscape.
- It affects the soil erosion, erosion,
- It decrease the habitat of wildlife and birds, their nests,
- Risk of the life of people and animals from digging pits and ditches
- Damage to Kosovo budget by not collecting taxes for one, m² per year 0.2/€ which means per one hectare 2000/€, damages free competition,
- It damages the agricultural sector due to erosion and flooding,
- It damages crops and agricultural lands through filling with stones and other inert materials,
- It damages the water sector and riverbeds and ravines and many other impacts that also affect the micro and macro climate by reducing water and rainfall capacities.



Figure 58 Removal of plant vegetation layer (woody and herbaceous) with the abovementioned negative effects - KFA

This figure 58 is near with meters to the above figure 57 which will directly affect these water sources from which citizens are supplied both in terms of reducing reserves and their pollution.





Figure 59 Effects of illegal use where the forests are being damaged as national assets and biodiversity photo 2 – KFA



From this Photo 3 a way of exploitation endanger the village located below this location which it has also submitted a petition, it lost a wonderful landscape, it damages the tourism sector and other negative effects Photo 4.



From above Photo 4, in the eyes of a non-professional it would seem that they are not major damages as they are non-qualitative forests without any economic value, but in fact it is the opposite of this, these forests have a protective character and great effect of protection from erosion and flooding.



In photo 5, location has had greenness and now it has become a risk to the lives of people and animals as it would be filled with water but also the potential for these inerts to end up on agricultural land or in backyards.



Photo 6 from the exploitation without criteria even at the bottom is the river bed and all this material will end up in the river bed to continue further.



In a location close to photo 7, the effects of deforestation with multiple consequences.



Photo 8 The consequences appear when the surface, herbaceous and woody layers are removed



Photo 9 Very close to Lake Badovc, degradation of the humus layer - herb.

MLGA

Applicable legislation

- Regulation No. 02 / 2017 on Municipal Performance Management System
- Law No. 03/L-025 on Environmental Protection

CONSENTS, PERMITS and CONTRACTS - MUNICIPALITIES

Companies wishing to apply in order to obtain a permit or mining license firstly they must obtain consents or municipal-extract notices and that the prerequisite is the almost initial document to obtain a license or permit.

The municipality from the relevant directories is responsible for issuing a consent or notice-extract.

Depending on how it is regulated by the organization of the municipality, these documents are issued which are considered to be legal acts.

This document (municipal consent) is an initial document for the applicant company that needs to complete the documentation for a license or permit, it is considered as one of the criteria that the applicant must meet to obtain a license or permit.

Unlike the preliminary explanation for each institution, municipalities may also provide applicants with consents and contracts but not with work permits.

The contract is a legal act issued between the stakeholders and such a thing the other bodies require in advance this document is unnecessary to obtain permits and licenses.

When the company must obtain with a contract issued by the Municipality?

Contracts between parties (municipality-company) is a document issued between them and should not be presented to institutions because it is in the interest of the parties. Any termination or unenforceability of the contract or if the parties do not enter into a contract means that the company has also lost the validity of the legal act - consent, notice or that the same body dealing with the initiation of a permit or license procedure must inform the ICMM that this legal act has been withdrawn with their reasons stated in the notice.

Upon receiving the information from these bodies, each institution is obliged to suspend or revoke the legal act issued by them until it is clarified or justified that there is a legal basis for revoking consent.

What is meant by withdrawal of Municipal consent or notice?

It means that any other legal act issued by the dependence of this document, subsequent legal act must be suspended or must be revoked until all other legal mechanisms have been used - a decision has been taken by the court or the party has agreed to withdraw the consent or notification, or the extract depending on which of these acts the municipality has issued.

How does an enterprise carry out its operation with a mining license issued by the Municipality?

- a) The mine which carries out this activity must obtain a license from the ICMM and that it can not carry it out without the prior consent or notification from the municipality that it has obtain a mining license Figure 60.



