Law on Mining and Geological Explorations

The Law was published in the "Official Gazette RS", no. [101/2015](javascript:void(0)) and [95/2018](javascript:void(0)) - other law. [40/2021](javascript:void(0)) (Articles [87-92.](javascript:void(0)) are not in the revised text).

I. BASIC PROVISIONS

1. Subject of the Law

Article 1

This Law shall regulate measures and activities of the mineral policy and the manner of implementation thereof, development policies of geological explorations and mining, conditions and manner of execution of geological explorations of mineral and other geological resources, researching of geological environment, as well as geological explorations for the purpose of spatial and urban planning, designing, construction of buildings and site remediation and re‐cultivation, manner of classification of resources and reserves of mineral resources, ground waters and geothermal resources, exploitation of reserves of mineral raw materials and other geological resources, construction, use and maintenance of mining facilities, plants, machines and equipment, execution of mining works, mining waste management, remediation and re‐cultivation of abandoned mining facilities, as well as inspection over the implementation of the present Law.

Principles

Article 2 ﻿

This Law, other laws and subordinate legislation, when applied in regard to activities that are the subject of this Law, shall be interpreted and implemented according to the following principles:

1) continuous supply of a sufficient amount of mineral resources is necessary for strengthening and sustaining the market economy in the Republic of Serbia;

2) the objective of this Law is to regulate the relations relating to geological explorations and mining in a balanced manner, in order to ensure economic, social and ecological sustainability of these activities and designs, under market economy conditions;

3) holders of rights gained based on this Law are required to act according to the best business, social and ecological professional rules in all of their activities, and to implement the best technical methods and assets of geological explorations and exploitation of mineral resources, in order to improve the sustainability of designs and the safety of everyone involved, and to prevent, reduce and eliminate damages and disturbance from activities regulated by this Law to the greatest extent possible;

4) safety, predictability and continuity of research and mining rights are guaranteed under this Law.

2. Terms

Article 3 ﻿

The terms used in the present Law shall have the following meanings:

1) geological environment shall mean a part of the earth's crust consisting of: soil with aerated zones and zones of mineral nutrition of plants, rocks, surface and ground water, mineral and other geological resources;

2) geological resources shall include: space with its geological, environmental and other properties, mineral resources, ground water resources and geothermal resources;

3) mineral resources shall be a part of geological resources, established by adequate methods and procedures of geological explorations in a particular area – mine site, which occur in such form, quantity and quality that there are rational perspectives of their economic exploitation, but which is not proven at the moment of exploration. Mineral resources shall include: solid mineral resources (metallic, non‐metallic and energy) and liquid and gaseous mineral resources (oil, condensate and natural gas). Solid mineral resources shall be classified in accordance with the degree of geological exploration as follows: probable, indicated and measured according to the Pan-European Code for Reporting of Exploration Results, Mineral Resources and Reserves (PERC). Resources of liquid and gaseous mineral resources are divided into classes: prospective resources, conditional resources and produced resources and reserves;

4) resources of ground water shall mean renewable geological resources encompassing all types of ground water (drinking, mineral, thermal and thermal mineral) regardless of their quality and temperature;

5) geothermal resources shall represent a set of renewable geological resources encompassing ground water and heat from rock masses from which thermal energy extraction is possible. Geotermal resources encompass: subgeotermal resources with the water temperature and the heat of rock masses of up to 30°C, resources of a low enthalpy from which it is possible to extract the thermal energy of temperatures from 30°C to 100°C and resources of medium enthalpy from which it is possible to extract the heat energy of a temperature from 100°С to 200°С and resources of high enthalpy from which it is possible to extract the heat energy of a temperature of over 200°С;

6) enthalpy is the total energy of a thermodynamic system that makes the sum of internal energy and the energy of pressure product and system volume;

7) technogenic mineral resources shall represent a part of mineral resources generated in the process of exploitation, preparation and processing of primary mineral resources, as well as the secondary concentrations, and are found in the mine and flotation tailing dumps, ash dumps, metallurgical slag dumps and other dumps;

8) mineral resources shall be concentrations of mineral matters of organic and inorganic origin which at certain level of technical and technological development may be used in a cost-effective manner, either in natural state or after appropriate processing. They encompass all types of coal and oil slates (shales), hydrocarbons in liquid and gaseous state (oil and gas) and other natural gases, radioactive mineral resources, metallic mineral resources, including precious and rare metals, non‐metallic mineral resources, including raw materials for production of construction materials, precious and semi‐precious stones, all types of salts and salt water, ground water from which the useful mineral resources are obtained, ground water relating to the mining technology and accompanying gases and technogenic mineral resources;

9) reserves of mineral resources (hereinafter: mineral reserves) shall be a part of mineral resources at the site, which appear in such from, with such quality and in such quantity for which technical feasibility, economic profitability and environmental acceptability of their exploitation have been proven. Mineral reserves are a commercially exploitative part of measured and/or indicated mineral resources from which the projected losses and dilutions in exploitation are deducted;

10) classification of reserves of mineral resources shall be a classification of reserves of mineral resources into appropriate classes according to the applicable version of the Pan-European Code for Reporting of Exploration Results, Mineral Resources and Reserves (PERC), depending on: the degree of their geological prospecting and exploration, assessment the opportunities and feasibility of exploitation and the level of its profitability. Reserves of solid mineral resources, according to the incremental geological exploration, reliability and consideration of modifying factors (factors and indicators of technical economic assessment), are separated into classes: probable and proven reserves, and reserves of oil, condensate and natural gases are separated into possible, probable and proven;

11) groundwater reserves shall be the quantity of free groundwater that is formed under the influence of natural and anthropogenic impacts and renewed within the saturation zone of some aquifers;

12) geological explorations shall be a complex process and a set of activities comprising the application of adequate methods and technical means, which are performed in order to look into the development, composition and structure of the Earth’s crust; to find, test and assess the mineral and other geological resources in geological‐economic terms; to prospect and determine the reserves of mineral resources and the possibility of their exploitation; to determine and assess the properties of the site being explored within the field of geology, engineering geology and hydrogeology, particularly from the standpoint of spatial and town planning, design and construction of facilities, and to identify and eliminate the harmful impacts of geological and technogenic processes on geological and living environment, and cultural heritage and heritage under prior protection;

13) non‐metallic mineral resources for construction materials shall include those mineral resources that are used as: technical construction stone (TCS); architectural construction (ornamental) stone (ACS); clay bricks, clay ceramics and refractory clay, raw materials for production of cement and lime, sand and gravel used in industry and construction, carbonatic raw materials, tuff, zeolitic tuff and peat, used in industry;

14) natural construction material shall be a rock material obtained by exploitation of non‐ metallic mineral resources without the use of blasting agents, that is only by using the traditional hand tools (hammer, chisel, mallet, crowbar, etc.), which may be used in construction in its natural state (unprocessed, semi‐processed or processed) as: construction stone (cut, split, broken); decorative stone (for floor and wall coating) as well as sand and gravel in its natural, unseparated state;

15) geological exploration works shall be all types of field, laboratory and cabinet trials and testing performed with the purpose of finding and research of mineral and other geological resources and reserves of mineral resources and ground water, as well as research of geological environment;

16) applied geological explorations shall be a set of processes and activities that are performed in order to obtain the relevant data on: geological structure, genesis, qualitative and quantitative characteristics of mineral and other geological resources; characteristics pertaining to the fields of hydrogeology, engineering geology, geothermal and geotechnical characteristics, and geodynamic properties of geological environment, as a part of the site of special interest to the needs of spatial and urban planning, design and building of construction, mining and other facilities;

17) geological hazard shall be a probability of activating a potentially hazardous geological process (landslide, mudslide, site subsidence, earthquake, flash flood, flood, etc.) in a certain area and within a certain period of time, which encompasses the size of activated process (surface site affected by sliding, subsidence, volume mass in motion, character of pollution the geological environment, strength of earthquake, etc.);

18) geological risk shall be the expected level of negative consequences from the operation of certain geological process in a particular area and at a particular time, to the environment, material goods and people;

19) report on hydrogeothermal research shall be a document on: geological and hydrogeological characteristics of the source; the quantity and temperature of the estimated groundwater resources; construction of wells; conditions of use and environmental protection;

20) tailings shall be mine waste that needs to be removed in order to perform the exploitation of useful mineral resources; and flotation tailings is mine waste obtained in the flotation process of the mineral resources;

21) dumping site shall be an area designated for piling or arranging of mine waste, in either solid or liquid state or in the form of solutions and suspensions;

22) annual report on the results of geological explorations shall be a document on types, scope and results of performed geological exploration works. It shall pertain to the period of geological explorations, the duration of which shall be 12 months and shall commence on the day of obtaining the approval for exploration;

23) final report on the results of geological explorations shall be a combined document on all the types, the scope and the results of performed geological works over the approved period of exploration;

24) the project study on the conditions of facility construction within the field of engineering geology and geotechnology shall be a document on the explorations of the geological environment for the purposes of spatial and urban planning, general designs, conceptual designs, and designs for a construction permit for construction of facilities, mining facilities, infrastructure and transport facilities and remediation and reclamation of the site, as well as environmental protection within the field of engineering geology and geotechnology;

25) report on the explored petrogeothermal resources shall be a document on terms of utilization of the rock mass heat of the Earth's crust of a temperature of up to 30°C in order to obtain the thermal energy for heating of buildings or other purposes;

26) report on the estimated groundwater resources shall be a document on: geological and hydrogeological characteristics of the source; quality and quantity of estimated groundwater resources; construction of wells and/or catchments; conditions of sanitary protection of water sources and environmental protection;

27) report on mineral resources for obtaining the natural construction materials shall be a document that contains the basic information on: geological characteristics, quality and estimated quantities of the explored non‐metallic mineral resource, in order to obtain the natural construction materials. In the case of sand and gravel exploitation, the same document, beside other conditions, must include the assessment of impact of hydrogeological characteristics of the site on determining the sanitary protection zone of the ground water sources;

28) project study on resources and reserves of mineral resources, ground water and geothermal resources shall be a document about the results of geological explorations of a specific site of mineral resources or ground water and geothermal resources, the quantities and quality of explored raw materials or resources, their classification, technical possibilities and conditions for exploitation, as well as the expected economic effects.

29) geological prospecting area is a part of geological environment where geological explorations are performed. Prospecting area is marked on the topographic map in the adequate scale, determined by the coordinates in the state coordinate system and encircled by the lines of up to two closed polygons;

30) exploration license holder shall be a company and/or another legal entity and entrepreneur approved by the competent authority to perform the applied geological explorations;

31) exploitation license holder shall be a company, a branch office of a foreign company, or another legal entity or entrepreneur registered in the Republic of Serbia and approved by the competent authority for the exploitation on the site and/or exploitation of the reserves of mineral resources;

32) mining of mineral raw material reserves shall be the performance of mining works on preparation, opening, elaboration, mining, transportation, dumping, dewatering, ventilation and preparation of mineral resources as well as execution of other mining works underground and on the surface. Mining of mineral resources also means execution of works in recovery of oil and natural gases and separation of oil and gas, preparation of oil and gas for transport and storage, extraction of natural liquid gases (ethane, propane, butane and natural gasoline) in gas stripping and similar plants at the exploitation area, as well as the transport of these raw materials by collecting oil and gas pipelines when they are technologically linked with the exploitation areas;

33) utilization of underground water shall be conducting of mining works on preparation, drilling, and utilization of hydrogeothermal resources;

34) surface mining shall be the methods for performing mining works on preparation, opening, drilling and blasting, mining, transportation, dumping, dewatering, venting and reclamation at the open pits and dumps, complying to the occupational health and safety measures, fire protection measures, and environmental protection measures;

35) underground mining shall be the methods for conducting the mining works in opening, development, preparation, mining, drilling and blasting, designing underground rooms, transport, export, venting in underground rooms and mines, and dewatering, complying with the occupational health and safety measures and environmental protection measures;

36) underwater mining shall be the methods for execution of mining works in preparation, opening, mining, transport, dumping, dewatering and reclamation at the open pits under water and belonging waste dumps, complying with the occupational health and safety measures and environmental protection measures;

37) exploration drill hole shall be the mining facilities where mining works are performed in extracting the liquid and gaseous mineral resources and geothermal resources of high enthalpy;

38) preparation of mineral resources shall be all processes of: comminution of mineral resources (crushing, screening, grinding, classification), concentration and/or separation of useful minerals from waste (manual or automated selection, gravitational, flotation, magnetic and electrostatic concentration, leaching of mineral resources and excavations and further preparation of solutions to the aim of concentrating useful components), dewatering the products of concentration and/or separation (thickening, filtering and drying). Preparation of mineral resources also means all processes of hydro‐ transportation of pulp, ashes and/or concentrates, and dumping of flotation tailings and consolidation of mineral raw materials and concentrates (palletizing and briquetting), separation of sand, gravel and stone, as well as the processes of primary processing the decorative and other stones;

39) mining works shall be the works of: drilling the boreholes for the purpose of mining mineral resources in construction of horizontal, inclined and vertical mine workings; reconstruction of mining facilities, plants and devices; preparation, opening and mining at the mine site; dumping of mine waste and stockpiling of useful mineral resources; all works at the exploitation site in the function of mining, maintenance and preparation of mineral resources; as well as the works performed on the basis of mining projects and other designs which are an integral part of mining projects, and mining works performed for the purpose of exploration the mineral resources (exploration adits, shafts, drill holes). Mining works shall be the performing of works in the process of water drainage and pumping within the exploitation of mineral resources, or water injection within the exploitation of oil and natural gas, works on the separation of oil and gas, the preparation of oil and gas for gathering, transportation and storage, extraction of natural liquefied gases (ethane, propane, butane and natural gasoline) in the NGL plants, etc., plants at the exploitation site, as well as the transport of these raw materials by collecting oil and gas pipelines when they are in technological connection with exploitation sites;

40) mining facilities, plants and devices shall be the facilities, plants, machines and devices used for exploration, mining and transport of mineral resources, namely: the facilities and plants within the mine that are directly linked with technological process of exploration, mining and preparation of mineral resources and dumping of waste and mineral raw materials on waste dumps for homogenization; machines and devices intended for all phases of technological processes of underground and surface mining of mineral raw materials and the preparation of mineral raw materials; machines and devices intended for all phases of technological process of mining the solid mineral resources through drill holes; machines and devices intended for all phases of the technological process of mining of mineral resources under water; machines and devices intended for all phases of technological process of coal gasification directly in the fire place; facilities, plants and devices for mine protection against ground and surface water; facilities, plants and devices on oil and gas fields that are directly linked with technological process of exploration, mining, separation, preparation and transport of oil and collection of gas; facilities for underground storage of natural gas and crude oil, as well as other matters at the exploitation site; facilities, plants and devices making up a whole with the electric network of the mine; main and auxiliary storehouses of explosives and explosive devices at the exploitation area; facilities, plants and devices for the exploitation of mineral resources by a tube system and boreholes, and facilities and plants used for sand, gravel and rock separation;

41) exploitation area encompasses a space defined by the Approval for Exploitation Area or exploitation where the reserves of mineral resources are found, as well as a space envisaged for tailing dump and other mining waste, for the construction of facilities for the preparation of mineral resources, for the construction of maintenance facilities, water intake and other mine facilities, and it is limited by adequate polygonal lines on the site surface;

42) protective area around the exploitation area shall be the area where mining is neither planned nor performed, but represents the space that separates the exploitation areas and enables that at any point in time the holder of mining license in protective space may carry out the exploration if there are indications that the resources of mineral resources are also situated off the existing boundaries of the exploitation area and expand the exploitation area later on;

43) mineral land represents a space which is defined by the approval for mining and exploitation area. Mining of mineral resources is carried out on the mineral land, as well as the construction of supporting infrastructure in order to organize the exploitation of mineral resources;

44) mining waste shall be the waste resulting from extractive industry, or the waste occurring during geological explorations, mining, processing and storage of mineral resources, as well as the waste generated in the process of ore processing which involves mechanical, physical, biological, thermal or chemical process (change of dimensions, separation and leaching, processing of waste discarded earlier), excluding smelting, thermal processes of production (except lime roasting) and metallurgical processes, as well as oil mud;

45) mine surveying book shall be a traditional name for thematically archived documentation containing the realized tasks in the area of mine surveying, surveying data, processing of surveying results, and graphical presentations in analog and digital formats;

46) a competent person in the field of geology shall be a professional natural person with appropriate license in the field of geology, who writes and assesses the project studies on resources and reserves of mineral resources and participates in the development of the feasibility study of mining and makes the public report on the synthetic view of the results of geological explorations, mineral resources and mineral reserves for different purposes (shareholders, brokers and investment analysts, websites, information for the media), and/or other needs;

47) The chief designer in the field of geology shall be an expert in geology with the authority and appropriate license, who was appointed by the decision of the responsible person of the project organization to manage the project design of geological explorations;

48) The responsible designer in the field of geology shall be an expert in geology with the authority and appropriate license, who was appointed by the decision of the responsible person of project organization to do a part of the design or a design of certain specialist geological explorations;

49) The responsible manager of geological explorations shall be an expert in geology with the authority and a license, who was appointed by the decision of the responsible person of the exploration contractor to manage the implementation of designed geological explorations;

50) The competent person in the field of mining shall be a professional natural person in the field of mining with the appropriate license, who assesses the project studies on resources and reserves of mineral resources and writes the feasibility study on mining and the public report on the synthetic view of the results of geological explorations, mineral resources and mineral reserves for different purposes (shareholders, brokers and investment analysts, websites, information for the media), and/or other needs;

51) The chief designer in the field of mining shall be an expert in the field of mining with the authority and appropriate license, who is responsible for technical solutions given in the basic concept and compliance with the specific parts of the project, and who was appointed by the decision of the responsible person of project organization to manage the project development;

52) The responsible designer in the field of mining shall be an expert in the appropriate field with the authority and appropriate license, responsible for the development of a particular part of the mining project for which he/she is the expert on, and that was appointed by the decision of the responsible person of project organization to do a particular part of the mining project;

53) the following may be used as collateral:

(1) bill of exchange, which is a blank promissory note signed and verified by the corporation which is submitted in the procedure concerned, with the clause "without protest", duly registered with the National Bank of Serbia, with unconditional and irrevocable authorization for the competent authority to fill out, in accordance with the applicable regulations in the field of the system of payment and the conditions prescribed by this Law.

(2) performance bank guarantee which is unconditional, irrevocable and payable on first demand, issued by a commercial bank in the Republic of Serbia in the amount specified by this Law;

(3) corporate guarantee.