Figure 60 Removal of the overburden as a preparatory stage of the commencement of mining works

- b) If the activity of a mine is with blasting, this activity shall obtain a license from the ICMM and that it cannot be carried out without the prior consent or notification from the municipality that it has obtain a mining license Figure 60, 61.



Figure 61 Preparation activity of a field for blasting



Figure 62 Mining activity, preparation of a field for blasting

c) Commencement of the construction of the stages (benches) Figure 61 and 62 and



Figure 63 Commencement of the construction of a bench

- d) Creation of final stages and preparation for closure of a mine Figure 64



Figure 64 Final benches, is other institutional responsibility - Municipal inspectorate

- e) Final benches and reclamation of a mine Figure 65.



Figure 65 Recultivation of mine benches with recultivation approved by the responsible institutions - Municipal inspectorate

Are these operations performed as well by legal or physical persons without a license or a permit?

Unfortunately, there are legal and physical persons who carry out illegally this operation in those zones where their operations is in a surface and with a digging mining system when the mineral is inert or brittle to be removed by the topography of surface crust or it has deposits of inert resources such as sand and gravel.

How are these illegal-legal operations classified?

We will present some examples with description of these activities to better explain the classification of illegal mining activities, the competent bodies are ICMM and the area where these activities are carried out (municipalities will be responsible for information and prevention of this activity without a license in their zone with municipal territorial restrictions).

CLASSIFICATION OF ILLEGAL MINING OPERATIONS - MUNICIPAL INSPECTORATE

How is considered an illegal mining operation according to the Municipality?

Illegal activities, damage to property by excavation activities and misuse of resource cannot be carried out without a license and permit preceding the documentation (consent or notification from the municipality) as a criterion and these operators are considered to be carrying out illegal mining activities as well:

1. Illegal operation in exploration
2. Illegal operation in mining and
3. Illegal operation in special operations

ILLEGAL OPERATION IN EXPLORATION - MUNICIPAL INSPECTORATE

It means all those operations carried out by the physical or legal persons who carry out exploration operations such as:

- without exploration licence
- in expired, closed or suspended licence and
- outside the licence zone foreseen in the conditions set in licence.

These cases with illegal exploration operations have not been identified nowhere.

Specification of these explorations are that until now there are no cases when institutions such as Municipality is owner and until now it has not been requested any prior approval, but if such an action is required to suspend these exploration activities then according to the notification sent to ICMM these exploration works can be suspended with justification or they can continue with conditions that the property after exploration stage to be return in the previous state of re-cultivation.

ILLEGAL OPERATION IN MINING - MUNICIPAL INSPECTORATE

These operations are more noticeable and they have to do with commercial activity of resource without possession of a licence by the legal persons.

- a) These cases are considered illegal mining operation:
- b) When meeting a physical or legal person who does not show a mining license issued by ICMM to the municipal inspectorate.
- c) When there is a mining operation: excavation-loading-transport of the excavated mass for commercialization (ascertainment of commercialization of excavated mass within territory of municipality)
- d) When this excavated mass according to point “c” is not stored in any other location for which it has consent from the owner - municipality for both excavation and filling of excavated mass but it is not known land of storage or storage does not cause a risk to the environment in relation to the stored volume.

- e) Commercialization of the blasted mass with approval from the owner - municipal property where the request for a special blasting is redestined for something else such as: opening of roads, rehabilitation of the state, creation of different levels and such a mass is commercialized (ICMM cannot approve such blasting without municipal consent –owner – municipal property)

ILLEGAL OPERATIONS WITH ENVIRONMENTAL DEGRADATION CONSEQUENCES AND CAUSING THE RISK

- MUNICIPAL INSPECTORATE

LEGAL BASE

Municipalities that have a well-organized organization in compliance with laws and other sublegal acts are obliged to issue an annual report which obliges each municipality to inspect the environmental degradation that occurs within the territory administered by the municipality. This is also regulated by:

- **REGULATION No. 02 / 2017 ON MUNICIPAL PERFORMANCE MANAGEMENT SYSTEM**

According to this regulation and the following articles explained as following:

Article 2

The scope of this Regulation is to regulate functioning of the System on Municipal Performance Management (MPMS) during the measurement of municipal performance, in accordance with the applicable laws and the main document of MPMS.

Article 5

Municipal competences included in the MPMS

Based on the own competencies defined in Article 17 of the Law on Local Self Government, the areas for which measuring of performance is currently done:

1.14 Environmental protection

From this legal basis explained by the organogram of municipalities and directorates in the organization taken from the portal of municipalities, their responsibilities depending on how it is regulated by the inspector with the inspections or environmental directorate have the basic responsibilities as follows:

LAW No. 03/L-025

ON ENVIRONMENTAL PROTECTION

Article 3

The implementation of the provisions of this Law is obliged for all central and local institutions, physical and juridical entities, local and international that doing their activities in the territory of Kosovo.

Article 5

Responsible bodies for administration of environmental protection

3. Municipalities

3.1. apply fully the principles of article 6;

- 3.2. cooperate with Ministry for preparation of plan, for protection of environment and sustainable development within their territory according to this law;
- 3.3. enforce laws and inspect enforcement of the laws related to the protection of environment and sustainable development within their territory;
- 3.4. prepare and provide information related to the protection of environment and sustainable development for citizens;
- 3.5. the plan for protection of environment and sustainable development within municipality territory, shall be approved by the respective Municipality Assembly.

Article 81

Inspective supervision

1. Inspective supervision on implementing of this law and other acts issued from this law, conditions and methods of activities of supervised entities and environmental protection measures designated by this law shall be made by environmental Protection Inspectorate.
2. Inspective supervision for Municipality Environmental License shall be made by municipality environmental inspector.
3. Ministry with certain authorization shall authorize municipality inspector for fulfilling of other duties.
4. Inspection activities may fulfil also other officer for environmental protection authorized by Ministry, respectively municipality.

RESPONSIBILITIES Municipal Inspection within the municipal territory

1. Supervises the rational and sustainable use of natural resources and productive land, as well as protects the genetic accumulation of nature;
2. Proposes the measures to be taken for monitoring the quality, protection and preservation of water, air, land and nature of the municipality area, and ensures their implementation;
3. Supervises and inspects the sustainable administration of natural values such as: air, water, land, forests, mineral commodities etc., public natural goods such as: green spaces, river banks as well as special values
4. Taking measures to protect surface and underground water from polluters;
5. Supervision of operators operating in the territory of the Municipality, as well as the compliance of their activities with the standards and norms for environmental protection
6. Engages in the process of gradual reduction of pollution, degradation and environmental damage, as well as reduces or prohibits those economic aspects and other activities that pose a risk to human health and the environment;
7. Supervises the implementation of legal provisions for the management and exploitation of natural resources (deforestation, sand extraction in rivers, etc.) in terms of environmental protection

The consequence of an illegal operation in mining is always manifested by causing environmental degradation and risk to humans and animal such as:

Inert deposits (sand and gravel)

- We have degradation of the riverbed along the rivers, degradation of rivers cadastre and river displacement in zones where we have property damage and risk of loss of surface water in attempt of drainage in groundwater as a result of damage to the floor layer of the riverbed. (Figure 66 photo 1, 2, 3, 4)

The municipal inspector when encounters such activity, is responsible for preventing these activities and imposing fines for environmental degradation.

When we should believe that the operator does not have a license?

Because such operators cannot carry out their activity directly in rivers or in cases of river cleaning, they must have a valid document specified that the operator has a temporary permit from any central or local institution. In the sense that if it has a permit from local institutions, this means that in advance it is about the municipality which has approved such an action with prior notification from the central institutions.