54) “Investment agreement” shall be a contract signed by the Republic of Serbia, represented by the Government, and the investor who has acquired the right to exploit mineral resources under this Law, which further regulates the issues of interest to each of the contracting parties and which may contain conditions and time limits for postponement and termination;

55) preparatory works shall be the works which may be done at the exploitation area and it shall precede the works on the mine opening, and they refer to the clearing of the site and removing the objects for the purpose of providing space for the construction of future mining objects and the execution of mine works, mounting of temporary objects, fittings and equipment. These works do not entail the works on object constructing.

3. Conditions and Public Interest

Article 4 ﻿

Mineral resources, ground water resources, geothermal resources as well as the other geological resources shall be the natural assets owned by the Republic of Serbia any they may be used under the conditions and in the manner set forth by this Law.

Mineral resources or mineral raw materials of strategic importance for the Republic of Serbia shall be:

1) Oil and natural gas;

2) Coal ;

3) Copper and gold ore;

4) Lead and zinc ore;

5) Boron and lithium ore;

6) Oil slates (oil shales or shales);

7) other mineral resources, determined by the special act of the Serbian Government on the proposal of the Ministry responsible for geological explorations and/or mining (hereinafter: the Ministry).

Geological research and exploitation of mineral raw materials are in the public interest.

Notwithstanding paragraph 3 of this Article, in the case of exploitation being done in a protected site or the site of an ecological network, public interest and significance are regulated in accordance with the law determining nature protection.

For the purpose of a business entity, in private or public ownership, which is a holder of exploration license and/or a holder of exploitation of mineral raw materials license, which are defined as the raw materials of importance in terms of paragraph 2 of this Article, the expropriation of real estate may be made.

The company referred to in paragraph 5 of this Article shall have the rights and obligations of the expropriation user.

In order to protect the strategic interest of the Republic of Serbia, a special act of the Government shall determine the representative of the Ministry as a representative of the national interest in the companies with state capital, which carry out the applied geological explorations and exploitation of mineral raw materials referred to in paragraph 2 of this Article.

Expropriation of the real estate referred to in paragraph 5 of this Article shall be conducted pursuant to the regulations governing the expropriation.

The applied geological explorations and exploitation of uranium, nickel and cobalt may be done only with the prior approval of the Government on the proposal of the Ministry, and in accordance with the law determining nature protection.

Article 5

Geological explorations, exploitation of mineral raw materials and resources, utilization and maintenance of mining facilities shall be performed in a manner that ensures the optimal geological, technically feasible and economically profitable recovery of deposits of mineral raw materials and other geological resources, safety of people, facilities and property, and in compliance with contemporaneous scientific achievements and technologies, regulations relating to that type of facilities and works, and the regulations stipulating the conditions with respect to the occupational health and safety, protection against fire and explosion, and environmental protection, and protection of cultural assets and assets under previous protection.

Article 6 ﻿

In the area which represents a protected space of nature, a whole of cultural‐historical and construction significance, a tourist‐recreational whole, a source of special importance for regional water supply and the like, performance of geological exploration and exploitation of mineral raw material reserves and geothermal resources may only be approved under the conditions which, in accordance with the special law, are issued by competent authorities and competent organisations for issuing the conditions for spatial development, nature and environment protection, cultural heritage and other authorities and organisations in charge of the specific area relating to protected space.

Geological research work without the consent of the owner and/or the user shall not be done at a distance shorter than 100m from residential buildings, except in the case of research in the field of engineering geology, geotechnics and hydrogeology.

Geological research work without the consent of the owner and/or the user shall not be done at a distance shorter than 100m from objects which are in public use, such as hospitals, healthcare facilities (nursing homes, special needs institutions etc.), places of worship, burial grounds, cultural establishments, schools, faculties, student dormitories etc., except in the case of research in the field of engineering geology, geotechnics and hydrogeology.

Article 7

The holder of exploration license and the holder of exploitation license may not be a company or other legal entity and entrepreneur having unsettled debts in respect of: public revenue, public benefits in respect of earlier explorations or exploitation, illegal exploration or the illegal exploitation, and if there is non-compliance with obligations related to the remediation and protection of the environment and cultural heritage and heritage under previous protection.

Article 8 ﻿

A company or another legal entity and entrepreneur performing geological explorations and/or exploitation of mineral raw materials or other geological resources without the necessary approvals, shall have to compensate the owner for the damage of occupying the land, and to the Republic of Serbia or the budget of the Autonomous Province, when the unauthorized geological explorations and/or exploitations are performed on its territory, triple value of mined mineral raw materials or other geological resources, and to remediate and recultivate the land on which geological exploration and/or the exploitation of mineral raw materials or other geological resources was performed.

The value of or other geological resources referred to in paragraph 1 of this Article shall be determined by the act of Government every two years based on the market value of mined mineral raw materials or other geological resources.

Article 8a

During the implementation of procedures regarding administrative proceedings done by the Ministry of Mining and Energy, or the competent provincial authority, applications and other documents shall be delivered electronically, in accordance with the law determining electronic documents.

Notwithstanding paragraph 1 of this Article, appeal and other legal remedies, and the proof provided with them, as well as the documents and applications containing confidential data and marked by security grading in accordance with the regulations determining the confidentiality of data shall be delivered in the form of a paper copy.

After the applications and documents have been delivered electronically, due delivery shall be proven by an electronic document delivery receipt (delivery note).

The Ministry or the competent provincial authority shall deliver the decision and other acts to the applicant in the form of an electronic document, through a unique electronic mailbox, in accordance with the law determining electronic administration, if delivery is done through the e-administration portal.

Notwithstanding paragraph 4 of this Article, if the party does not have a unique electronic mailbox, the decision and other acts shall be delivered in the form of a paper copy of the electronic document, certified in accordance with the law determining electronic business, by registered delivery of the postal operator.

On the date of shipping the decision, in accordance with paragraphs 4 and 5 of this Article, the competent authority publishes the decision on its website.

If the registered delivery of the package from paragraph 5 of this Article could not have been done because the party was unavailable at the named address at the moment of delivery, the courier shall make a record of it and leave a notice to the party at the place where the document should have been delivered. The notice shall contain the name and surname of the recipient, written data identifying the person, the date of leaving the notice, and a note for the recipient to pick up the package at the specified address of the postal operator, within 15 days from the day of the delivery attempt.

The notice for the recipient from paragraph 5 of this Article shall contain the information on the date of publishing the decision on the website of the competent authority. It shall also contain the legal instruction for the recipient that the decision shall be considered delivered after 30 days from the day of publishing the decision on the website of the competent authority, if the package is not picked up within the given time limit.

Concerning the situation mentioned in paragraph 5 of this Article, if the package is not picked up by the recipient within the given time limit, the courier shall bring it back together with the notice on the reasons why the package has not been delivered.

The delivery to the recipient shall be considered done:

1) on the date of the receipt of the decision in the manner determined under paragraph 4 and paragraph 5 of this Article;

2) after the 30-day time limit since the date of publishing the decision on the website of the competent authority has passed and if delivery has not been done in accordance with the provisions of paragraphs 4, 5 and 7 of this Article.

If the address of permanent residence, or temporary residence, or central headquarters is unknown, the delivery to that recipient shall be considered done on the day when the 30-day time limit since the date of publishing the decision on the website of the competent authority has passed.

Upon the request of the client, the competent authority shall issue a copy of the decision to the client without delay, on its premises. The delivery, however, shall have no impact on the time limit calculation regarding the delivery.

The competent Minister in the field of mining and geology shall further determine the content and manner of the exchange of documents and applications referred to in paragraph 1 of this Article.

Provisions of this Article relating to electronic procedure shall come into effect on the day of the design of the software solution supporting this system.

Article 9 ﻿

Approval for the Applied Geological Explorations of mineral and other geological resources, approval for the retention of rights on the exploration area, approval for the exploitation field, approval for exploitation, approval for the construction of mining facilities and/or approval for the execution of mine works, approval for the utilisation of mining facilities and approval for mine waste management, certificate on mineral raw material reserves and resources and/or other geological resources, shall be transferred to another company or another legal entity and entrepreneur, upon the request of the holder of approval and in accordance with the requirements prescribed by this Law.

By transferring the approvals referred to in paragraph 1 of this Article, all rights and obligations and other approvals issued relating to the transferred approval shall be transferred as well.

The request for approval transfer shall be submitted to the Ministry, or to the competent authority of the Autonomous Province when the exploration or exploitation has been performed on the territory of the province (hereinafter: the competent authority), which renders the decision on the transfer of the approval once the requirements referred to in paragraphs 4 and 5 of this Article have been met.

The request for the transfer of the approval shall be submitted with:

1) a photocopy of the approval which is the subject of transfer or data on the issued approval for all acts referred to in paragraph 1 of this Article;

2) proof of ownership or use, lease and/or consent or the right of easement over the land of the new holder of the approval for the area on which the construction of mining facilities and the execution of mine works was planned for at least five years in accordance with the approved technical documentation with the list of cadastral parcels and a written statement of the holder of approval confirming that mine works shall be executed on said parcels for at least five years in accordance with the approved technical documentation, for the transfer of the exploitation approval, approval for the construction of mining facilities and/or the approval for the execution of mine works, and the approval for mine waste management;

3) the layout in the scale 1:2500 or in the appropriate scale, no older than six months with marked borders of the exploitation field, the progress of mine works, planned mine works for at least five years in accordance with the approved technical documentation, clearly marked borders and marks of cadastral parcels in written and digital form, certified by an expert with a license for the transfer of the approval for the exploitation field and/or the approval for exploitation, the approval for the construction of mining facilities and/or the approval for the execution of mine works and the approval for mine waste management;

4) the report of the holder of the approval for exploration and/or exploitation on the compliance with the obligations relating to: remediation and reclamation of the area; mine waste management; reporting on the execution of the works on geological explorations and/or exploitation to the competent authority and the inspection department in due time, for the transfer of the approval for applied geological explorations of mineral and other geological resources, the approval for the retention of rights to the exploration area, the approval for the exploitation field, the approval for exploitation;

5) a written statement of the new holder of the approval on the acceptance of the approval transfer with all the rights and obligations arising from it, for all the acts referred to in paragraph 1 of this Article;

6) a bank guarantee or a bill of exchange or a corporate guarantee for the execution of works on remediation and reclamation of degraded land due to exploitation for at least three years from the day of submitting the application for the transfer of approval, when the new holder of approval transfers the approval for the construction of mining facilities and/or the execution of mine works or the approval for exploitation in accordance with Article 77 of this Law.

7) proof of payment of the prescribed republic administrative fee, for all the acts referred to in paragraph 1 of this Article.

The request for the transfer of the approval on mineral raw material reserves and resources and/or other geological resources, which is submitted by the holder of the approval, shall be submitted with:

1) a photocopy of the approval which is the subject of transfer or the data on the issued approval;

2) a written statement of the new holder of the approval on the acceptance of approval transfer with all the rights and obligations arising from it;

3) for a legal person to whom the approval is transferred, the proof of fee settlement for the applied geological explorations of mineral and other geological resources, or the fee for the utilisation of mineral resources, in accordance with the situation on the date of application;

On the date of application, the fee receivable for the applied geological explorations of mineral and other geological resources, or the fee for the utilisation of mineral raw materials must be paid, for the legal person to whom the approval is transferred and the applicant.

The decision referred to in paragraph 3 of this Article rendered by the Ministry is final and an administrative dispute may be initiated against it.

An appeal against the decision referred to in paragraph 3 of this Article rendered by the competent authority of the Autonomous Province shall be submitted to the Minister responsible for the works of geological explorations and/or mine works (hereinafter: The Minister).

Article 10

The approval for exploitation of mineral raw material reserves and geothermal resources, issued to a legal person, whose assets used for exploitation shall be sold in the privatisation process, may be transferred to the buyer of that property by a contract to be concluded by the seller of assets, the buyer of assets, the Ministry and the Privatisation Agency.

Prior consent for the contract referred to in paragraph 1 of this Article shall be given by the Government, at the proposal of the Ministry.

The contract referred to in paragraph 1 of this Article concluded without the consent of the Government shall be void.

The mandatory elements of the contract referred to in paragraph 1 of this Article are the provisions on the buyer investments of assets and its liabilities arising from the social program.

II. MINERAL POLICY AND DEVELOPMENT PLAN OF GEOLOGICAL EXPLORATIONS AND MINING INDUSTRY OF THE REPUBLIC OF SERBIA

1. Mineral Policy and Development Plan

Article 11 ﻿

Mineral policy and development plan of geological explorations shall comprise the measures and activities taken to achieve the long‐term strategic goals in the field of geological explorations of all types of mineral resources and mineral raw material reserves and other geological resources, determining the conditions in the field of hydrogeology, engineering geology or geotechnology for the use of geological environment in planning, design and construction of all types of facilities, protection of geodiversity objects of special importance, as well as a geological hazard and risk in terms of activation of dangerous geological processes such as natural disasters and possible negative processes on the nature and people.

In the field of mining, mineral policy and development plan shall entail: the application of modern technologies in the construction of mining infrastructure and mining facilities in order to ensure the safety of facilities and safety and health at work; the ensuring of a secure supply of the economy and the market of the Republic of Serbia with mineral raw materials and other geological resources, promotion of mining in order to create favourable conditions for investments in the field of sustainable development of the mining industry and harmonisation with EU regulations on environmental protection in the field of mining; the guidelines on the environment, health and safety of the International Finance Corporation (IFC).

Mineral policy and development plan of geological explorations and mining is implemented through the execution of the strategy for managing the mineral resources and other geological resources of the Republic of Serbia.

2. Management Strategy of Mineral and Other Geological Resources of the Republic of Serbia

Article 12 ﻿

Management Strategy of Mineral and Other Geological Resources of the Republic of Serbia (hereinafter: the Strategy), the general goal of mining development and geological research of energy, metallic, non-metallic and technogenic mineral raw materials, groundwater and geothermal resources is determined.

The Strategy contains elements prescribed by the law determining the planning system of the Republic of Serbia.

The Strategy shall determine a projection of the needs for all types of mineral raw materials, development of the mining and geological explorations sector, as well as the projection of export and import of all types of mineral raw materials in the Republic of Serbia, taking into account economic, regional, environmental and social aspects.

The Strategy shall be enacted by the National Assembly at the proposal of the Government, for a period of at least 10 years.

The Government shall monitor the Strategy implementation and, if necessary, launch its alignment with the real needs for mineral raw materials.

Article 13 ﻿

The Government shall adopt an action plan and, if necessary, programs for the implementation of the strategy, at the proposal of the Ministry.

Certain specific goals set by the Strategy may be elaborated in programs.

The Action Plan for the implementation of the Strategy determines the dynamics of the implementation of measures for the implementation of the Strategy, in accordance with the law determining the planning system.

III. GEOLOGICAL INSTITUTE OF THE REPUBLIC OF SERBIA

Article 14 ﻿

Geological Institute of the Republic of Serbia (hereinafter: the Institute), as a special organisation with the status of a legal entity, in accordance with this Law, shall perform basic geological explorations, within the meaning of Articles 17 and 18 of this Law and other geological explorations included in the annual program referred to in Article 20 of this Law, as well as the works of applied geological explorations of importance for the Republic of Serbia, based on a special decision rendered by the Government on the proposal of the Ministry.

The Institute shall also perform other works of interest to the Republic of Serbia, such as: the design and printing of geological maps in the scale 1:25000 and smaller scale; the design of specialized and thematic geological maps (metalogenetic or mineralgenetic, geomagnetic, gravimetric, radiogravimetric, geochemical, hydrogeological, engineering‐geological, structural‐tectonic, seismic, geoecologic, etc.); including the design of the geological bases for the purposes of spatial planning, shall carry out the explorations and monitoring of landslides and design the geological maps of hazard and risks in the scale 1: 25000 and smaller, regional geophysical exploration works; laboratory tests in the field of mineralogy, petrography and sedimentology as well as paleontological, chemical, geomechanical and other tests.

The Institute shall perform the works on the implementation of projects of development, scientific research and international designs in the field of geology, organising the observation network for monitoring the groundwater regime under special programs, collecting, updating and storage of data and technical documentation of importance for the Geological Information System of the Republic of Serbia, the preparation of project tasks for the local governments for the explorations in the field of engineering geology and geotechnology and remediation of landslides, as well as other works in accordance with the law.

The Institute may also perform the works of geological exploration abroad based on a special decision rendered by the Government on the proposal of the Ministry.

Funding for the Institute works shall be provided from the budget of the Republic of Serbia and from other sources in accordance with the law.

Supervision over the work of the Institute and the execution of geological explorations from paragraphs 1 and 2 of this Article, as well as professional control of the executed works shall be performed by the Ministry.

Article 15

The Report on the realisation of geological designs according to the annual program for the previous year shall be submitted to the Ministry, or to the competent authority of the Autonomous Province by the Institute once a year, by the end of January of the following year at the latest, for explorations performed on the territory of the Autonomous Province.

IV GEOLOGICAL EXPLORATIONS

**1. Types of Geological Explorations**

**Article 16**

For the purposes of this Law, geological explorations are basic and applied.

The basic and applied geological explorations shall be performed based on the project of geological explorations, in accordance with contemporaneous scientific achievements and technologies, regulations relating to such type of geological explorations, as well as the regulations that establish the conditions for occupational safety and health, protection against fire and explosion, and protection of environment and cultural assets and assets under prior protection.

**2. The Basic Geological Explorations**

**Article 17**

The basic geological explorations, pursuant to this Law, shall mean the explorations which are performed in order to study the development, composition and structure of the Earth’s crust; discovering the mineral resources, ground water resources and geothermal resources and their initial study thereof; evaluation of total potential of a geological environment as a space for the needs of spatial and town planning and to establish suitability for the construction of facilities; establishing and elimination the harmful effects of natural and technogeneous processes on geological and living environment.

Basic geological explorations are the activities of public interest and shall be financed from the Republic of Serbia budget.

The Autonomous Province shall finance the basic geological explorations on the territory of the Autonomous Province.

The Autonomous Province shall perform the operations from paragraph 3 of this Article as entrusted.

**Article 18**

The basic geological explorations shall involve the preparation of basic, overview and specialist geologic maps in the scale of 1:25,000 and smaller scale maps (also at a scale of 1:10,000, exceptionally for the specific‐purpose regions); studies of the potentiality of geological environments in terms of presence of mineral and other geological resources; with accompanying interpreters; geological studies for the needs of potential consideration of geological environments in terms of presence mineral and other geological resources, hydrodynamic and other properties of geological environment in order to use and protect ground water and geothermal resources, suitability of geological environment for the needs of planning as well as the studies for the needs of environmental protection; preservation of geo‐diversity and protection of geo‐heritage objects, etc.

The basic geological explorations shall be performed for the needs of spatial planning and evaluation of total geological potential of a certain area, the purpose and suitability of geological environment as a space for the construction of facilities.

Elaboration of geologic maps from paragraph 1 of this Article, preparation for printing, receipt of authorial original of geologic maps and interpreters shall be done under the professional help of the working group set up by the Minister.

The Act on establishing the working groups from paragraph 3 of this Article shall determine the tasks, obligations and compensation for the work of its members.

The Minister shall define more specifically the expert technical bases for elaboration of the geologic maps from paragraph 1 of this Article.

**Article 19**

The basic geological explorations shall be performed by the Institute according to the Long‐term Basic Geological Prospecting Development Program (hereinafter: the Long‐term Program) and the Annual Basic Geological Explorations Program (hereinafter: the Annual Program)

The Long‐term Program shall comprise the strategic priorities and long‐term objectives of performance of the basic geological explorations serving to overall economic and social development, and in compliance with the spatial plan of the Republic of Serbia, the Strategy of Sustainable Development, as well as the Strategy.

The competent authority of the Autonomous Province shall propose a part of the Long‐term Program on their territory in accordance with the regional spatial plan of the autonomous province, the plans and programs of sustainable use of natural resources and assets, as well as the Strategy.

The Long‐term Program shall be adopted by the Government at the proposal of the Ministry for a period of 10 years.

**Article 20**

The Annual Program shall include the objectives, type and scope of geological exploration works, conditions and dynamics for their performance, as well as the necessary financial assets and material‐ technical assets and human resources for its implementation.

The Annual Program may also encompass other geological explorations, if their performance shall be necessary for risk assessment and elimination of consequences of geological hazards (landslides, mudslides, floods, earthquakes, etc.) as well as applied geological explorations of mineral and other geological resources, and other explorations, if the implementation of such explorations shall be of interest for the Republic of Serbia.

The Annual Program is adopted by the Ministry in accordance with the Long‐term Program by the end of February of the current year.

The competent authority of the Autonomous Province adopts the Annual Program on its territory, in accordance with the Long‐term Program.

The Minister shall prescribe the criteria and conditions for performance of works and suspension of works in the field of basic geological explorations.

The activity from paragraph 4 of this Article shall be performed as entrusted.

**3. The Applied Geological Explorations**

**Article 21**

The applied geological explorations, pursuant to this Law, shall include the explorations performed in order to determine mineral resources and reserves and engineering‐geological and hydrogeological conditions of their exploitation, hydrogeological explorations for the needs of identification, use and protection of resources and reserves of ground water and geothermal resources, engineering‐geological‐geotechnical and hydrogeological explorations of geological environment for the needs of spatial and urban planning, lowering groundwater levels, designing and construction of sites, mining and other facilities, environmental protection and natural assets and geoheritage objects, remediation and reclamation of the site, including the underground storages for natural and other matters, separation of suitable geological formations and structures as well as of depleted deposits of mineral resources for natural gas and/or CO2 storage.

The performing of the applied engineering‐geological‐geotechnical explorations shall be obligatorily performed for the needs of spatial and urban planning, designing and construction of sites, mining and other facilities in order to define the engineering‐geological‐geotechnical conditions for construction and/or remediation, as well as the other characteristics of geological environment.

The applied geological explorations shall also be performed for the needs of using hydrogeothermal or petrogeothermal resources, or internal heat of the Earth's crust.

The Government shall define by Decision the conditions, criteria, procedure and manners for issuance of approvals, and the other special conditions in connection to geological explorations related to the separation the favourable geological formations and structures, as well as depleted deposits of mineral resources for CO2 storage .

With regard to the conditions and methods of control and monitoring of the concentration of greenhouse gases in the atmosphere at a level that would prevent dangerous anthropogenic disturbances in the climate system, regulations in the field of environmental protection shall apply, and with regard to conditions and methods of construction of CO2 storage facilities, regulations in the field of facility construction shall apply.

**4. Conditions and Manner of Performing the Geological Explorations**

**Article 22**

Performing the geological explorations, development of geological exploration projects, performing technical control of the geological exploration project, project studies of resources and mineral reserves, project studies of resources and ground water reserves and geothermal resources, reports on geological exploration, project studies in engineering‐geological‐geotechnical conditions of construction and remediation of the facilities and sites, reports on mineral resources for obtaining the natural construction materials, reports on geothermal resources as well as the reports (project studies) of various expert tests as well as the operations of profession supervision shall be carried out by a company or another legal entity and entrepreneur registered in the Company Register or any other register for the performance of that activity in the Republic of Serbia.

The activities of geological explorations and preparing the reports on the results of geological explorations, management and professional supervision of geological explorations, reports on mineral resources to obtain the natural construction materials, project studies on engineering‐geological‐geotechnical conditions for construction of facilities and rehabilitation of site, reports on geothermal resources, as well as the reports (project studies) of various expert tests may be performed by a person with the acquired university degree at least at level 7 sublevel 1 (level VII-1) of the National Qualifications Framework, obtained by completing integrated academic studies of 300 to 360 ECTS credits (master academic studies, vocational master studies), i.e. at least 5 years of undergraduate studies of appropriate educational profile and module in the field of geological engineering in the educational and scientific fields: technical and technological sciences, with the authority and license to perform these tasks, who has at least three years of working experience in performing the appropriate tasks.

The assignments of the chief designer, responsible designer and responsible manager for implementation the geological explorations, as well as the assignments of expert supervision and technical control of the projects on geological explorations, development and evaluation the project studies on resources and reserves of mineral resources, project studies on resources and ground water reserves and project studies on geothermal resources can be performed by a person with the acquired university degree at least at level 7 sublevel 1 (level VII-1) of the National Qualifications Framework, obtained by completing integrated academic studies of 300 to 360 ECTS credits (master academic studies, vocational master studies), i.e. at least 5 years of undergraduate studies of appropriate educational profile and module in the field of geological engineering in the educational and scientific fields: technical and technological sciences, with the authority and license to perform these tasks, who has at least 5 years of working experience in performing the appropriate tasks, and for a competent person at least ten years of work experience.

Participation in performance of less complex geological exploration works and development of technical documentation for such works may be performed by a person with the secondary education in the field of geology, mining and metallurgy, with the appropriate educational profile, who has at least three years of work experience in respective positions and authority to perform these activities.

Geological explorations can be conducted by the foreign legal entities under conditions and in the manner prescribed by this Law and the Law which establishes the rights of foreign persons in respect of the use of assets of the public interest and in accordance with the laws governing the area of defence and the confidentiality of data.

**Article 23**

Authorization for performing the activities from Article 22, paragraphs 2-4 of this Law shall be acquired upon passing the state examination.

The state examination from paragraph 1 of this Article shall be taken before a commission set up by the Chamber of Mining and Geological Engineers of Serbia.

**Editor’s note: this version of the Article shall become effective from 1 May, 2022.**

**Chamber of Mining and Geological Engineers of Serbia**

**Article 23a**

Chamber of Mining and Geological Engineers of Serbia (hereinafter: Chamber) shall be a legal entity established to improve the conditions for performing professional activities in the field of mining and geology, design, geological explorations, construction of mining facilities and other areas significant for mining and geology of the Republic of Serbia, protection of guild and individual interests, improving service delivery and achieving all other goals which improve expertise and professionalism of work.

The members of the Chamber shall be engineers of geological, mining, metallurgical, construction, mechanical and electrical professions, as well as environmental engineers and other technical professions who perform professional work for the purpose of geological explorations of mineral raw materials, ground water and geothermal resources and exploitation of mineral raw materials.

The registered seat of the Chamber shall be determined by the Statute.

In accordance with this Law and the Statute, the Chamber shall perform the following tasks:

1) determine the professional rights and duties and ethical norms of behaviour of members in performing the works of geology and mining, design and execution of works;

2) determine the fulfilment of conditions and issue licenses in accordance with the provisions of this Law;

3) check the compliance of issued licenses according to the regulations of other countries;

4) keep records of persons referred to in Item 2 of this Article, which is available on the electronic portal of the Chamber in accordance with the Law governing the protection of personal data;

5) publish biographies of competent persons on its electronic portal in accordance with the Law governing the protection of personal data;

6) organize, conduct and issue certificate on the passed license examination for engineers of geology, mining and other professions that perform professional work in mining and geology;

7) obtain the consent of the Minister to the program on the conditions and manner of taking the license examination;

8) represent the interests of membership;

9) in accordance with the practices of the most prestigious chambers of engineering in the world, adopt a code of professional and ethical standards for engineers of geology, mining and other engineering professions performing professional work in mining and geology, especially in relation to competent persons and consistently apply the Code in the interest of building the reputation of the Chamber and its membership, in accordance with the practices of the most prestigious Chambers of Engineers in the world;

10) organize the Court of Honour to determine violations of professional standards and norms (professional responsibility), as well as to impose measures for those violations;

11) provide a collective insurance policy for all competent persons, at the appropriate level of the individual insured event;

12) resolve disputable professional issues;

13) in case of doubt, check the status of a competent person of a foreign engineer;

14) keep a public Register of Competent Persons, Issued Licenses and Passed License Examinations;

15) perform other tasks in accordance with the Law and the Statute that promote geological research and mining in the Republic of Serbia.

The Chamber regulates its organization and manner of performing professional activities in accordance with this Law.

The Chamber submits the draft Statute to the Ministry for approval.

**Bodies of the Chamber**

**Article 23b**

The bodies of the Chamber shall be the Assembly, the Board of Directors and the Supervisory Board.

The Assembly, the Board of Directors and the Supervisory Board shall elect their presidents.

The Chamber shall organize its work through the work of the parent sections. Three types of parent sections are organized for geology, mining and the parent section of other professions.

The Chairman of the Board shall be the legal representative of the Chamber.

The Board of Directors of the Chamber shall have six members. Three members shall be represented by Chairmen of Executive Boards of the parent sections, and three shall be the representatives of the Ministry.

The Chairman of the Board shall be elected from among the members proposed by the Ministry.

In case of an equal number of votes of the Board of Directors, the decision voted for by the Chairman shall be adopted.

The Supervisory Board shall consist of three members, two members nominated by the Ministry and one by the Assembly of the Chamber.

The work of the Chamber shall be regulated in detail by the Statute, in accordance with this Law.

**Financing of the Chamber**

**Article 23c**

The Chamber shall finance its activities from membership and other fees and donations.

The Chamber shall determine the amount of membership fee and fees for taking license examination and issuing the license referred to in paragraph 1 of this Article, with the previously obtained consent of the Minister.

The Ministry supervises the legality of the Chamber's work.

**Qualifications**

**Article 23d**

The competent person for geology shall be an expert with the following qualifications:

1) a person with the acquired higher education at least at level 7 sub-level 1 (level VII-1) of the National Qualifications Framework, obtained by completing integrated academic studies of 300 to 360 ECTS credits (master academic studies, vocational master studies), i.e. at least 5 years of undergraduate studies of appropriate educational profile and module in the field of geological engineering;

2) passed license examination;

3) 10 years of professional experience;

4) has not been convicted of criminal offence in the field of economy;

5) acts ethically in professional life;

6) is a member of the Chamber of Mining and Geological Engineers of Serbia.

The competent person for mining shall be an expert with the following qualifications:

1) a person with the acquired higher education at least at level 7 sub-level 1 (level VII-1) of the National Qualifications Framework, obtained by completing integrated academic studies of 300 to 360 ECTS credits (master academic studies, vocational master studies), i.e. at least 5 years of undergraduate studies of appropriate educational profile and module in the field of mining engineering;

2) passed license examination;

3) 10 years of professional experience;

4) has not been convicted of criminal offence in the field of economy;

5) acts ethically in professional life;

6) is a member of the Chamber of Mining and Geological Engineers of Serbia.

Experts of other professions (graduate engineers, master engineers), may be hired as competent persons when needed for works in geology and mining, with the following qualifications:

1) a person with the acquired higher education at least at level 7 sub-level 1 (level VII-1) of the National Qualifications Framework, obtained by completing integrated academic studies of 300 to 360 ECTS credits (master academic studies, vocational master studies), i.e. at least 5 years of undergraduate studies of appropriate educational profile and module;

2) passed license examination;

3) 10 years of professional experience;

4) two years of experience relevant to the license for a competent person;

5) has not been convicted of criminal offence in the field of economy;

6) acts ethically in professional life;

7) is a member of the Chamber of Mining and Geological Engineers of Serbia.

In case there is no competent person in the Republic of Serbia with relevant experience for a specific license, a foreign competent person with comparable qualifications and relevant experience in relation to a specific license will sign reports, studies and projects together with the Serbian competent person with the closest relevant experience.

A competent person may conclude a Contract on Professional Liability Insurance on a higher amount of the insured event than the collective insurance provided through the Chamber.

**5. Conducting of Geological Explorations**

**Article 24**

Geological explorations shall be conducted according to a geological prospecting project which shall include in particular:

1) documents on fulfilment the conditions from Article 22 of this Law;

2) textual part;

3) graphic attachments;

The Minister shall prescribe the conditions, criteria and content of the geological explorations projects for all types of geological explorations, as well as for the projects and reports referred to the explorations of mineral resources for obtaining the natural construction materials and explorations the hydrothermal and petrogeothermal resources.

Personal data on projects and reports referred to in paragraph 2 of this Article shall contain the name and surname of the person.

**Article 25**

The Geological Exploration Project, as well as the amendments to the same Project, as well as the annual and final reports on the results of geological explorations shall be subject to technical control.

The technical control from paragraph 1 of this Article includes the control in terms of the application of contemporary achievements and methods of geological science and engineering and the compliance of the project with: the Law and other regulations in the field of geology and mining, the conditions of competent institutes for nature protection and protection of cultural heritage, compliance of the project with the applicable technical regulations, as well as corresponding measures to the occupational health and safety, fire protection measures, safety of people and facilities and environmental protection.

For the quality of engineering supervision of the Geological Exploration Project, a business entity that performed the technical control shall be responsible

Technical control from paragraph 1 of this Article may be performed by a company and entrepreneur, or another legal entity which meets the requirements from Article 22 of this Law.

The Minister shall prescribe the conditions and manner of performing the technical control of geological exploration projects.

**Article 26**

Technical control of the geological exploration project may not be performed by or in the control of:

1) the company or other legal entity and entrepreneur which prepared that project or is a holder of the exploration license;

2) the person employed in the company or another legal entity and entrepreneur that prepared the geological exploration project or participated in the development of that project;

3) the person employed with the exploration license holder;

4) the person employed in the Ministry, competent authority of the Autonomous Province and in the local government unit.

**Article 27**

During geological explorations, the exploration license holder shall be obliged to provide expert supervision over the geological explorations.

Expert supervision from paragraph 1 of this Article shall include: control in terms of whether the explorations are performed according to the Geological Explorations Project and whether the designed dynamics of explorations are realized; quality check of exploration works and application of regulations in the field of geological explorations and technical regulations; control of the application of the occupational health and safety measures, fire and environmental protection measures.

Professional supervision over the geological exploration performance may not be performed by a legal entity that is the holder of the exploration permit, conducts geological exploration, nor by a person who prepared reports on geological exploration, except for oil and gas exploration.

A person performing the professional supervision shall be obliged to keep a Journal of Supervision and to inform the exploration license holder of omissions and deficiencies identified in the course of performing the professional supervision in a timely manner.

The Minister shall prescribe in detail the content and form of the Journal of Supervision referred to in paragraph 3 of this Article.

Along with the Annual Report from Article 29, paragraph 1 of this Law, the Final Report on the results of geological explorations referred to in Article 28, paragraph 1 and Project Study on engineering‐geological‐geotechnical conditions of the construction, the exploration license holder shall be required to submit a copy of the Report on Technical Inspection which contains information on: the performer of geological explorations, the type and volume of realized exploration works and the date of their execution, as well as the other information concerning the observation of professional supervision.

**Article 28**

Upon completion of the foreseen geological explorations of mineral raw materials, underground water and geothermal resources, the Final Report on the results of geological explorations (hereinafter: the Final report) shall be made.

After completion of the realized engineering‐geological‐geotechnical explorations under Article 30, paragraph 2 of this Law, a project study on engineering‐geological‐geotechnical conditions for construction of facilities shall be prepared.

The exploration license holder shall be obliged to submit a copy of the Final Report referred to in paragraph 1 and the Project Study referred to in paragraph 2 above, as well as the Report referred to in Article 31, paragraph 7 of this Law to the authority that issued the approval, both in writing and in electronic pdf form in the official language of the Republic of Serbia, no later than 30 days from the expiration date of the approved exploration period, and in case of extension of exploration period within the meaning of Article 39 of this Law, and in case of retention of exploration rights within the meaning of Article 40 of this Law no later than the end of the previously approved exploration period p.

The Minister shall prescribe in more detail the content of the Final Report referred to in paragraph 1 of this Article, and the Project Study referred to in paragraph 2 above, as well as the Annual Report on the results of geological explorations referred to in Article 29, paragraph 1 hereof.

**Article 28a**

The Ministry may provide certain geological information from the report on the results of geological explorations and studies:

1) to the Institute for the purpose of preparing geological maps, making a balance of mineral resources and improving the comprehensive geological knowledge of the territory of the Republic of Serbia;

2) to the Republic Geodetic Authority, which enters data on the existence of a mineral body of mineral raw material at a certain location into a unique system of indicators for spatial planning in accordance with the ESPON system.

Competent bodies for spatial and urban planning adjust planning and urban documents in such a way as to enable unhindered exploitation of discovered mineral deposits, in accordance with this Law, the Law governing spatial and urban planning and the Law governing nature protection.

In the case referred to in paragraph 2 of this Article, indicators for spatial planning on the mineral deposit shall be entered in all spatial and urban plans, for the area covered by the mineral deposit.

The Ministry and the Institute have the obligation to act with reports and elaborations in accordance with the "business secret" label, unless otherwise prescribed by this Law.

**Article 29**

In the case of multiannual explorations, the exploration license holder is obliged to submit the Annual Report on the results of geological exploration both in written and electronic pdf form in the official language of the Republic of Serbia (hereinafter: the Annual Report) to the authority that issued the approval, no later than 30 days after the expiration of the exploration period of one year of after the exploration withdrawal.