Figure 66 Illegal mining in rivers and degradation of riverbeds - Municipal inspectorate

- In the farmlands there is damage to property – farmlands from the border of the surrounding lands as a result of the erosion of the area's border where mining have been carried out and damage to property by the other owner (Figure 67. Photo 1 and 2)
- The municipal inspector is obliged to ask the mining license from the operator and to ascertain that the degradation of other properties is happening or that the property where the operator operates is municipal property or its activity damages the municipal property around the mining site.



Figure 67 Damage to surrounding farmlands from mining of sands on farmland- Municipal inspectorate

- Causing the risk from re-cultivation often without criterion from the dumping of hazardous waste where as a consequence the groundwater flow can be contaminated as a result of water infiltration from the surface in contact with the waste as a result of mixing the clean water with waste as a result of water contamination. (Figure 68)
- The municipal inspector is obliged to prohibit the operator to dump waste in the exploited pits. This phenomenon must be prevented, and legal measures shall be used to the operator.



Figure 68 Recultivation-filling with waste of mined holes - contamination of land with urban waste – Municipal inspectorate

- Causing the risk to storage - water bearing basins where people who use them for freshness during summer may be at risk, risk to hunters during winter as a result of not finding that such a zone is profound. (Figure 68)
- The municipal inspector is obliged to take remedial measures and identify the operator who has committed the criminal offense of threatening and endangering the citizens of that area. This is enable by the identification of the area where this phenomenon was left and to file a charge against the operator - the owner of the parcel with which the crime was committed.
- If it is the municipal property, the municipality is responsible for the location and must remedy the situation and return the area to a safe area.



Figure 69 Creation of water basins as a result of mining of sands

- The risk of damage to the floor layer of the farmland as a result of the drainage of the zone around the zone where mining have been carried out (Figure 70 Photo 1 and 2).





Figure 70 Mining of inerts in the river, damage to the floor layer of riverbed - Municipal inspectorate

- The municipal inspector is obliged to ask the mining license from the operator and to ascertain that the degradation of other properties is happening or that the property where the operator operates is municipal property or its activity damages the municipal property around the mining site.

Unconsolidated deposits (clay, quartz sand, soil and similar ones)

Unlike inert ones, these deposits are not found in rivers as a priority, but they have their own negative sides such as:

- In the farmlands there is damage to property – farmlands from the border of the surrounding lands as a result of creating benches, high altitude along the border where we have demolition due to the lack of stability of the slope created without criterion (Figure 69).
- Causing the risk from holes - water bearing basins where people who use them for freshness during summer may be at risk, risk to hunters during winter as a result of not finding that such a zone is profound. (Figure 71 photo 1 and 2).



Figure 71 Creation of water dump and damage to border of surrounding farmlands – Municipal inspectorate





Figure 72 Water dump from mining of clay and sand, degrading basins and risk for people –Municipal inspectorate

- High altitude of creating the benches as altitude for risking to fall from high and
- There is no re-cultivation type to close the mined area with which erosion destroys the topographic state and it creates a bad environmental image (Figure 70 to 72)
- The municipal inspector is obliged to ask the mining license from the operator and to ascertain that the degradation of other properties is happening or that the property where the operator operates is municipal property or its activity damages the municipal property around the mining site.

Medium hardness mineral commodities (schists, quartz schists, serpentinites, coal, etc)

- In the surface mining there is damage to property – there are often found plants such as: bushes from the border of the bushes as a result of creating benches, high altitude along the border where we have demolition in the later stages due to the lack of stability of the slope created without criterion. (Figure 73 Photo 1,2,3)





Figure 73 Mining of coal where it is carried out without criterion by damaging the environment, causing the risk and damage of the properties around the mining site – Municipal inspectorate

- In some cases, depending on the deposit, we also have water dump as a risk to children and animals from flooding.
- High altitude of creating the benches as altitude for risking to fall from high (Figure 73, 74)



Figure 74 Mining without criterion, creation of altitude of benches and lack of recultivation- Municipal inspectorate

- The municipal inspector is obliged to ask the mining license from the operator and to ascertain that the degradation of other properties is happening or that the property where the operator operates is municipal property or its activity damages the municipal property around the mining site.

Hard rocks (tectonically destroyed limestone, thin-bedded limestone, hazburgite, fresh serpentinite, collapsed dunites, sericite schists etc.)

- It is characteristic that these deposits have a shallow depth of their use comparing to the deposits mentioned above and we are dealing only with damage to the surface crust that could damage the flora and the environment.
- Creation of holes with shallow depth and damage to the environmental surface image. (Figure 75. Photo 1,2,3 and Figure 76.)





Figure 75. The illegal operator has failed to carry out mining in depth and he has only achieved to use that layer that it was allowed by machinery. Field degradation and environmental degradation - Municipal inspectorate



Figure 76 Damage to environment and risking the final bench as mining without criterion - Municipal inspectorate

- The municipal inspector is obliged to ask the mining license from the operator and to ascertain that the degradation of other properties is happening or that the property where the operator operates is municipal property or its activity damages the municipal property around the mining site.

ILLEGAL OPERATIONS IN SPECIAL OPERATIONS - MUNICIPAL INSPECTORATE

Illegal special operations shall mean:

- Separation (sorting plants)
- Processing (concrete and asphalt base) and
- Enrichment (Flotations)

SEPARATION

Illegal separation means any activity that carries out its own illegal operation without permit and that it has installed the machinery in active working condition.

Causing the risk:

- Taking mineral resources in processing by illegal operators or with origin from the operator who has an indirect impact as well on the mining operations. (Figure 77 Photo 1 and 2)



Figure 77 The operation of an illegal separation and taking illegally the resource (sand) - Municipal inspectorate

- Causing the pollution of the environment from the dust, the noise and vicinity of their uncontrolled construction near the residential houses and the technically unaccepted plant.
- The municipal inspector is obliged to ask the special operation permit from the operator and to ascertain that the company is working according to the permit issued by central authorities.

PROCESSING (CONCRETE AND ASPHALT BASE - MUNICIPAL INSPECTORATE

Illegal processing means any activity that carries out its own illegal operation without permit and that it has installed the machinery in active working condition.

Causing the risk:

- Taking mineral resources in processing by illegal operators - and special separation operation or with origin from the operator who has an indirect impact on the mining operations. (Figure 78 Photo 1 and 2)





Figure 78 The illegal operation of concrete base and mining the resource processed from sorting plants - Municipal inspectorate

- Causing the pollution of the environment from the dust, the noise and vicinity of their uncontrolled construction near the residential houses and the technically unaccepted plant.
- The municipal inspector is obliged to ask the special operation permit from the operator and to ascertain that the company is working according to the permit issued by central authorities.

ENVIRONMENTAL DEGRADING ACTIVITIES FROM COMPANIES POSSESING SPECIAL OPERATION PERMIT - MUNICIPAL INSP.

Companies operating with the permission of these activities that we are emphasizing once again such as:

- Processing plants
- Quarries,
- Basics for concrete production
- Basics for asphalt production and
- Flotations,

They are the biggest environmental degraders in most cases even though they possess permits. We will explain the most specific cases concretized as follows in figure 79 with photos 1, 2 and 3





Figure 79 Environmental degradation from dust - Municipal inspectorate

From the following figure, the Municipal Inspectors automatically stop working in these activities, impose fines or “criminal charges” depending on the level of violation of the rules and damage caused to environment and oblige the company to remedy the situation.

The company is obliged to comply with the criteria set for the prevention of air pollution and to establish the spraying system or dust absorption through filters and that the rate of dust emission is very small as in the following figures.