The Final Report and the Project Study referred to in Article 28, paragraphs 1 and 2 of this Law, as well as the Annual Report referred to in paragraph 1 of this Article, have the character of archive material and shall be kept permanently, in accordance with the Law.

**6. Approval for the Applied Geological Explorations**

**Article 30**

Applied geological explorations of mineral and other geological resources shall be performed on own and / or someone else's land (in private or public ownership) within the exploration area based on the Decision on approval for geological explorations issued by the Ministry, at the request of the company or other legal entity and entrepreneurs, except when performed in accordance with Article 46 of this Law.

The applied engineering‐geological‐geotechnical explorations for the needs of construction of the infrastructure facilities (high dams, hydropower plants, thermal power plants, regional roads and railways, oil pipelines, gas pipelines, airports, etc.) of strategic importance for the Republic of Serbia, as well as the engineering‐geological‐geotechnical explorations for the needs of construction and rehabilitation of facilities of mining infrastructure shall be performed on the basis of the Decision on approval of geological explorations issued by the Ministry, at the request of a company or other legal entity.

In the case when engineering‐geological‐geotechnical explorations for the needs of construction of infrastructure facilities are performed on the territory of the Autonomous Province, the approval shall be issued by the competent authority of the Autonomous Province by a Decision against which an appeal may be lodged to the Minister.

In the areas around the facilities of special importance to defence, and soil explorations (geodetic, geophysical, geological, hydrological, etc.) may be performed by legal entities that receive approval for that from the competent authority, upon prior opinion of the Ministry of Defence in terms of measures to protect classified information.

The Decision of the Ministry from paragraphs 1 and 2 of this Article shall be final and an administrative dispute may be initiated against it.

For the applied geological explorations of mineral and other geological resources from paragraph 1 of this Article, which are performed on the territory of the Autonomous Province, the authorization shall be issued by the competent authority of the Autonomous Province by a Decision against which an appeal may be lodged to the Minister.

The competent authority of the Autonomous Province shall be obliged to deliver a copy of Decision and a Report on the approved explorations for the previous year to the Ministry no later than 31 January of the following year.

The activities of paragraphs 3 and 6 of this Article shall be performed as entrusted.

**Article 31**

Geological explorations of mineral resources for obtaining natural construction materials shall be carried out on the basis of Decision on the approval for exploration issued by the Ministry, or competent authority of the Autonomous Province if the explorations are carried out on the territory of the Autonomous Province, which shall be issued at the request of the entrepreneur.

The request for approval referred to in paragraph 1 of this Article shall contain information on: the entrepreneur who is the applicant, type and purpose of exploration, site of exploration, and coordinates and cadastral parcel number of the planned execution of explorations.

In addition to the request referred to in paragraph 2 of this Article, a proof of payment of the republic or provincial administrative fee shall be submitted when the exploration is carried out on the territory of province, as well as:

1) surveying plan in the scale of 1: 1,000 or topographic view map in appropriate scale with the marked border and coordinates of the explored space, as well as the number of cadastral parcel where the exploration is planned;

2) the project of geological explorations;

3) the report and confirmation of the technical control of the project;

4) proof of payment of the republic, provincial and administrative fee when exploration is done on the territory of province.

The competent authority shall reject the application for exploration referred to in paragraph 1 of this Article, if the exploration area is not free, if all necessary documents referred to in paragraph 4 of this Article are not submitted or if based on the official records of protected natural areas determines that there are limitations to perform exploration in relation to the protection of: landscapes of exceptional natural characteristics, source of groundwater for public supply, endemic plants and animal species, cultural heritage or geoheritage sites, religious buildings, etc.

Duration of exploration period determined by the decision referred to in paragraph 1 of this Article shall be one year and may be extended.

Upon completion of the foreseen geological explorations from paragraph 1 of this Article, a Report on the mineral resources for preparation of natural construction materials shall be prepared.

The Decision from paragraphs 1 and 5 of this Article issued by the Ministry shall be final and an administrative dispute may be initiated against it and an appeal may be lodged with the Minister against a decision issued by the competent authority of the Autonomous Province.

The competent authority of the Autonomous Province shall be obliged to deliver a copy of Decision and a Report on the approved explorations for the previous year to the Ministry no later than 31 January of the following year.

The activities of paragraph 1 of this Article shall be performed as entrusted.

**Article 32**

Monitoring and control of the engineering‐geological‐geotechnical explorations under Article 21, paragraph 1 hereof, performed with the aim of defining the engineering‐geological‐geotechnical conditions of construction and/or remediation, as well as the other characteristics of geological environment for the needs of spatial and urban planning, construction of buildings, protection of natural and cultural assets and the objects of geoheritage, remediation and reclamation of the terrain shall be performed by the local government.

A company or other legal entity or entrepreneur who conducts the explorations referred to in paragraph 1 of this Article shall be obliged to report the start of explorations to the competent authority of local government for urban planning activities and competent Institute for Protection of Cultural Monuments and submit the basic data on type, purpose and dynamics of explorations, site name, as well as the performer of explorations.

The application referred to in paragraph 2 above, shall be submitted with:

1) surveying plan in the scale of 1: 1,000 (or appropriate ratio) with a clearly indicated border and numbers of cadastral parcel on which the exploration is planned;

2) engineering geological-geotechnical exploration project, carried out by a legal entity that meets the requirements referred to in Article 22 of this Law;

3) payment photocopy of the municipality administrative fee.

The results of performed explorations referred to in paragraph 1 of this Article shall be shown in the project study on engineering‐geological‐geotechnical conditions of facility construction.

The project study referred to in paragraph 4 of this Article shall be subject to technical control ‐ revision carried out by a legal entity with a valid license in accordance with this Law.

The user of exploration shall be responsible to submit a copy of the project study referred to in paragraph 4 of this Article to the competent authority of local government for urban planning in written and electronic pdf form, in the official language of the Republic of Serbia no later than 30 days after the implementation of explorations.

The competent authority of the local government unit shall be obliged to keep records of Cadastre and reports on completed explorations referred to in paragraph 1 of this Article, permanently keep the project studies referred to in paragraph 4 of this Article, and to submit a Report to the Ministry or competent authority of Autonomous Province and to submit a report on the submitted applications and performed control for the previous calendar year if the explorations are carried out on the territory of the Autonomous Province, no later than 31 January of the following year.

Personal data in the reports referred to in paragraph 7 of this Article shall contain: name and surname of a natural person.

The activities referred to in paragraphs 1 and 7 of this Article shall be performed as entrusted.

**Article 33**

Monitoring and control of geological explorations of geothermal resources for the needs of thermal energy supply to the family household of natural person shall be performed by the unit of local government.

A natural person who performs the explorations referred to in paragraph 1 of this Article shall be obliged to report the start of explorations to the competent authority of local government for urban planning and deliver basic data on the manner, aim and dynamics of explorations, site name, and performer of explorations.

The application referred to in paragraph 2 above, shall be submitted with:

1) a certified photocopy of the identity card of a natural person;

2) surveying plan in the scale of 1: 1,000 (or appropriate ratio) with a clearly indicated border and numbers of cadastral parcel and indicated microlocation prospecting probe.

3) project of exploration of petrogeothermal resources prepared by a geology expert who fulfils the conditions referred to in Article 22 of this Law;

4) payment photocopy of the municipality administrative fee.

Upon completion of explorations referred to in paragraph 1 of this Article, a report on explored petrogeothermal resources, based on which the use of petrogeothermal resources can be approved for the needs of geothermal energy supply to the family household of a natural person, shall be prepared in accordance with Article 64 of this Law.

The user of exploration shall be responsible to submit a copy of the Report referred to in paragraph 4 of this Article to the competent authority of local government for urban planning in written and electronic pdf form, in the official language of the Republic of Serbia no later than 30 days after the implementation of explorations.

The competent authority of the local government unit shall be obliged to keep records of Cadastre and reports on completed explorations referred to in paragraph 1 of this Article, permanently keep the project studies referred to in paragraph 4 of this Article, and to submit a Report to the Ministry or competent authority of Autonomous Province if the explorations are carried out on the territory of the Autonomous Province, a report on the submitted applications and performed control for the previous calendar year no later than 31 January of the following year.

Personal data in the reports referred to in paragraph 6 of this Article shall contain name and surname of a natural person who submitted the application.

The activities referred to in paragraphs 1 and 6 of this Article shall be performed as entrusted.

**Article 34**

The request for approval under Article 30 paragraphs 1 and 2 of this Law shall contain information on: the company or other legal entity or entrepreneur who is the applicant, type of geological explorations, type of mineral and other geological resources and the size of the exploration area, as well as the duration of the explorations, pursuant to Article 38 and 41 of this Law.

In addition to the application referred to in paragraph 1 of this Article the following shall be submitted:

1) topographic map in the scale of 1:25,000 or other appropriate scale, with marked border and coordinates of exploration area;

2) the project of geological explorations;

3) report and certificate of performed technical control of the project;

4) proof of right to use data and exploration results that are the result of geological exploration of another business entity, or are the result of basic and applied geological explorations if used in project development.

5) a letter of intent from a bank or company from the group within which the applicant operates, that a bank guarantee or corporate guarantee for their obligations shall be issued within 30 days from the date of receipt of the decision for exploration of metallic mineral raw materials, lithium and boron or company statement that the bill of exchange shall be submitted within that period;

6) proof of payment of the republic and provincial administrative fees for issuance of approval if the exploration is performed on the territory of province;

The applicant referred to in paragraph 1 of this Article shall be obliged to obtain the act on conditions for project design and implementation of the planned geological explorations, issued by the competent Institute for Nature Protection and the competent Institute for Protection of Cultural Heritage or other competent entity, before the development of the project of geological explorations, .

Acts concerning the conditions of the competent authorities referred to in paragraph 4 of this Article shall be an integral part of the project of geological explorations.

If the project referred to in paragraph 3, item 3) of this Article envisages the performance of mining exploration works for the purpose of taking mineral raw materials for technological testing, a special request for issuance of approval for performance of works according to the Mining Project referred to in Article 93, paragraph 1 of this Law , except in the case when the allowed amount of mineral raw material, pursuant to Article 45, paragraph 1 of this Law may be taken from the exploration borehole, exploration trench and natural mineral outcrop, and in accordance with the project and the progress of geological explorations.

In case of exploration or test operation of oil and natural gas exploration borehole, along with the project referred to in Article 94, paragraph 1, item 2) of this Law, an application for performance of works under that project shall be submitted, in accordance with Article 105 of this Law.

In the case of test operation of exploration borehole for oil and natural gas referred to in paragraph 5 of this Article, the mining project must specify the time / duration of the test operation, pursuant to Article 45 of this Law, as well as describe in detail how to store them.

For each submitted request, the official number of the request, date, hour and minute when the request was submitted shall be entered in the register of requests, and in the Certificate issued to the applicant, the official number of the request shall be entered as well as the date, hour and minute of the request.

**Article 35**

The competent authority shall reject the request for authorization by decision referred to in Article 34, paragraph 1 and Article 39 paragraph 1 of this Law in the following cases:

1) if a procedure has been initiated regarding a request for exploration, a request for extension of the exploration period and a request for retention of the right to exploration area in the same exploration area of the same mineral or geological resource by another legal entity, as well as if a procedure for exploitation approvals, field or area has been initiated;

2) If the complete documentation has not been submitted with the request referred to in Article 34, paragraph 2, or in Article 39, paragraph 2 of this Law;

3) if the area, for which the approval for exploration is required, has already been issued to another person for: exploration, retention of the right to exploration area of the same mineral or geological resource, exploitation field or exploitation of mineral raw materials and resources, exploitation of groundwater and geothermal resource areas;

4) if the applicant has debts within the meaning of Article 7 of this Law;

5) if it is found that the submitted documents contain inaccurate data.

In the case of items 3)-5) of paragraph 1 of this Article, the competent authority shall first require the applicant to make a correction or amendment to the request within 30 days of receipt the notification.

The Decision referred to in paragraph 1 of this Article issued by the Ministry shall be final and an administrative dispute may be initiated against it.

Complaint against the Decision from paragraph 1 of this Article, issued by the competent authority of the Autonomous Province, shall be appealed to the Minister.

**Article 36**

If the request for issuance of the approval of the same mineral or another geological resource in the same exploration area in accordance with the provisions of Article 34, paragraph 1 of this Law for exploration was submitted by two or more legal entities or entrepreneurs, the legal entity or entrepreneur that first to submitted an exploration request shall have priority in obtaining the approval, in accordance with the provisions of Article 34 of this Law.

**Article 37**

Decision on approval for the applied geological explorations contains information on:

1) name of the exploration license holder with address of its headquarters;

2) subject and type of exploration;

3) surface and coordinates of breaking points of the exploration area;

4) name of the project of geological explorations;

5) duration of the exploration period in accordance with the request of exploration holder.

**Article 38**

Approval for the performance of the applied geological explorations of mineral resources shall be determined by the exploration deadline in accordance with the request of the exploration holder lasting up to three years, with the possibility of extending the exploration period twice in continuity, wherein the length of the first exploration period can be up to three years, and the second up to two years, except for the exploration referred to in paragraph 6 of this Article, provided that the exploration period begins from the date of delivery of the Decision on the Approval of Explorations.

The exploration period shall start from the day of delivery of the Decision on approval to the exploration holder and lasts until the expiration of the last day of the deadline, except when the exploration holder has submitted a complete request for extension no later than 30 days before the expiration of the investigation period in accordance with Article 39 of the Law, in which case the approval for the exploration remains in force even after the expiration of the deadline until the delivery of the decision to the holder of the exploration upon the request from Article 39 of this Law.

In the event that the exploration holder of mineral resources referred to in paragraph 1 of this Article in the second extension of the exploration period prepares the project study on reserves and resources of mineral raw materials and in the same project study presents only the mineral resources due to lack of data, the Certificate of mineral resources forms the basis for obtaining an approval for additional extension of the exploration period for another two years in order to collect the data necessary to determine the classification of mineral reserves or to transform the mineral resources into the ore reserves.

The approval for exploration of groundwater and geothermal resources shall determine the exploration period of up to two years, with the possibility of extending the exploration period twice in continuity, where the length of each of the extended exploration periods may be up to one year.

The approval for engineering-geological exploration shall determine the exploration period of up to two years with the possibility of extension up to one year.

Approval for exploration of non-metallic mineral raw materials for obtaining construction materials used as: technical-construction stone; architectural-construction (ornamental) stone; brick, ceramic and refractory clays; for the production of cement and lime as well as sand and gravel in industry and construction, and carbonate raw materials, tuff, zeolitized tuff and peat, used in industry, an exploration deadline of up to two years shall be set, with the possibility of extending the exploration period for one year.

**Article 39**

The request for an extension of exploration deadline referred to in Article 38 of this Law shall be submitted no later than 30 days before the expiration of exploration deadline determined by the approval of exploration, provided that at least 75% of the approved scope of work in each year of exploration, presented in the basic project and annex to the exploration project was carried out in accordance with Article 44, paragraph 1 of this Law.

In addition to the application referred to in paragraph 1 of this Article the following shall be submitted:

1) topographic map in the scale of 1:25,000 or other appropriate scale, with marked border and coordinates of exploration area;

2) the project of geological explorations;

3) report and certificate of performed technical control of the project;

4) final report, and in the case of explorations referred to in Article 30, paragraph 2 of this Law, the project study on engineering‐geological‐geotechnical conditions for construction of facilities;

5) proof of payment of the republic or provincial administrative fee when exploration is performed on the territory of province.

The report on the fulfilment of the conditions referred to in paragraph 1 of this Article shall be issued by the Institute on the basis of documentation (project and report) submitted by the Ministry in accordance with paragraph 2 of this Article.

Surface of exploration area for the extension of exploration period shall be determined by the project of geological explorations from paragraph 2, item 2) of this Article and may remain the same or be reduced with regard to the surface determined by the approval for exploration, in accordance with the request of exploration holder.

If the project referred to in paragraph 2, item 2 of this Article envisages performing mining exploration works and / or taking samples for technological tests, the mining project referred to in Article 93, paragraph 1 shall be submitted with the request for extension of the exploration period, and in case of oil and natural gas exploration, the project referred to in Article 94, paragraph 1, item 2 of this Law.

The project referred to in paragraph 2 item 2) of this Article, and amendments (hereinafter referred to as the annex to the project) project referred to in Article 44, paragraph 3 of this Law shall be issued in accordance with the terms of the competent institutions for the protection of nature and cultural heritage protection on which the basic project was developed, except in the case referred to in paragraph 4 of this Article when the project or annex of the mining project plans the mining exploration works referred to in Article 93, paragraph 1 or Article 94, paragraph 1, item 2) of this Law, when it is previously required to obtain the conditions by the competent Institute for nature protection.

The extension of exploration period shall be approved by a decision issued by the Ministry, i.e. competent authority of autonomous province.

The decision referred to in paragraph 6 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it, and to the decision issued by the competent authority of the autonomous province, the appeal shall be submitted to the Minister.

**Article 40**

The holder of exploration of mineral and other geological resources may submit a request to retain the right to exploration area in order to prepare documentation for exploitation approval, i.e. approval for exploitation field and exploitation space, no later than 30 days before the expiration of the exploration period.

In addition to the application referred to in paragraph 1 of this Article the following shall be submitted:

1) a program of activities which the holder of approval for exploration plans to carry out during the period for which he is requesting the retention of rights on the exploration area, pursuant to paragraph 5 of this Article;

2) overview situational map in the appropriate scale with the marked border and coordinates of field for which the retention of the right for exploration area is required;

3) proof of fee payment on the basis of previously approved explorations;

4) proof of payment of the republic or provincial administrative fee when exploration is performed on the territory of province;

5) final report.

Overview situational map referred to in paragraph 2 of this Article shall contain data on the position of the performed exploration works, contours of identified mineral resources and reserves if they are identified by the competent state authority, public roads and other facilities that may have affected the future exploitation, such as: transformer stations, power lines, gas lines, water sources and water supply facilities, the geological heritage facilities, religious sites, etc.

The request referred to in paragraph 1 of this Article shall be approved by a decision issued by the ministry, i.e. the competent authority of the autonomous province, whereby the deadline for retaining the right to exploration area shall be set at up to two years and may not be extended, except for groundwater and geothermal resources in which case it may be extended to one year and in the case of mineral raw materials of strategic importance in terms of Article 4 of this Law, up to three years and may not be extended.

Within the period determined by the decision referred to in paragraph 4 of this Article, the following may be carried out:

1) necessary research studies and economic analysis;

2) collection of data on an already set observation network for monitoring of the hydrodynamic regime of underground water, as well as the information on the so‐called "zero" state of the environment (on composition/water quality, air, soil);

3) preparation and/or certification of the project study on reserves and resources, if the same has not been carried out in the previous period.

The Ministry, i.e. the competent authority of the Autonomous Province shall revoke the decision approving the retention of the right to the exploration area in case the fee for retaining the right to the exploration area for the current year is not paid and / or if it is determined that the holder of approval fails to comply with the approved program referred to in paragraph 2, item 1 of this article.

The decision from paragraphs 4 and 6 of this Article issued by the Ministry shall be final and an administrative dispute may not be initiated.

An appeal on the decision from paragraphs 4 and 6 of this Article issued by the competent authority of the autonomous province shall be appealed to the Minister.

The decision for retaining the right to the exploration area referred to in paragraph 4 of this Article shall cease to be valid on the day of submission of the exploitation field approval, exploitation approval or exploitation area approval.

**Article 41**

Surface of the exploration area for performing applied geological explorations of mineral and other geological resources may not exceed 100 km², except for:

1) exploration of oil and natural gas, in which case it amounts up to 5,000 km²;

2) exploration the underground water and geothermal resources, in which case it may amount to a maximum of 10 km²;

3) exploration the non‐metallic mineral raw material for obtaining the construction and industrial materials, in which case it amounts up to 2 km².

**Article 42**

Within the same exploration area where the applied geological explorations of some mineral or geological resources were approved, the applied explorations of other mineral or geological resources may be approved, only if there are geological and other conditions for the smooth performance of these explorations.

The assessment on existence of conditions for the uninterrupted performance of explorations referred to in paragraph 1 of this Article shall be made on the basis of: the type of explored and other mineral or geological resource for which the request has been submitted; geological material, i.e. geological-metallogenetic (mineragenetic) characteristics of the terrain in which the appearance of another mineral or geological resource is expected in relation to the geological formation in which the mineral or other geological resource is explored, whereby the competent authority shall be obliged to obtain the opinion of the exploration license holder before reaching a final decision.

In the case of approved applied geological explorations of oil and gas and groundwater for water supply, only the opinion of the holder of the exploration shall be obtained.

Within the approved exploration and / or exploitation field and exploitation space, engineering-geological research may be performed in order to build facilities and remediate the terrain in accordance with this Law.

Applied geological explorations of groundwater for water supply needs may be performed within the exploration fields of mineral raw materials and exploration and exploitation areas of groundwater and geothermal resources when allowed by geological and other conditions and applied exploitation technology in accordance with this Law.

Within the approved exploration and / or exploitation field and exploitation area, the Institute may freely perform basic geological explorations without the consent of the holder of the approval for applied geological explorations and / or exploitation field and space in order to prepare basic geological maps and specialist studies for the needs of the Republic of Serbia and to inform the holder of the approval in advance about the planned basic geological research and not to jeopardize the performance of the works of the holder of the approval.

**Article 43**

The holder of explorations shall be obliged to report the start of work on geological explorations 15 days before the start of the projected exploration works to the competent authority of the local government unit of the territory on which the exploration area is situated, to the body that issued the decision on approval for exploration and geological and/or mining inspection, and if the works are performed in the area under Article 6 of this Law and organization or body that manages this area or department for protection of cultural heritage.

Notification on commencement of works on geological explorations shall contain the information on: the holder of explorations, the number of decision and date of issuance, the number of exploration area, as well as data on the performer of geological explorations and expert supervisor, and in the case of test performance of oil and natural gas exploration boreholes referred to in Article 45, paragraph 3 of this Law, the date of the beginning and end of test exploration, pursuant to the mining project referred to in Article 94, paragraph 1, item 2) of this Law.

**Article 44**

Minimum size of the projected scope of geological and mining exploration works, which have to be performed within the approved exploration deadline shall be 75% of the scope of exploration works planned by the project.

In the case of multiannual explorations of the mineral and other geological resources, the type and scope of the projected exploration works, as well as the dynamics of exploration thereof, an approval shall be granted for the entire exploration period, as well as separately for each exploration year.

If during the exploration there shall be a need to change the type and scope of the project planned works for more than 25%, the holder of exploration shall be required to make the change and amendment to the project with an overview of the newly designed works and submit it to the competent authority that issued the approval for exploration, before the beginning of works according to the annex to the project at the latest.

The annex to the project referred to in paragraph 3 of this Article, in the case of the last year approved exploration period, may not reduce the total scope of exploration works determined by the geological research project.

If within the approved exploration period the company submits a request for determination and verification of resources and reserves of mineral raw materials, resources and reserves of groundwater and geothermal resources, and wants to continue the exploration, it is necessary to submit a request to amend the project in accordance with paragraph 3 of this Article, except for applied geological explorations of oil and gas.

The holder of exploration may submit a request for the issuance of an approval for changing the borders of the approved exploration area in accordance with the conditions specified in this Article, provided that he shall be obliged to obtain the conditions of the competent Institutes for nature protection and cultural heritage.

**Article 45**

Permitted quantities of mineral resources that may be used for technological tests during the performance of approved geological explorations in order to determine technological properties and prove mineral reserves, in accordance with the geological exploration project and mining project referred to in Article 93, paragraph 1 of this Law shall be determined in amounts as follows:

1) - deleted -

2) quartz sand (for glass and other industry) 10 m³

3) brick, ceramic and refractory clays 20 m³

4) 4) architectural-building stone 20 m³

5) - deleted -

6) marl, marly limestone, gypsum and all types of tuffs for manufacturing of cement and lime 500 m³

7) phosphates, magnesites and other non‐metallic mineral resources 500 t

8) coal and oil slates (oil shales) 500 t

9) metallic mineral raw materials (per technology type) 2000 t

10) lithium and boron ore (borates) 2000 t

Mineral raw materials for the formation of technological samples may be taken from a number of exploration works, or from different parts of the ore body/deposit, whereby the total allowed quantities may not be exceeded for technological tests referred to in paragraph 1 of this Article.

In the case of oil and natural gas exploration, extraction of oil and natural gas through a test operation of a test exploration borehole for up to a year shall be allowed for the purpose of testing the production and technical characteristics of discovered oil and natural gas deposits and defining the parameters of their possible exploitation.

The holder of exploration shall be required to present faithfully the received quantities of oil and natural gas, obtained by trial work from paragraph 3 of this Article in the annual report for the previous exploration year in which the test operation of exploratory borehole was carried out, as well as in the project study on resources and reserves.

Material taken for the purpose of technological testing may not be alienated or sold.

Quantities of oil and natural gas obtained by test operation of exploration boreholes shall be subject to the fee payments which govern the fees for the use of public goods.

**Article 46**

Geological explorations of mineral and other geological resources within the approved exploitation field and area and protection area shall be carried out without the approval for exploration. For explorations within the protection area, it is necessary to obtain conditions from the competent institute for nature protection and the competent institute for the protection of cultural heritage or another competent body in advance.

The holder of exploitation shall be obliged to report the start of work on explorations to the competent authority that issued the approval for exploitation.

Geological exploration referred to in paragraph 1 of this Article shall be carried out in accordance with this Law and other regulations in the field of geology and mining.

**Article 47**

The competent authority shall revoke the decision on the approval for exploration prior to the expiration of the determined exploration period in the following cases:

1) if the explorations are not performed in accordance with the project of geological explorations;

2) if the professional supervision over the performance of the geological explorations is not provided;

3) if the explorations are performed outside the approved exploration area;

4) if the Annual Report for previous exploration year is not submitted within the time frame prescribed by law;

5) if the land, on which the exploration works were performed, is not returned to the original state;

6) if the prescribed occupational health and safety measures, measures necessary to protect property, people’s health and environment and protection of cultural heritage and assets that were under previous protection are not implemented;

7) if a fee for the applied geological explorations, as well as a fee for oil and natural gas, obtained by the test operation of exploration boreholes in the previous year of exploration are not paid;

8) if it is subsequently determined that the enclosed documentation, based on which the approval was issued, includes the incorrect or untrue data.

9) if the explorations compromises the already existing use or exploration of groundwater and geothermal energy;

10) the commencement of exploration works within the time limit provided by law is failed to be reported;

11) the works within 90 days from the day of receiving the approval for exploration are not commenced;

12) if the annual report determines that the works are not performed in accordance with the project;

13) if under the aspect of explorations, the performance of mining of mineral raw materials or use of ground water and geothermal resources are carried out;

14) if the means of security in accordance with Article 34 of this Law are failed to be delivered.

The Decision on approval for exploration shall cease to be valid:

1) at the request of the holder of the exploration, on the day of delivery of the decision on termination of the decision on approval of the exploration to the holder of the approval;

2) suspension of exploration, based on the minutes of the geological inspector on the day of delivery of the decision on termination of the decision on approval of the exploration to the holder of the approval;

3) upon the expiration of the exploration period in accordance with Article 38, paragraph 2 of this Law.

The decision on the exploration approval shall not cease to be valid if the holder of that approval also receives the approval for the exploitation field or area in the part of that exploration field. At the same time, at the request of the right holder, the Ministry shall issue an amendment to the decision on the approval for exploration, which reduces the field of exploration, excluding the exploitation field or area, in accordance with Article 44, paragraph 5 of this Law.

In the cases from paragraphs 1 and 2 of this Article, the holder of exploration shall have to remediate the area in which the exploration was performed and to implement, in the case of performing the exploration of underground mining works based on the project from Article 93, paragraph 1 of this Law, the measures for maintenance of the underground rooms, facilities and installations upon completion of exploration works.

The Decision from paragraphs 1 and 2 of this Article, issued by the Ministry, shall be final, and administrative procedure may be initiated against it.

Complaints against the Decision from paragraphs 1 and 2 of this Article, issued by the competent authority of the Autonomous Province shall be submitted to the Minister.

In the case of items 1)-13) of paragraph 1 of this Article, the competent authority shall previously seek that the exploration holder removes the irregularity found within a time frame specified by the competent authority.

The decision on the exploration approval may be amended only at the request of the exploration holder in accordance with this Law.

**Article 48**

The authority that has issued the approval for exploration shall keep the records on the approved explorations and cadastre of the approved exploration areas.

Data on the holder of exploration, subject of geological explorations, exploration area, and duration of explorations shall be entered in the cadastre of approved exploration areas.

Interested parties shall have the right to inspect the cadastre of approved exploration areas.

**Article 49**

The holder of the exploration shall have the right to exclusively use and dispose geological data and things and documents derived from applied geological research (reports and project studies on the results of geological explorations and other geological documentation, as well as the core of exploration boreholes and samples and analyses from all exploration works, etc.) in accordance with this Law.

The holder of the exploration shall be obliged to keep reports and project studies on the results of geological exploration and other geological documentation, as well as the core of exploration borehole and samples and analyses from all exploration works in prescribed manner and to present them to the Ministry, i.e. the competent authority of the autonomous province in order to verify exploration results.

After the termination of the applied geological explorations, the Republic of Serbia may use the results of such explorations, in a way that does not jeopardize the interest of data owners, respecting the regulations governing data protection, and only in the case of: defence of the country and raising the level of general security of the population, remediation of the consequences of geological hazards (earthquakes, floods, landslides, landslides, etc.), development of strategic study explorations to determine and evaluate the total mineral potential of the geological environment or other geological resources as well as the needs of spatial planning and other long-term strategic documents of general interest.

Mining facilities arising in the process of geological explorations, which are not registered as the property of the holder of explorations, shall not be considered the results of explorations referred to in paragraph 1 of this Article, and shall become the property of the Republic of Serbia upon completion of exploration and may be used by the holder of approval for exploration or the holder of approval for exploitation, on whose exploration or exploitation field these facilities are located.

The holder of exploration that uses data and exploration results that are the result of geological explorations of another business entity or the result of basic and applied geological exploration, funded from the budget of the Republic of Serbia, shall be obliged to submit a proof of legal right to use these data for preparation of geological exploration projects, reports and project studies on the results of the same explorations and/or project studies on resources and reserves.

In the case where the geological exploration results and documents from paragraph 1 of this Article include data considered as the classified data in accordance with applicable regulations establishing the protection of classified data, the holder of explorations may assign such data to the third parties only in the manner and under the conditions stipulated by those regulations.

In the event that the holder of the exploration is no longer known or no longer exists and the ownership of the results cannot be determined, the Ministry in charge of mining and geological explorations may dispose of the results of geological explorations as well as documents containing geological results.

**7. Obligations of the Holder of Explorations**

**Article 50**

The holder of explorations shall have a duty to:

1) provide the required funds for performing the licensed geological explorations and undertake all other necessary measures and activities and perform explorations in accordance with the approved project;

2) obtain proof of the right to use, lease, consent of the owner, i.e. easement over the land, as well as the conditions for undertaking technical protection measures by the competent Institution for the Protection of Cultural Monuments, on which the projected exploration work are planned to be carried out.

3) perform the type and scope of exploration works according to the geological exploration project, with maximum permitted deviations from the approved scope and type of works of up to 25%;

4) report commencement of the exploration works;

5) provide professional supervision over the execution of geological explorations;

6) pay a fee for approved geological explorations, as well as a fee for extracted amount of oil and natural gas, in the case of approved test operation of exploration boreholes;

7) submit the annual report and final report on the results of explorations continuously during the exploration in the official language of the Republic of Serbia;

8) implement the prescribed occupational health and safety measures, necessary to protect the property, people’s health and environment;

9) return the land on which the exploration works are performed to its original state;

10) record other mineral raw materials and geological resources if they shall be found within the approved exploration area, and notify thereof the authority which issued the approval for performance the geological explorations;

11) keep reports and project studies on the results of geological exploration and other geological documentation, as well as the core of exploration borehole and samples and analyses from all exploration works in prescribed manner and to present them to the Ministry, i.e. the competent authority of the autonomous province in order to verify exploration results.

12) during the examination of the core of exploration boreholes and other samples, adhere to positive geological practices for those tests and in such a way as to enable the verifiability of the obtained test results;

13) secure and protect from decay the extracted amounts of mineral raw materials intended for technological tests on an industrial scale, and to store the amounts of extracted oil and gas, obtained by testing the exploration boreholes, in the project intended manner and properly keep records of the available quantities;

14) allow the geological inspector to enter the business and site premises or the inspection of projects and plans, reports and other documentation on the state of geological works.

15) in case of negative impact on existing sources during the performance of applied geological explorations of groundwater, suspend the exploration works and inform the competent authority and the competent local self-government;

16) conserves the borehole if groundwater found will not be used immediately;

17) upon completion or suspension of geological exploration in the area where the works were performed, implement all security measures that will permanently exclude the occurrence of danger to people and property, as well as the environment and bring the terrain to its original purpose and notify the competent authority which has issued an approval for geological exploration, as well as the local self-government on whose territory the works were performed;

18) start the works no later than 90 days from the day of receiving the approval.

The holder of explorations of mineral resources and other geological resources shall obtain from the competent authority of urban planning at the local level the information on possible restriction to carry out such explorations in relation to the spatial or urban plan or other limitations.

Notwithstanding paragraph 1, item 2) of this Article, legal easement shall be based on cadastral parcels planned for geological explorations when the owner of the land is unknown or is unavailable and the holder of the research permit shall pay the rent in the court deposit in the name of the registered owner of that parcel in accordance with the rents charged by the holder of public property on that type of land on the territory of the local self-government where the parcel is located.

**8. Classification of Mineral Resources and Reserves, Ground Water Resources and Reserves, and Geothermal Resources**

**Article 51**

The classification of mineral resources and reserves shall be performed in accordance with the current version of the Pan-European Code for Reporting the Results of Mineral Resources and Reserves (PERC), and liquid and gaseous resources and reserves as well as groundwater and geothermal resources, shall be performed in accordance with relevant regulations. regulations on reporting and classification of liquid and gaseous mineral raw materials, groundwater and geothermal resources in accordance with recognized international methods of reporting and classification.

The explored resources and reserves of mineral raw materials shall be presented in a project study on resources and reserves of solid mineral raw materials, and in a project study on resources and reserves of oil, condensates and natural gases.

The explored resources and reserves of groundwater and hydrogeothermal resources shall be presented in the project study on resources and reserves of groundwater.

The estimated resources of internal heat of the earth's crust rock masses shall be presented in the project study on petrogeothermal resources for the purposes of obtaining the geothermal energy.

In case of discovery of new ore bodies or mineral raw materials, i.e. deposits in the case of oil and gas, the holder of exploitation of mineral raw materials shall be obliged to submit the project study referred to in paragraph 2 of this Article to the Ministry, i.e. the competent body of the autonomous province, and which has been prepared according to adequate information as follows: actual quantities and quality of resources and reserves in the deposit, relevant technical and technological parameters of production, as well as economic, market, environmental and other indicators on the basis of which modifying factors shall be taken into consideration in order to prepare appropriate study analyses, i.e. verification of new business conditions.

The holder of approval for exploitation area for the use of underground water shall be obliged to submit to the Ministry, i.e. competent authority of autonomous province every five years from the date of previously recorded progress of identified resources and reserves of underground water, a project study referred to in paragraph 2 of this Article, drafted on the basis of the newly ‐ modern observations of hydrodynamic regime of groundwater and the new control analyses of the quality of those waters in order to determine the actual quantities and qualitative characteristics of exploitable groundwater reserves in the deposit, which are the subject of use.

The Minister shall prescribe the conditions, criteria and method for classification of resources and reserves of mineral resources and other geological resources and the way of their presentation in the project study referred to in paragraph 1 of this Article.

**Article 52**

Based on the project study of Article 51,paragraphs 2 and 3 of this Law, the explored resources and reserves of mineral resources and groundwater shall be determined, and on the basis of the project study referred to in Article 51, paragraph 4 hereof, the recorded petrogeothermal resources shall be determined.

Review and recording of the identified resources and reserves of mineral raw materials and groundwater, as well as geothermal resources shall be performed by the ministry, i.e. the competent body of the autonomous province with the expert assistance of working groups (hereinafter: Commission), formed by the Minister or the competent body of the autonomous province for the period of two years, necessary for the issuance of licenses of a competent person of geological profession and competent person of mining profession, except in the case of verification of groundwater reserves and geothermal resources, as well as for the development and implementation of regulations on determining resources and reserves of mineral resources and their classification, which may not be longer than six months from the day of passing the act on the formation of the commission.