Depending on the situation created, it often happens that degrading activities can be hidden, however, it is shown by the surrounding environment with the degrading level as in the following figure 80 photo 1.



Figure 80 Continuous degradation and the actual polluted environmental state around the plant - Municipal inspectorate



Figure 81 Efficient operating system of processing plants using spraying system or ventilation system - Municipal inspectorate

Figure 81 photos 1, 2 shows the dust level allowed to be emitted. Photo 1 shows a very clean environment around which proves that the dust has not emitted pollution and that the degrading consequence on the mountain which is around it is in the allowed parameters. Or as in photo 2 when it can be seen the operation of the dusting system and that the dust emission is almost negligible.

KOSOVO POLICE

Kosovo Police can verify every document or legal act of each (physical or legal) operator of this field to identify and verify the operator in certain or extraordinary circumstances.

If the physical or legal operator is subject to the following prohibition measures;

1. It is ascertain that the operator that works with illegal mining activity and the prohibition has been given to him with an order that his actions must be stopped then the tapes are placed as a form of the prohibition order. The Kosovo Police is obliged to control its activity, whether it is carrying out a mining activity.
2. If the Kosovo Police determines that the physical or legal person has removed the prohibition measure, prohibition in any form, then criminal measures should be taken due to non-compliance with the imposed prohibition.
3. The ICMM, the mining inspectorate has regulated it by the LMM, that operators should be issued an order prohibiting mining activity without relying on the fact that it is an illegal physical or legal operator. It immediately shall inform the Kosovo Police - in the region where the operator has acted to notify that measures have been taken to prohibit mining activity and that such an action must be respected and controlled by the Kosovo Police
4. MESP may take measures to prevent any operator for preventive measures or for orders issued for the prohibition of mining activity. This order must be respected and controlled by the Kosovo Police and any action of the taken measure and removed without an order of the Environmental Inspector is considered a criminal offense.
5. Environmental-Municipal Inspectorates or as Municipalities have regulated it by organization from the municipal level, they are obliged to impose penalties and issue an order to prohibit work on degrading activities of all operators regardless of whether they are physical or legal operators, who in any circumstance may cause degradation or their activity without a license or decision by the responsible body. Municipal inspectorates responsible according to this point, after taking action should inform as well the Kosovo Police and the respective institution that an action for prevention has been applied. This prevention measure should be controlled by municipal inspectors and the Kosovo Police.

How to act when an operator is seen working with a mining mechanism?

Any operator that is seen to be working with heavy machinery should be stopped, it shall ask for the documentation with which the operator must possess the license or permit to carry out this activity.

How can the Kosovo Police determine that an action of an operator is illegal?

To determine that an illegal operator is working can be many facts such as:

- a. The operator does not have a license or permit. It does not prove this with a document as explained in this manual.
- b. The operator may deny the location by presenting that it has a license but is actually operating elsewhere.
- c. The operator proves any other legal act which may be falsified or not valid.

All of these may be known, but how can this be verified?

These can be verified by filling in the form attached to Figure 82 "Form of Control"

Data:
Nr. rastit
Nr. i Policis

FORMULAR KONTROLLI

Emri, (emri i prindit), mbiemri:	Vendlindja:
Gjinia : <input type="checkbox"/> M <input type="checkbox"/> F	Vendbanimi, ruga dhe nr. tel:
Lokacioni:	Pëshkrimi i lokacionit me ndonjë objekt përreth:

1. TË DHËNAT E OPERATORIT

Të dhënat e operatorit:	Person fizik <input type="checkbox"/>	Emri dhe mbiemri: Nr. ID.
	Person juridik <input type="checkbox"/>	Emri i kompanisë: Nr. Biznesit:

2. AKTIVITETI I OPERIMIT

AKTIVITETI	HULUMTIM	<input type="checkbox"/>
	SHFRYTËZIM	<input type="checkbox"/>
	AKTIVITET I VEQANTË	<input type="checkbox"/>