The Act on establishing the Commission referred to in paragraph 2 of this Article shall determine the tasks, duties and fees for the work of its members.

Resources and reserves of mineral raw materials, resources and reserves of groundwater and geothermal resources shall be established by a certificate on reserves and/or resources of mineral raw materials and groundwater, as well as petrogeothermal resources, which shall be issued by a Decision of the Ministry, i.e. competent authority of autonomous province, at the request of the holder of exploitation or the holder of exploitation.

The holder of the certificate on reserves and / or resources for a period of six years from the date of issuance of the decision referred to in paragraph 4 of this Article shall have:

1) the right to obtain a decision on approval for exploitation and / or exploitation field, in accordance with this Law;

2) the right to exclusively use and dispose of geological data and items and documents derived from applied geological exploration (reports and studies on the results of geological research and other geological documentation, as well as the core of exploration boreholes and samples and analyses from all exploration works, etc.), in accordance with this Law;

3) the right to cede it to a third party, in accordance with this Law;

4) other rights, in accordance with this Law.

If the holder of the certificate of reserves and resources does not submit a request for approval for exploitation and / or exploitation field within six years from its issuance, the Republic of Serbia becomes the holder of that certificate of reserves and resources and thus acquires all rights they derive from it in accordance with this Law.

When the Republic of Serbia is the holder of results and holder of the certificate of reserves and resources, with the aim of opening mines according to the principles of economic, social and environmental sustainability, in accordance with the principles of this Law, the Ministry may, with the consent of the Government:

1) announce and conduct a public auction for the purpose of disposing of the certificate on reserves and resources and the results of geological exploration at which it selects the best qualified bidder; and or

2) conclude a public-private partnership agreement or a concession agreement in accordance with the Law governing public-private partnership and concessions for the purpose of disposing of a certificate on reserves and resources and the results of geological exploration.

When conducting applied geological exploration with its own funds, the Republic of Serbia shall freely dispose of the results in accordance with the Law.

In addition to the application referred to in paragraph 4 of this Article the following shall be submitted:

1) a photocopy of the approval for exploration or approval for retention of rights to the exploration area, i.e. the approval for exploitation and/or exploitation field;

2) a view map in an appropriate scale with coordinates of breakpoints of identified resources and reserves of mineral resources and groundwater and geothermal resources;

3) a project study referred to in Article 51, paragraphs 2, 3 or 4 of this Law;

4) a Report of a competent person in geology and competent persons in mining profession on professional assessment– audit of project studies on resources and reserves of mineral raw materials, or a geological report of the expert person in geology profession on professional assessment – audit of the project study on resources and reserves of groundwater or petrogeothermal resources;

5) a proof of payment of the republic, or the provincial administrative fees for the certification of resources and reserves of mineral resources, groundwater and geothermal resources;

6) a proof on the right of use of data and results of explorations that are a result of geological explorations of another business entity or a result of the basic and applied geological explorations funded by the budget of the Republic of Serbia, if they shall be used in the preparation of project studies.

7) The applicant referred to in paragraph 4 of this Article shall bear the costs of professional assessment ‐ audit of the project study referred to in paragraph 5, item 4) of this Article.

The request for issuance of the certificate referred to in paragraph 4 of this Article shall be submitted no later than one year from the date of termination of the approval on the basis of which the determination and verification of reserves and resources of groundwater and / or geothermal resources are performed.

The competent authority shall reject the request referred to in paragraph 4 of this Article if the applicant has outstanding obligations regarding fees for geological exploration and fees for the use of mineral raw materials and / or other geological resources, as well as if the inspection finds that obligations under Article 50 of this Law have not been fulfilled.

The Minister shall prescribe in detail the conditions and manner of work of the Commission for determining and certifying resources and reserves of mineral raw materials, resources and reserves of groundwater and / or geothermal resources referred to in paragraph 2 of this Article.

The Decision referred to in paragraph 4 of this Article, issued by the Ministry shall be final and an administrative dispute may be initiated against it, and the decision issued by the competent authority of the autonomous province, may be appealed to the Minister.

**Investment agreement  
Article 52a**

The Republic of Serbia and the investor who has acquired the right to exploitation may conclude an investment agreement in accordance with this Law and the regulation referred to in paragraph 3 of this Article.

The investment agreement referred to in paragraph 1 of this Article regulates in detail the issues of construction of missing infrastructure, environmental protection, pre-emptive purchase of products for the benefit of domestic processors and producers, fiscal and financial benefits in accordance with regulations governing these issues and other issues, as well as other issues of importance for the realization of the project.

The Government shall further regulate the manner of initiating, conducting and the content of negotiations for concluding an investment agreement, elements of the agreement as well as other issues of importance for concluding an investment agreement, in accordance with the provisions of this Law.

**9. Balance of Mineral Resources and Reserves, Groundwater Resources and Reserves, and Geothermal Resources**

**Article 53**

The holder of exploration and holder of exploitation area shall be obliged to keep a book on the state of resources and reserves of mineral raw materials and resources and reserves of groundwater, as well as geothermal resources on the approved exploration area or exploitation field, and to annually submit the data on the state of resources and reserves to the Ministry or the competent authority of the Autonomous Province by 15th March of the current year according to the state and reserves on 31st December of the previous year both in written or electronic form.

On the basis of received data and issued certificates on determined and classified resources and reserves of mineral raw materials and groundwater, as well as geothermal resources, the Institute shall prepare a balance of resources and reserves of mineral raw materials, a balance of resources and reserves of groundwater, and a balance of geothermal resources in the Republic of Serbia.

Balance of resources and reserves referred to in paragraph 1 of this Article shall be in compliance with the established state of resources and reserves that have been registered by the Decision of the Ministry on reserves and resources of mineral raw materials and groundwater, as well as geothermal resources, i.e. the Decision of the competent authority of the autonomous province and carried out (realized) production capacities during the previous calendar year.

The balance referred to in paragraph 2 of this Article shall be made until 31st July of the current year for the previous year.

**10. Procedure for Issuing the Approvals for Exploration of Hydrocarbons in Liquid and Gaseous State**

**Article 54**

The approval for exploration the hydrocarbons in liquid and gaseous state (oil and gas) and other natural gases shall be given to a company or other legal entity or entrepreneur, selected on the basis of a conducted public tender procedure.

***Editorial Note: This Article shall apply from the date of accession of the Republic of Serbia to the European Union***

**Article 55**

Decision on conducting a public tender for exploration of hydrocarbons in liquid and gaseous state (oil and gas) and other natural gases shall be rendered by the Ministry or the competent provincial authority if raw material is found on the territory of the Autonomous Province and if the authority estimates that there is a need for determining the same mineral raw materials in a certain area or on the basis of a proposal by a company or another legal entity or entrepreneur registered for the exploration of mineral raw materials.

***Editorial Note: This Article shall apply from the date of accession of the Republic of Serbia to the European Union.***

**Article 56**

Announcement of the public tender for the issuance of approval for geological explorations of mineral raw materials shall be published in the "Official Gazette of the Republic of Serbia" and the Official Journal of the European Union.

The announcement from paragraph 1 of this Article shall include:

1) mineral raw materials to be explored;

2) size and name of the exploration area;

3) program of overall exploration works, per type and scope;

4) deadline by which the exploration is intended to be performed;

5) the amount of planned funds for the implementation of exploration works as well as the manner of their provision;

6) remediation plan for the exploration area.

***Editorial Note: This Article shall apply from the date of accession of the Republic of Serbia to the European Union.***

**Article 57 ﻿**

Along with the bid for issuance of the approvals for geological explorations of mineral raw materials, the following shall be submitted:

1) **- deleted -**

2) a topographic map in the scale 1:25000 or smaller scale, with the drawn‐in boundary of the geological exploration area determined by the coordinates of the breaking points of a closed polygon;

3) other documentation defined by the public tender.

The Government shall prescribe the criteria, conditions and manner of conducting the public tender procedure for granting the approvals for exploration of mineral raw materials from Article 54 of this Law.

***Editor’s note: This Article shall apply from the date of accession of the Republic of Serbia to the European Union.***

**11. Approval for Determining the Exploitation Area and Amount of Reserves and/or Groundwater and Geothermal Resources**

**Article 58 ﻿**

Determining the exploitation area and the quantity of reserves and/or resources of groundwater and geothermal resources of shall be carried out on the basis of a Decision on approval for the exploitation area and the amount of reserves and/or resources, issued by the Ministry, or the competent authority of the autonomous province, at the request of the company or other legal entity or entrepreneur.

Determining the space and the quantity of reserves and groundwater and geothermal resources shall be made on the basis of project study on the conditions of exploitation the groundwater resources or hydrogeothermal, i.e. petrogeothermal resources.

The Minister shall prescribe in detail the content of the project study on the conditions of exploitation the groundwater or hydrogeothermal resources, i.e. petrogeothermal resources and the conditions and manner of performing the technical control of the same project study.

The Decision issuing the approval for exploitation area and the quantity of reserves and/or resources referred to in paragraph 1 of this Article issued by the Ministry is the final and an administrative dispute may be initiated against it, and the decision on the approval referred to in paragraph 1 of this Article issued by the competent authority of the autonomous province, may be appealed to the Minister.

The competent authority of the autonomous province is obliged to submit to the Ministry a copy of the issued decision on the exploitation area and the quantity of reserves and/or resources referred to in paragraph 1 of this Article, as well as the report on all issued approvals for the previous calendar year, no later than 31st January of the following year.

Activities under paragraph 1 of this Article in the territory of the Autonomous Province, shall be performed as entrusted tasks.

**Article 59**

The request for approval of the exploitation area and the quantity of reserves and/or resources referred to in Article 58 of this Law shall contain data on: A company or other legal entity or entrepreneur that is the applicant, and the size of the exploitation area.

Along with the request for issuing the approval referred to in paragraph 1 of this Article, the following shall be submitted:

a surveying plan in the scale of 1:1000 or an overview topographic map in the appropriate ratio with the drawn‐in boundary and coordinates of breaking points of the exploitation area, as well as drawn and registered numbers of cadastral parcels for which there is a right of ownership or a right of easement over the land;

2) **- deleted -**

3) project study on conditions of groundwater exploitation or hydrogeothermal resources or petrogeothermal resources and a certificate on the performed technical control of the project study;

4) act of the competent institution for nature protection concerning measures and conditions under which the use of groundwater and geothermal resources or petrogeothermal resources may be performed;

5) act of the Ministry in charge of sanitary protection of water supply sources, confirming that the applicant has done an appropriate project study on the sanitary protection zones of groundwater reservoirs;

6) proof of the ownership right or the right of easement over the land on which the facilities using the groundwater or geothermal resources are located;

7) proof of payment of the republic, i.e. provincial administrative fee, in case the exploitation area is located on the territory of the Autonomous Province.

The competent authority shall reject the request by the Decision from Article 58 of this Law if:

1) the complete documentation referred to in paragraph 2 of this Article has not been submitted with the request;

2) the applicant has outstanding obligations in terms of a fee for geological explorations and/or retention of the exploration area;

3) if liquidation or bankruptcy procedure have been initiated for the applicant.

The decision referred to in paragraph 3 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it. The decision referred to in paragraph 3 of this Article issued by the competent authority of the autonomous province, may be appealed to the Minister.

**Article 60**

The decision issuing the approval referred to in Article 58 of this Law shall contain the data on:

1) the name of the holder of the use of exploitation area with address of its registered seat;

2) the name of the project study, the name of the legal entity that has prepared the project study and the legal entity that has performed the technical control of the project study;

3) coordinates and surface measures of the exploitation area, which cannot be greater than the exploration area where groundwater and geothermal resources were previously explored;

4) cadastral number of parcels covered by the exploitation area;

5) approved type and quantity of resources and reserves that can be used in accordance with the project study on resources and reserves for the appropriate category of exploration for which the approval may be issued;

6) the validity period of the decision on the exploitation area for up to five years, which may be extended.

**Article 61**

The request for extension of the validity period of the approval shall be submitted before the expiry of the deadline determined by the decision on approval in accordance with Article 60, paragraph 1, item 6) of this Law.

Along with the request for extension of the validity period of paragraph 1 of this Article, the following shall be submitted:

1) certificate on determined and verified resources and reserves of groundwater and geothermal resources issued on the basis of the project study on resources and reserves of groundwater, which determines the conditions of use of groundwater or geothermal resources in the next five-year period;

2) project study on the conditions of exploitation of groundwater or geothermal resources, only if the certificate, or innovated project study on resources and reserves of groundwater, has changed the conditions of hydrodynamic regime of groundwater or changed the conditions on quality and quantity of groundwater;

3) proof of payment of the republic, i.e. provincial administrative fee, in case the exploitation area is located on the territory of the Autonomous Province.

Extension of the approval determining the exploitation area and the quantities of groundwater reserves and geothermal resources is issued by a decision on the extension of the validity of the approval for a new period of up to five years.

The decision referred to in paragraph 3 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it. The decision referred to in paragraph 3 of this Article issued by the competent authority of the Autonomous Province may be appealed to the Minister.

**Article 62**

The Ministry or the competent authority of the Autonomous Province shall revoke the decision determining the exploitation area and quantity of groundwater or geothermal resources, if:

1) the use of the exploitation area does not start;

2) it is determined that that the sustainable use of groundwater reserves and hydrogeothermal resources or existing use is endangered;;

3) it is determined that the use is performed with a higher capacity than approved;

4) it fails to submit an annual report on the state of groundwater reserves or hydrogeothermal or petrogeothernal resources;

5) the use of groundwater or geothermal resources is not carried out in accordance with the approval for the exploitation field, or fails to implement the prescribed safety measures,necessary measures to secure the property, human health and environment.

The approval for the exploitation area and the quantity of groundwater or geothermal resources shall cease to be valid upon:

1) expiration of the validity of the decision;

2) a request of the holder of the exploitation area.

Decision from para. 1 and 2 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it. The decision referred to in paragraph 1 of this Article issued by the competent authority of the Autonomous Province may be appealed to the Minister.

**Article 63**

Within the same exploitation area established in accordance with Article 58 of this Law the overlapping of exploitation areas of groundwater or geothermal resource may be allowed, upon the completion of the previously conducted procedure for issuing approvals for determining the exploitation area, only if there is no mutual detrimental influence on the use of groundwater, or only if geological conditions for uninterrupted use of these resources exist, provided and in a way that they do not endanger the existing use of groundwater or geothermal resource, which is confirmed by the project study referred to in Article 61, paragraph 2, item 2) of this Law, which takes into account the actual use of resource of the current holder of exploitation area.

**Article 64**

Monitoring and control of the use of groundwater resources and petrogeothermal resources for the needs of water supply or heat supply of the family household of a natural person is performed by the local self-government unit.

The application for the use of resources referred to in paragraph 1 of this Article shall contain basic data on: the natural person - applicant, type of geological resource, purpose of use, location and cadastral number of the parcel on which the use of the resource is planned.

Along with the application referred to in paragraph 2 of this Article, the following shall be submitted:

1) certified photocopy of the identity card of a natural person;

2) surveying plan in the scale of 1:1000 or an overview topographic map or a view topographic map of appropriate scale with the drawn‐in boundary and coordinates of the plot on which the use of resources is planned;

3) proof of the right of ownership on the land or the right of easement over the land on which the use of resources is planned;

for the needs of thermal energy supply, a report on estimated petrogeothermal resources shall be submitted;

for the needs of water supply, water analysis is submitted along with data on biological and physico‐chemical properties, as well as the data on the depth of collector and the quantity of water;

6) proof of payment of the administrative fee.

The report on estimated groundwater resources and petrogeothermal resources referred to in paragraph 3, item 4) of this Article shall be prepared by a legal entity that meets the requirements of Article 22 of this Law.

The competent local self-government is obliged to keep records on Cadastre and applications for the use of resources referred to in paragraph 1 of this Article in its territory and permanently stores the reports referred to in paragraph 4 of this Article and to submit the report to the Ministry on applications and performed control for the previous calendar year, no later than 31st January of the following year.

Personal data in the reports referred to in paragraph 5 of this Article shall contain name and surname of a natural person who submitted the application.

In the event that the local self-government unit does not perform the entrusted work properly or in a timely manner, the Ministry or the competent authority of the Autonomous Province shall take over the duties referred to in paragraph 1 of this Article.

The activities from paragraph 1 of this Article shall be performed as entrusted.

V. EXPLOITATION OF MINERAL RAW MATERIAL RESERVES

**1. Terms and Method of Conducting**

**Article 65**

A holder of the certificate of reserves and resources may obtain a decision on the approval for exploitation and/or exploitation field, in accordance with this law.

The exploitation of mineral raw material reserves may also be performed by the foreign legal entities under the conditions and in the manner prescribed by this Law and the law setting the rights of foreign persons with respect to utilization the assets of public interest.

**Article 66**

The construction of buildings, energy facilities, public roads, railways, canals and other roads, as well as other infrastructure facilities in the exploitation field, may be approved with the previously obtained consent of the Ministry. In the case when the holder of the approval builds a facility on its own exploitation field, the consent of the Ministry is not required.

Before issuing the location requirements that are issued in accordance with the special regulations for construction of facilities referred to in paragraph 1 of this Article, the opinion of business entity undertaking the exploitation shall be obtained on the proposed direction and position of these facilities in the exploitation field.

The holder of exploitation who performs mining has the right to compensation for the actual damage caused by the construction of facilities referred to in paragraph 1 of this Article.

The consent of the Ministry is obtained on the basis of a special purpose spatial plan.

The Ministry or the competent authority of the Autonomous Province shall submit one copy of the decision on the basis of which the mineral land is determined to the competent body for spatial planning of the Republic of Serbia and the local self-government unit on whose territory the exploitation field is located.

Engineering geological and geotechnical research can be performed within the exploitation fields of mineral raw materials in cases when it is necessary to build the facilities referred to in paragraph 1 of this Article and rehabilitate the terrain.

**Article 67**

Exploitation of mineral reserves, mining works, preparation of investment and technical documentation for mining works, technical control of mining projects and professional supervision may be performed by a company, i.e. another legal entity or an entrepreneur (hereinafter: business entity) registered in the Business Entity Register or other register for performing that activity.

The holder of exploitation shall be obliged to provide professional supervision during the exploitation of mineral raw materials and supervision during the execution of mining works.

Professional supervision shall include: control regarding conducting of works according to the project documentation, monitoring the dynamics of the projected work; checking the quality control of the works and application of the regulations in the field of mining, as well as technical regulations; control of the application the safety and health measures at work; fire prevention measures; environmental protection; cultural heritage and water facilities.

The activities of professional supervision over the construction of mining facilities in accordance with the terms of paragraph 1 of this Article, as well as work in individual technological units in the process of exploitation, can be entrusted by the holder of exploitation to another company that has a license in accordance with this Law.

**Article 67a**

For the realization of projects for construction and reconstruction of line infrastructure facilities of special importance for the Republic of Serbia, for which the public interest for expropriation, administrative transfer and incomplete expropriation of real estate has been determined, in accordance with the relevant planning documents which envisage the construction of such facilities and for which the contractual obligation of the Republic of Serbia has been determined, the investor shall notify the Ministry of the taking of construction materials and submit with the notification the following:

1) coordinates of the area from which the material defined within the planning document for the subject line infrastructure facility will be taken;

2) quantities of materials to be taken;

3) time of performing works;

4) manner of reclamation of degraded space.

The user of the area from where or out of which the material for construction of line infrastructure facilities is provided that are recognized as projects of special importance for the Republic of Serbia from paragraph 1 of this Article, is obliged to rehabilitate and recultivate the area degraded by the mentioned works.

The Ministry shall not issue approvals within the competence of this Law in connection with the notification referred to in paragraph 1 of this Article.

**2. Approval for Conducting the Exploitation of Mineral Resources**

**Article 68**

Exploitation of mineral reserves and exploitation of non-metallic mineral raw materials for obtaining construction materials (hereinafter: exploitation) is performed on the basis of the decision, which shall issue:

1) approval for the exploitation field or approval for exploitation;

2) approval for construction of mining facilities and/or conducting the mining works;

3) approval for use the mining facilities.

The holder of exploitation for exploitation field and/or exploitation shall receive an approval for the construction of mining facilities and/or conducting the mining works in accordance with this Law, provided that the requirements for issuing the approval for exploitation field may be submitted at the same time with the request for issuing the approval for construction of mining facilities and/or mining works or approval for exploitation.

The approval under paragraph 1, items 1) -3) of this Article is issued by Ministry, and for exploitation of mineral raw materials, which is carried out on the territory of the Autonomous Province, the approval is issued by the competent authority of the Autonomous Province.

The competent authority of the Autonomous Province shall submit to the Ministry a copy of the issued decision.

The competent authority of the Autonomous Province shall perform the duties referred to in paragraph 1 of this Article as entrusted.

The decision referred to in paragraph 1 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it.

Complaint against the decision from paragraph 1 of this Article, issued by the competent authority of the Autonomous Province, shall be appealed to the Minister.

**Article 69**

If the request for the issuance of an approval in accordance with the provisions of Article 68, paragraph 1 of this Law, for the exploitation of the same mineral reserves or resources in the same area was submitted by two or more legal entities or entrepreneurs, priority in obtaining the approval is given to the legal entity or entrepreneur that was the first to submit a complete request, according to the date of receipt of the request with the competent authority.

**3. Approval for Exploitation Field**

**Article 70**

Along with the request for issuing the approval for the exploitation field, the following shall be submitted:

1) proof of payment of the republic, i.e. provincial administrative fee when the exploitation is carried out on the territory of the Autonomous Province;

2) topographic map in the scale 1:25000 or at corresponding scale with drawn‐in boundaries of the exploitation field and contours of determined reserves of mineral resources, public traffic roads and other facilities located in that field and clear marked cadastral plots in written and digital form;

3) certificate on resources and reserves of mineral resources issued on the basis of performed explorations in accordance with applicable regulations on classification the resources and reserves;

4) certificate on registration and a copy of the appropriate act document indicating the activity codes for which the applicant is registered, the registration number of the company and the corresponding license;

5) feasibility study of exploitation of mineral deposits with the stated certificate of resources and reserves on the basis of which the study is made;

6) act of local self-government unit in charge for the Urban Planning concerning the compliance of exploitation with the appropriate spatial or urban plans and the possible need of development the planning document of lower rank;

7) a geodetic plan in the scale of 1: 1000 or an overview topographic map in the appropriate scale with the drawn border and coordinates of the reduced exploration area, if the applicant intends to keep the reduced approved exploration area from which the exploitation field is excluded.

The applicant referred to in paragraph 1 of this Article shall, prior to the preparation of the feasibility study, obtain:

1) an act prescribing the scope and content of the study on environmental impact assessment issued by the competent authority or an act of the same body that it is not necessary to prepare an impact assessment study;

2) an act on the conditions of the competent institution for protection of cultural heritage;

3) an act on the requirements of the competent ministry for water management.

Conditions of the competent authorities referred to in paragraph 2, item 1) -3) of this Article form an integral part of the feasibility study of exploitation.

The competent authority shall reject the request for the exploitation field if:

1) the complete documentation referred to in paragraph 1 of this Article has not been submitted with the request;

2) the feasibility study does not comply with the by-law on the contents of the feasibility study, other technical regulation or if it contains inaccurate data;

3) if the area for which the approval for the exploitation field is requested is located on the area of ​​the previously approved exploration or exploitation field or space, as well as the approved retention of the right to the exploration area;

4) if the applicant has outstanding debts on the basis of the obligation to pay fees for applied geological research of mineral and other geological resources, for retention of exploration area as well as for the use of mineral raw materials;

5) if liquidation or bankruptcy procedure have been initiated for the applicant.

In the case of items 2) -4) of paragraph 1 of this Article, the competent authority shall first ask the applicant to make a correction or amendment of the request within 30 days of receipt the notification.

The decision referred to in paragraph 4 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it.

Complaint against the decision from paragraph 4 of this Article, issued by the competent authority of the Autonomous Province, shall be appealed to the Minister.

The holder of exploitation may submit a request for issuing the approval for changing the boundaries of the approved exploitation field in accordance with the conditions stipulated in this Article, except in the case of reduction the approved exploitation field when the evidences are submitted in accordance with paragraph 1, items 1), 2) and 4) of this Article.

**Article 71**

The approval for exploitation field contains:

1) business name of the holder of approval, registration number and registered seat;

2) type of mineral raw material defined by the certificate of reserves and resources;

3) location, area and coordinates of the breaking points of the exploitation field boundaries, number of exploitation field in the Cadastre of exploitation fields;

4) deadline for completion of the preparatory works and for obtaining the approvals for construction of mining facilities and/or conducting the mining works, which cannot be longer than two years;

5) conditions and obligations in respect of exploitation concerning the maximum and minimum distances as well as the conditions established by the decisions of the other competent authorities;

6) protective area around the exploitation field necessary for possible expansion of the field requested by the holder of exploitation, as follows:

(1) for exploitation fields with a surface area up to 25 ha, a protective area up to 100 meters wide from the appropriate boundary of the exploitation field;

(2) for exploitation fields of a surface area from 25 ha to 100 ha, a protective area up to 250 meters wide from the appropriate boundary of the exploitation field;

(3) for exploitation fields of a surface area larger than 100 ha, a protective area up to 500 meters wide from the appropriate boundary of the exploitation field.

(4) for strategic mineral resources or mineral raw materials defined in Article 4, paragraph 2 of this Law, the part of the exploration area for which the holder of exploitation has an approval for geological research which does not have to be around the exploitation field, but is in physical contact with the exploitation field; not larger than the area the holder would receive in accordance with sub-item (1) - (3) of this item, for a period of up to ten years.

**Article 72**

The Ministry or the competent provincial authority shall revoke the approval for exploitation and/or exploitation field if:

1) the approval for conducting the mining works and/or construction of mining facilities is not obtained within the specified time interval referred to in Article 71, paragraph 1, item 4);

2) the mining works and/or construction of mining facilities are performed without the approval or are not in accordance with the approval for conducting the mining operations;

3) the exploitation endangers the life and health of people and the environment, and other measures provided by this Law or other regulations are not sufficient to prevent this;

4) the exploitation endangers cultural heritage, its protected environment or an area of cultural‐historical, architectural and archaeological importance;

5) the annual operation plan for the next calendar year and the annual operation report for the previous year are not timely submitted within the period specified in the written warning of the competent authority to the Ministry or to the competent body of the Autonomous Province;

6) the royalties for the use of mineral resources are not paid;

7) if the reclamation procedure is not performed in accordance with the approved project documentation and annual operational plans;

8) if a company does not comply with the conditions defined by the acts of other authorities and institutions in the field of environmental protection, water management and protection of cultural properties.

9) in accordance with this Law, the annual operational plan for the next year is not submitted in a timely manner to the Ministry or to the competent authority of the Autonomous Province on business for the previous calendar year and the bank guarantee or bill of exchange or the cooperative guarantee performing the rehabilitation and reclamation of degraded land due to the exploitation;

In cases from paragraph 1, items 2)-9) of this Article, the holder of exploitation is obliged to prepare a project of permanent suspension of works and carry out works according to the same or to deposit funds provided for conducting of works according to the permanent suspension of works.

The decision referred to in paragraph 1 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it.

Complaint against the decision from paragraph 1 of this Article, issued by the competent authority of the Autonomous Province, shall be appealed to the Minister.

**Article 73**

The approval for exploitation and/or exploitation field shall cease to be valid:

1) at the request of the holder of exploitation, on the day of delivery of the decision on termination of validity of the decision for exploitation and/or exploitation field to the holder of approval;

2) with permanent suspension of mining works on the exploitation of resources and reserves of mineral raw materials, on the day of delivery of the decision on termination of validity of the decision for exploitation and/or exploitation field to the holder of the approval.

The decision on termination of the approval for exploitation and/or exploitation field in the case referred to in paragraph 1 of this Article shall be issued by the Ministry or competent authority of Autonomous Province, if it is previously determined that the obligations of the company that carried out the exploitation on the issue for compensation for use of mineral resources are settled and that is confirmed by the inspection report that the reclamation is carried out in accordance with the project documentation.

The decision referred to in paragraph 2 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it.

Complaint against the decision from paragraph 2 of this Article, issued by the competent authority of the Autonomous Province, shall be appealed to the Minister.

**Article 74**

The holder of exploitation may also carry out on the same exploitation field the mining of other mineral raw materials and geothermal resources that are not covered by the granted approval, under the conditions and in the manner prescribed by this Law.

**4. Approval for Manual Rinsing of Precious Metals and Other Minerals**

**Article 75**

Manual rinsing of precious metals from alluvial sediments and collecting of other minerals from the earth surface may be granted to a natural person. The holder of approval shall offer the washed quantities of metal to the National Bank of Serbia at market prices and submit to the Ministry a report for washed precious metals and collected other minerals on quantities and place where they are washed or collected.

The request may be submitted for only one main water stream with its tributaries, or a single location for the collection of other minerals, provided that the approval for manual washing of precious metals and collecting of other minerals, carried out by a natural person, is issued by the Ministry for a period of one year.

Along with the request for approval for manually washing of precious metals and/or collecting of other minerals from the earth surface the following shall be submitted:

1) topographic plan of the area where the washing of precious metals is planned with specified parts of the main water stream and its tributaries on which the washing of precious metals is planned or a topographic plan of the area for collecting the other minerals with the indication of the name of the local self-government unit;

2) proof of payment of the republic administrative fee;

3) certified copy of identification document.

The approval for manual washing of precious metals and collecting the other minerals includes:

1) data on a natural person to whom the rinsing and/or collecting is approved;

2) the name of the river or stream with its tributaries whose sediments shall be washed and the name of the local self-government unit on whose territory the washing and/or collecting shall be carried out;

3) the period of validity of the approval;

4) the obligation to submit a certificate to the Ministry, or a bill for remelting service indicating the remelted mass;

5) the obligation to offer to the National Bank of Serbia the washed quantities of metal within the period of validity of the approval;

the obligation to submit, within 30 days after the expiry of the approval with precisely specified locations, to the Ministry a report on the area where the manual washing was carried and the quantities of washed metal, or the area where collecting was done and the quantities of collected minerals.

The decision referred to in paragraph 2 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it.

**Article 76**

The Ministry shall notify the National Bank of Serbia on each issued approval for washing of precious metals from alluvial sediments.

If the Ministry finds that a natural person to whom the approval is granted has not performed washing of precious metals and/or collecting of other minerals from alluvial deposits and the earth surface, or has not offered the obtained quantities of these metals within the specified time period to the National Bank of Serbia or it has not submitted a report in accordance with Article 75, paragraph 4, item 6), the Ministry shall revoke the issued approval and notify the National Bank of Serbia thereof.

Compensation shall not be paid for the obtained quantities of washed precious metals from alluvial sediments and the quantities of other collected minerals from the surface.

The decision referred to in paragraph 2 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it.

**5. Approval for Exploitation of Non‐metallic Mineral Raw Materials for Obtaining the Construction materials and Mineral Resources for Obtaining the Natural Construction Materials**

**Article 77**

Exploitation the non‐metallic mineral raw materials for obtaining the construction materials and exploitation of mineral resources for obtaining the natural construction materials is carried out on the basis of the decision on approval for exploitation issued by the Ministry, i.e. the competent authority of Autonomous Province if the exploitation is carried out on the territory of the Autonomous Province.

With the request for approval for exploitation from paragraph 1 of this Article, the following shall be submitted:

1) proof of payment of the republic administrative fee, i.e. provincial administrative fee if the exploitation is carried out on the territory of the Autonomous Province;

2) topographic map in the scale of 1:2500 or at corresponding scale with drawn‐in boundaries of the exploitation field, public traffic roads and other facilities and contours of determined resources and reserves of mineral raw materials or mineral resources for obtaining natural construction materials located on that field and clearly marked cadastral plots in written and digital form;

3) main mining project of exploitation of non-metallic mineral raw materials for obtaining construction materials with a report and certificate on technical control of the project, and the stated certificate of reserves on the basis of which it was made and in case of exploitation of natural construction materials technical mining project of exploitation of mineral resources obtaining natural construction materials with a report and a certificate of technical control of the project and the specified certificate of resources on the basis of which it was made;

4) consent of the investor to the project;

5) photocopy of the certificate on resources and reserves of mineral raw materials issued on the basis of performed geological research, in accordance with applicable regulations on classification of resources and reserves of mineral raw materials or report on mineral resources in case of exploitation of natural construction materials or data on issued approval;

6) statement of the local self-government unit responsible for urban affairs in terms of compliance of exploitation with valid spatial or urban plans and the possible need to prepare a planning document of lower rank, except in the case of exploitation of natural construction materials;

7) act of the body responsible for environmental protection approving the study on the assessment of the impact of exploitation on the environment or a decision determining that it is not necessary to prepare a study on the assessment of impact, except in the case of exploitation of natural construction materials;

8) act of the body responsible for water management affairs which determines the conditions for performing exploitation, except in the case of exploitation of natural construction materials;

9) act of the competent authority institution for the protection of cultural heritage which determines the conditions for conducting of exploitation;

10) proof of the right of ownership or right of use, lease and/or approval, or easement over the area on which the construction mining facilities and implementation of mining works is planned for at least ten years after dynamics defined in the project or proof of the right of ownership or use or easement over the entire area on which the conducting of works on the technical mining project for exploitation of mineral resources for the preparation of construction materials is planned, except in the case of exploitation of forest land in the public ownership when the proof of the right of use, or the right of easement is submitted before the beginning of mining works and a written statement of the applicant with a list of all cadastral parcels covered by mining works for which property-legal relations have been resolved;

11) **- deleted -**

12) the first bank guarantee or bill of exchange or corporate guarantee for rehabilitation and reclamation of degraded land due to the exploitation must be at least 30% of the amount provided by the main mining project for rehabilitation and reclamation activities, and must be valid at least three years from the date of issuing the guarantee. Each additional bank guarantee or bill of exchange or corporate guarantee for rehabilitation and reclamation of degraded land due to the exploitation must be at least 30% of the remaining amount for the rehabilitation and reclamation of degraded land due to exploitation and have to be submitted 30 days before the expiration of the existing bank guarantee, bills of exchange, corporate guarantees with mandatory validity period for at least two years. The last bank guarantee or bill of exchange or corporate guarantee for conducting the activities of rehabilitation and reclamation of degraded land due to the exploitation must be valid 60 days longer than the planned finalization of the mine exploitation according to the main mining project. If the holder of exploitation loses the right of exploitation under the terms of this Law, the holder shall also lose the bank guarantee or bill of exchange or corporate guarantee for rehabilitation and reclamation of degraded land due to the exploitation, unless the holder performs reclamation on his own.

The first bank guarantee or bill of exchange or corporate guarantees should be issued with a clause unconditional, irrevocable, payable on the first demand and without objection, provided that with the bill of exchange is submitted along with the bank certificate registration of the bill of exchange (original or certified copy by a commercial bank) and the original or certified specimen of deposited signatures and the corresponding bill of exchange authorization.

If the procedure of bankruptcy or liquidation of the holder of the approval for the performance of mining works is initiated for not performing the rehabilitation and reclamation of the degraded land, the rehabilitation costs are covered from the bankruptcy or liquidation estate.

Entrepreneurs engaged in the exploitation of mineral resources for obtaining the natural construction materials are not subject to the obligations referred to in paragraph 2, item 11) of this Article.

The competent authority shall conduct a verification of compliance with the law and by-laws of the defined conditions and shall not engage in the assessment of the concept of exploitation as defined in the technical documentation, which was filed with the requirements set out in paragraph 1 of this Article.

The competent authority shall reject by a decision the request for issuing the approval for exploitation the non‐metallic mineral raw materials and exploitation of mineral raw materials for obtaining the natural construction materials referred to in paragraph 1 of this Article if:

1) the complete documentation referred to in paragraph 1 of this Article has not been submitted with the request;

2) the applicant has outstanding obligations in terms of compensation for fee for the use of mineral resources;

3) if liquidation or bankruptcy procedure have been initiated for the applicant.

The holder of exploitation may submit a request for issuing an approval to amend the boundaries of the approved exploitation field in accordance with the conditions stipulated in this Article, except in the case of a reduction when the evidences are submitted in accordance with items 1) and 2) of this Article.

Decision from para. 1 and 7 of this Article, issued by the Ministry shall be is final and an administrative procedure may be initiated against it.

Complaint against the decision from paragraphs 1 and 7 of this Article, issued by the competent authority of the Autonomous Province, shall be appealed to the Minister.