3. STATUSI

STATUSI	POSEDON LICENCE HULUMTIMI	<input type="checkbox"/>	STATUSI	LEGAL	<input type="checkbox"/>
	POSEDON LICENCE SHFRYTËZIMI	<input type="checkbox"/>		JO LEGAL	<input type="checkbox"/>
	POSEDON LEJE TE AKTIVITETEVE TE VEQANTA	<input type="checkbox"/>			
	NUK POSEDON ASNIEREN NGA LICENCAT DHE LEJET	<input type="checkbox"/>			

4. AKTIVITETI I LOKACIONIT DHE MINERALI

AKTIVITETI	LUMË	<input type="checkbox"/>	ËKA SHFRYTËZON	LLOJI	<input type="checkbox"/>
	AFËR LUMIT	<input type="checkbox"/>		RËRE	<input type="checkbox"/>
	AFËR RRUGE	<input type="checkbox"/>		DHEU OSE ARGJILA	<input type="checkbox"/>
	AFËR SHITËPIVE	<input type="checkbox"/>		SHKËMBINJ TË FORTË	<input type="checkbox"/>
	AFËR VENDBANIMIT	<input type="checkbox"/>		QYMYR	<input type="checkbox"/>

5. AKTIVITETI DEGRADUES DHE NDOTËS

DEGRADIM DHE NDOTJE	GJENDJA AKTUALE	<input type="checkbox"/>	SHËNO SIPAS NEVOJËS SHKRUTIMISHT GJENDJEN AKTUALE
	GROPË E VOGËL	<input type="checkbox"/>	
	GROPË E MADHE	<input type="checkbox"/>	
	DYSHEME E PRISHUR	<input type="checkbox"/>	
	DYSHEME E MIRË	<input type="checkbox"/>	
	LARTËSI E VOGËL	<input type="checkbox"/>	
	LARTËSI E MADHE	<input type="checkbox"/>	
	RREZIK SHEMBJE	<input type="checkbox"/>	
	RREZIK RRËSHQITJE	<input type="checkbox"/>	
	PLUHURI DHE ZHURMA	<input type="checkbox"/>	

6. MAKINERIA PUNUESE					
PERSHKRUAJ VETË ME "XK" MAKINERINË PUNËS QË KENI TAKUAR					
HULUMTIM	<input type="checkbox"/> MAKINË SHPUSE				
	<input type="checkbox"/> KANALE HULUMTUESE (janë të cekëta me thellësi hapje deri në 5m dhe gjatësi deri në 20 m, vetëm sa hap kanalin një lugë e ekskavatorit)				
	<input type="checkbox"/> PUSE TË VOGLA SHPIMI				
SHFRYTËZIM	MAKINERI NGARKIMI				<input type="checkbox"/> PO <input type="checkbox"/> JO
	TRANSPORT				<input type="checkbox"/> PO <input type="checkbox"/> JO
	7. NGARKIM DHE SHFRYTËZIM				
	ESKAVATOR	<input type="checkbox"/>	(shëno sa <u>es</u> <u>ekskavator</u>)	TIPI ESKAVATORIT	Emërtimi:
	MAKINERI SHPIMI	<input type="checkbox"/>	(shëno sa <u>makineri</u>)	TIPI MAK. SHPIMIT	Emërtimi:
	TRANSPORT				
	KAMIONA	<input type="checkbox"/>	(shëno sa <u>kamionja</u>)	TIPI KAMIONIT	Emërtimi:
	KAMIONETA	<input type="checkbox"/>	(shëno sa <u>kamioneta</u>)	TIPI KAMIONETES	Emërtimi:
	8. SEPERIM, BAZË BETONI DHE BAZË ASFALTI				
	AKTIVITETE TË VEQANTA	SEPERUES	<input type="checkbox"/>	(shëno sa <u>seperues</u>)	SA SHIRITA
BAZË BETONI		<input type="checkbox"/>	(shëno sa baza betoni)	Sa Baza <u>Bet.</u>	<input type="checkbox"/>
BAZË ASFALTI		<input type="checkbox"/>	(shëno sa baza asfalti)	Sa Baza <u>Asfalt</u>	<input type="checkbox"/>
LUGË NGARKUESE		<input type="checkbox"/>	(shëno sa luge ngarkuese)	TIPI LUGËS	Emërtimi:
KAMIONA TRANSPORTUESE		<input type="checkbox"/>	(shëno sa kamionë)	TIPI I KAMIONIT	Emërtimi:
KAMIONA BETONIT		<input type="checkbox"/>	(shëno sa kamionë)	TIPI I KAMIONIT	Emërtimi:
9. KËRKESA E ADRESUAR NGA POLICIA					
INFORMIM PËR KPMM-në				<input type="checkbox"/> PO	
VEPRIMI PËRBASHKËT POLICI- KPMM				<input type="checkbox"/> PO	
TRANSFERIM I RASTIT NGA POLICIA NË:					
KPMM (Komisioni i Pavarur për Miniera dhe Minerale)				<input type="checkbox"/> PO	
MMPH (Ministria e Mjedisit dhe Planifikimit Hapësinor)				<input type="checkbox"/> PO	
INSPEKTORATIT KOMUNAL				<input type="checkbox"/> PO	
Epoqë adresë e KPMM-së: icmm@kosovo-mining.org				<input type="checkbox"/> PO	
Epoqë adresë e MMPH-së : mmphurks-gov.net				<input type="checkbox"/> PO	
Nënshkrimi i Policit			Nënshkrimi i operatorit		
<div style="border-bottom: 1px solid black; width: 100%;"></div>			<div style="border-bottom: 1px solid black; width: 100%;"></div>		

Figure 81 Form of Control

Who should fulfilled it and what will it serve for?

This form should be completed by the Kosovo Police and may be addressed to any state authority for clarification of the situation to the operator and depending to whom it is addressed. Feedback should be provided to the Kosovo Police.

How should the Kosovo Police act after fulfilling this form?

Depending on the situation, it may issue a temporary prohibition order until the official information is taken or it may take another decision in extraordinary circumstances.

How are exceptional circumstances understood?

It is understood that the operator is known to the Kosovo Police earlier and it has information that he has no license anywhere in that municipality or area where he was encountered.

Should anyone else participate after this form of control is issued?

The form of control is filled out by the Kosovo Police, and if assistance from other institutions is required, it should be completed and assistance should be requested.

CONCLUSIONS AND ACKNOWLEDGMENT

Joint institutional cooperation and other mechanisms of this field are indispensable that have for a mission to prevent illegal environmental degrading activities, which enable a strong institutional system that produces concrete results for a good environmental environment and increase confidence to the citizens of the Republic of Kosovo.

We would recommend all institutions included in this manual to be practical for all institutions in order to harmonize the sub-legal and legal acts in compliance with the current legislation of the Republic of Kosovo.

A dedicated team that worked in the preparation of this joint inter-institutional document are as follows:

- **ICMM - Independent Commission for Mines and Minerals**
- **MESP - Ministry of Environment and Spatial Planning**
- **MAFRD- KFA- Kosovo Forestry Agency**
- **MLGA - Ministry of Local Government Administration - Association of Kosovo Municipalities**
- **Kosovo Police**

Acknowledgment for all the wonderful contributions during the compilation of this "Manual for good administration of mining and environmental activities" also goes to the co-drafting team comprising of:

Jahir Gashi Inspector of Mines -ICMM

Bedri Halimi Chief Inspector of Environment-MESP

Besim Zogaj Director of the Central Directorate of the Forestry and Hunting Inspectorate - PAK and

Fadil Gashi Major, Director of the Directorate for Serious Crimes Investigation - Kosovo Police