**Article 78**

Approval for the exploitation referred to in Article 77 of this Law shall contain:

1) data on the investor: the exact name, identification number and registered seat;

2) name of the mining project and constituent parts;

3) type of mineral raw materials from the certificate of reserves and resources or mineral resources from the report on natural resources of construction materials;

4) the quantity of mineral raw materials determined for exploitation according to the main mining project for exploitation of non‐metallic mineral raw materials or the quantity of mineral resources for obtaining the natural construction materials that cannot exceed 200 m3 annually;

5) position, area, cadastre number and the exact boundaries of exploitation field;

6) protective area along the border of exploitation field required for possible expansion of the field with defined coordinates at the proposal of the exploitation carrier up to 100 m wide, except in the case of exploitation of mineral resources for obtaining natural construction materials;

7) obligations related to obtaining a use permit for constructed mining facilities;

8) obligations related to the rehabilitation and reclamation area, engagement of persons with appropriate qualifications in the technical management, technical supervision and safety and health at work, timely reporting to the competent authorities and inspection services on the performance of mining works;

9) the validity period of the decision approving the exploitation of non‐metallic mineral raw materials for obtaining construction materials, as defined in accordance with a proof of ownership right or right of use or easement over the area covered by the mining structures and mining activities by the project;

10) conditions and obligations in respect of conducting the exploitation in terms of minimum and maximum distances in order to protect people and facilities determined by technical regulations, as well as the conditions determined by decisions of the other competent authorities.

**Article 79**

The holder of the decision approving the exploitation of non-metallic mineral raw materials for obtaining construction materials may, no later than 30 days before the expiration of the deadline referred to in Article 78, paragraph 1, item 9) of this Law, submit a request to extend the validity of the decision.

Along with the request for extension of the approval for exploitation referred to in paragraph 1 of this Article, the following shall be submitted:

1) proof of payment of the republic administrative fee, i.e. provincial administrative fee if the research is conducted on the territory of the Province;

2) supplementary mining project of exploitation of non-metallic mineral raw materials for obtaining construction materials with a report and certificate on technical control of the project;

3) topographic map in the scale 1:2500 or at corresponding scale with drawn‐in boundaries of the exploitation field, public traffic roads and other facilities and contours of determined resources and reserves of mineral raw materials located in that field and clearly marked cadastral plots in written and digital form;

4) proof of ownership or right of use, lease and/or consent, i.e. easement over the area where mining works are planned according to the project or for the area where construction of mining facilities is planned until the end of exploitation or for at least the next five years, and all according to the dynamics defined in the project and a written statement of the applicant with a list of all cadastral parcels covered by the mining works and that all property-legal issues relevant for those parcels have been resolved.

The decision referred to in paragraph 1 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it.

Complaint against the decision from paragraph 1 of this Article, issued by the competent authority of the Autonomous Province, shall be appealed to the Minister.

**Article 80**

The Ministry, i.e. the competent provincial authority shall withdraw the approval for exploitation referred to in Article 77 of this Law if:

1) the exploitation endangers the life and health of people and the environment, and other measures provided by this Law or other regulations are not sufficient to prevent this;

2) the exploitation endangers cultural heritage, its protected environment or an area of cultural‐historical, architectural and archaeological importance;

3) in accordance with this Law, the annual operational plan for the next year is not submitted in a timely manner to the Ministry or to the competent authority of the Autonomous Province on business for the previous calendar year and the bank guarantee or bill of exchange or the cooperative guarantee performing the rehabilitation and reclamation of degraded land due to the exploitation;

4) the royalties for the use of mineral resources are not paid;

5) if the reclamation procedure is not performed in accordance with the approved project documentation;

6) if the entity does not comply with the conditions defined by the acts of the other authorities and institutions in the field of environmental protection, water management and protection of cultural heritage.

Entrepreneurs engaged in the exploitation of mineral resources for obtaining the natural construction materials are not subject to the obligations referred to in paragraph 1, item 3) of this Article.

In the cases from paragraph 1, items 1) ‐ 6) of this Article, the holder of exploitation of non‐metallic mineral raw material for obtaining the construction materials is obliged to develop the project of permanent suspension of works and carry out the works according to the same or to deposit funds planned by the project of permanent suspension of works.

The decision referred to in paragraph 1 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it.

Complaint against the decision from paragraph 1 of this Article, issued by the competent authority of the Autonomous Province, shall be appealed to the Minister.

**Article 81**

The approval for exploitation under Article 77, paragraph 1 hereof shall cease to be valid:

1) upon the request of the holder of exploitation;

2) permanent suspension of exploitation;

3) upon the expiration of the validity of the decision approving the exploitation of non-metallic mineral raw materials for obtaining construction materials.

The decision on cancellation the authorization for exploitation referred to in paragraph 1 of this Article shall be issued by the Ministry, i.e. the competent authority of Autonomous Province, if the previous inspection report establishes that the reclamation was carried out in accordance with the approved project documentation.

The decision on termination of the exploitation permit referred to in paragraph 1 of this Article shall be issued by the Ministry, i.e. the competent authority of the Autonomous Province.

The decision referred to in paragraph 1 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it.

Complaint against the decision from paragraph 1 of this Article, issued by the competent authority of the Autonomous Province, shall be appealed to the Minister.

**Article 82**

Non‐metallic mineral raw materials for obtaining construction materials and non‐metallic mineral resources for obtaining natural construction materials may be included in the market circulation only if they are excavated in the exploitation field, approved in accordance with the provisions of this Law.

The guarantee of origin of mineral raw materials, i.e. the resources referred to in paragraph 1 of this Article, is issued by the Ministry, i.e. the competent authority of Autonomous Province, with a certificate issued at the request of the holder of exploitation.

The request for the issuance of a guarantee of origin certificate shall be submitted along with the data on: the holder of exploitation, type, quantity and planned use of mineral raw material that is the subject of trade.

A guarantee of origin certificate shall contain in particular:

1) business name, registered seat, identification number and tax identification number of the holder of exploitation;

2) name and location of the exploitation field from which the raw materials are excavated;

3) data on the type and possibilities of using mineral raw materials or resources determined by the certificate on resources and reserves, i.e. the report on mineral resources for construction materials that are the subject of trade.

The holder of exploitation is obliged to issue a photocopy of the certificate of guarantee of origin verified by the holder of exploitation and a certificate of the quantity of sold mineral raw material, i.e. mineral resource that is placed on the market as the construction material.

The certificate of guarantee of origin shall cease to be valid after its use, i.e. after realized market turnover of mineral resources for which it was issued.

The guarantee of origin certificate is transferable.

VI. INVESTMENT‐TECHNICAL DOCUMENTATION FOR MINING WORKS

**1. Types of Investment and Technical Documentation**

**Article 83**

The exploitation of reserves and resources of mineral resources is carried out according to the investment‐technical documentation for construction of mining facilities and/or execution of mining works, then for exploitation of non‐metallic mineral raw materials for obtaining construction materials and exploitation of mineral resources for obtaining natural construction materials.

The documentation from paragraph 1 of this Article shall be drawn up based on the results of exploration works or project studies on resources and reserves classified in accordance with the regulations on classification of resources and reserves, reports on mineral resources in case of exploitation of natural construction materials and other documentation intended for elaboration and analysis of technical, technological and economic conditions for execution of works, conditions of safety and health at work, fire protection, environment protection, protection of cultural heritage and assets, water protection, and other conditions influencing the assessment of technical‐technological and economic justification of exploitation and execution of mining works.

**Article 84**

Investment and technical documentation in terms of this law shall mean the following:

1) pre‐feasibility study;

2) feasibility study of exploitation of mineral deposits;

3) long‐term exploitation program;

4) mining projects;

5) annual operational plan.

The following shall be considered a mining project referred to in paragraph 1, item 4) of this Article:

1) main mining design;

2) supplementary mining design;

3) technical mining design;

4) technical mining design for exploitation of mineral resources for obtaining natural construction materials;

5) mining project involving explorations of solid mineral raw materials;

6) simplified mining design.

**Article 85**

Investment‐technical documentation must comply with:

1) provisions of this Law and the regulations adopted on the basis of this Law, the provisions of technical regulations, regulations on health and safety at work, as well as the other regulations applicable in the field of exploitation of mineral resources;

2) regulations on environmental protection, conditions from the Act for spatial planning in accordance with the urban plan, water permit, regulations on protection of cultural heritage, etc;

3) provisions of regulations in the field of fire protection that define the content of technical documentation.

**Article 86**

A pre‐feasibility study shall be a document that is prepared during geological explorations as needed by the company in order to assess the justification for continuing geological explorations.

The pre-feasibility study of mineral deposits exploits the indicated and measured resources into probable and proven mineral reserves on the basis of variant solutions of mineral resources exploitation and processing, ecology, market and economic assessment and the decision is rendered on the feasibility of investment into additional exploration works and development of the feasibility study.

**Article 87**

Feasibility study on exploitation of mineral deposits contains an overview of the conditions and conceptual design of the method of exploitation, preparation of mineral raw materials, placement of mineral raw materials, working life and annual capacity, environmental impact analysis with environmental protection measures, reclamation measures, the impact of mining activities on society, techno-economic assessment with cash flow and necessary funds and number of engaged and employed persons.

**Article 88**

For the exploitation field for which there is an act of the Government, relating to the exploitation of resources and reserves of mineral resources, which are of importance for the Republic of Serbia, it is mandatory to develop a long‐term program of exploitation for a period of at least ten years.

The long‐term program from paragraph 1 of this Article shall represent the expert basis for the development of a special purpose spatial plan.

**Article 89**

Mining works shall be performed in accordance with the main mining design, supplementary mining design, technical mining design, simplified mining design, technical mining design for exploitation of mineral resources for obtaining natural construction materials and mining project for conducting the mining works associated with geological explorations of solid mineral raw materials.

**Article 90**

The main mining project is prepared in accordance with the feasibility study of exploitation when its development is provided by the provisions of this law for: performing mining works in underground and surface mines; construction of stationary mining facilities, construction of new collection stations for oil and gas exploitation, construction of plants for preparation of mineral raw materials; restarting inactive mines; determining the derived condition of mining facilities and the continuation of exploitation in the exploitation field; permanent suspension of works and closure of mines; as well as for storage of hydrocarbons in liquid and gaseous state when storage facilities are located in the exploitation field and other substances in underground mining facilities.

The main mining design is a detailed design that particularly contains the basic concept, technical designs on the basis of which the mining works are performed; mining facilities are built, as well as mining infrastructure, technical and technological parts and technical and economic assessment conducted for the project.

The main mining design is prepared on the basis of mineral reserves in the area affected by the projected mining works.

**Article 91**

The supplementary mining project is prepared for deviations from the main mining design when changing the mine capacity, then for exploitation of new ore bodies of oil and gas deposits as well as capturing new reserves of existing deposits in active mines, for changing the boundaries of the exploitation field for non-metallic mineral raw materials for construction materials when improving the applied or introducing the new methods of exploitation of mineral raw materials or introducing the new methods for preparation of mineral raw materials, conservation of mines or temporary suspension of mining works. It is also prepared for determining the state of mining facilities and continuation of exploitation in exploitation fields, exploitation of non-metallic mineral raw materials for construction materials and extension of the validity period of the decision for performing mining works.

Supplementary mining design is a construction project that contains in particular: basic concept, technical projects on the basis of which the mining infrastructure is improved, technical-technological units and stationary mining facilities and techno-economic evaluation of the project.

**Article 92**

Technical mining designs are made in accordance with the main and supplementary mining design for technological operations of mining works: drilling and blasting, excavation, transport and disposal of useful mineral raw materials; excavation, transport and disposal of barren rock materials; transport and disposal of flotation tailings; protection of mining facilities from the inflow of surface and groundwater; during the reconstruction or improvement of mining facilities and mining infrastructure and stationary mining facilities, determining measures, conditions, as well as performing technical reclamation works in accordance with the same, generates a biological reclamation of land on which exploitation is performed.

Technical mining designs are made for the rehabilitation and reclamation of abandoned mining facilities.

Technical mining designs for the reconstruction or improvement of mining facilities and mining infrastructure and stationary mining facilities shall be developed for the facilities that have a use permit.

Technical mining designs being developed for mining works shall define in detail the dynamics of works for the appropriate period of exploitation.

Technical mining designs for exploitation of mineral resources for obtaining natural construction materials shall be developed for execution of mining works using the traditional hand tools without the use of machinery for mining, explosives and blasting agents, which are in accordance with the report on mineral resources for obtaining natural construction materials and contains a technical solution for rehabilitation of the area affected by exploitation.

**Article 93**

Mining project on exploration of solid mineral raw materials is a project on the basis of which mining works are performed within the approved geological research project on the exploration area or exploitation field (outside the area covered by the main or supplementary mining design), in order to take samples for laboratory and technological tests on site or in the industrial conditions and conducting the mining works within the deposit exploration.

Mining project on exploration of mineral resources is a construction project that contains in particular: basic concept with the dynamics of mining works, technical solutions according to which mining works will be performed, bill of quantities and estimate of works, safety and health measures at work, as well as measures for rehabilitation and reclamation of the area covered by works in case of suspension. In the case of performing exploratory underground mining works on the basis of this project, it is necessary to envisage measures for the maintenance of underground premises, facilities and installations upon completion of exploration works.

**Article 94**

Simplified mining design shall be drawn up for:

1) all minor deviations from adopted technical solutions elaborated in the technical mining design that is a constituent part of the main or supplementary mining design, in order that performing of mining works according to the simplified mining design may last up to one year;

2) making the individual bore holes for exploration and exploitation of oil and natural gas, the works in the same, as well as for the overground plants and devices for exploitation, preparation and transport of oil and gas to the collecting station;

3) transport and relocation of the basic equipment for exploitation in the exploitation field;

4) the current investment maintenance of stationary mining facilities;

5) construction of facilities for the prevention and elimination of the consequences of accidental situation for a period not longer than one year.

6) for performing preparatory works on the approved exploitation field.

**Article 95**

The holder of exploitation is obliged to prepare the annual operational plan, as well as the report on operations for the previous calendar year in the language in official use in the Republic of Serbia.

The annual operational plan referred to in paragraph 1 of this Article shall be submitted to the authority that issued the approval for exploitation no later than 31st January for the current calendar year.

The annual report on operations referred to in paragraph 1 of this Article shall be prepared by the holder of exploitation no later than 28th February of the current year and submitted to the competent authority that issued the approval for exploitation no later than 31st March of the current year.

The reports referred to in paragraph 1 of this Article shall be submitted on the prescribed form.

The Minister shall prescribe the content, form and manner of submitting the annual operational plan and the annual business report referred to in paragraph 1 of this Article.

**Article 96**

The chief designer and the responsible designers who have developed the mining project shall confirm in a written statement that the project meets the conditions set out in Article 85 of this Law.

The written statement referred to in paragraph 1 of this Article forms an integral part of the mining project.

All solutions and quality of the project are the responsibility of the company that performs the tasks of preparing technical documentation, the chief designer and the responsible designers.

The Minister shall prescribe more specifically the content of the investment and technical documentation from Article 84 of this Law, in accordance with contemporary scientific achievements and the rules of mining profession.

**2. Technical Control**

**Article 97**

Technical control is performed for mining projects referred to in Article 84, paragraph 2, items 1)-5) of this law.

Technical control shall comprise control of the project in terms of compliance with the law and other regulations in the field of mining, application the contemporary achievements and methods of mining profession and science, as well as compliance with applicable regulations concerning health and safety at work, safety of people and facilities, environmental protection and protection of cultural heritage and assets under previous protection as well as compliance with the conditions issued in accordance with the special regulations governing the environmental protection, water management and cultural monuments.

A report on the performed technical control is compiled and signed by the main and responsible auditors, and a certificate on the performed technical control is issued, which is signed by the responsible person of the company that performed the technical control.

The report must contain general information on the company that developed the project and the company that performed the technical control, the appointed chief and responsible auditors, the decision on the appointment of the main and responsible performers of technical control with the statement of the responsible person of the company that performed the technical control stating that conditions prescribed by the provisions of Article 123 of this Law are met. The report contains summary of the project, terms of reference, previously approved documentation in accordance with which the project is prepared if prescribed by law, description of methods and calculations applied in the project, as well as a statement regarding Article 85. of this law.

The certificate must contain the name of the project, business name of the company issuing the certificate, date of the project and a statement on whether the project meets all the prescribed conditions, with the date of issuance of the certificate and the signature of the responsible person of the company performing technical control.

The report and certificate must be filed by the company that performs the technical control and the company that owns the project documentation.

**Article 98**

The report and certificate on technical control of the mining project shall be issued by the business entity undertaking the technical control. The technical control must be confirmed by the certification of each copy of the project by the economic entity that performed the technical control.

The business entity that performed the technical control is responsible for the quality of performing technical control of mining projects.

**Article 99**

The technical control of mining projects cannot be performed, i.e. the following cannot participate in the performance of technical control:

1) the business entity that has designed that project, and the holder of exploitation;

2) a person employed with the business entity and with the holder of exploitation, who has developed the mining project or participated in its development;

3) a person employed in the Ministry, the competent authority of the Autonomous Province.

**3. Projects Designed Abroad**

**Article 100**

Mining projects designed abroad shall be subject to the technical control in accordance with this Law.

Technical control referred to in paragraph 1 of this Article shall include control with respect to application of measures and standards health and safety at work, environmental protection, protection against fire and explosions, safety of facilities and people and underground, surface and adjacent facilities, as well as the control with respect to the application of contemporary achievements and methods of the mining science and engineering.

Technical control of mining projects designed abroad for the performance of mining works that are the subject of the mining project checks whether the regulations, measures and conditions that correspond to the regulations of the Republic of Serbia have been applied and whether the measures, measuring units and other indicators are in compliance with the development of mining projects.

**4. Approval for Construction of Mining Facilities and/or Execution of Mining Works**

**Article 101**

Construction of mining facilities and execution of mining works shall be carried out by the main and supplementary mining design and performed on the basis of the decision on approval for the construction of mining facilities and/or mining works, issued by the Ministry, i.e. competent authority of Autonomous Province, on the request of the holder of approval for exploitation and/or exploitation field.

If the mining works are not carried out in accordance with the approved project documentation and after the deadline for elimination of deficiencies identified by the mining inspector, where the deadline for the elimination of deficiencies cannot be longer than 180 days, the provisions of Article 72 of this Law shall apply.

The approval for the construction of mining facilities and/or execution of mining works referred to in paragraph 1 of this Article shall cease to be valid:

1) at the request of the holder of the approval and by submitting an application for permanent suspension of works, on the day of delivery of the decision on termination of validity of the decision to the holder of the approval;

2) upon the expiry date of decision approving the construction of mining facilities and/or execution of mining works.

The decision on ceasing the approval validity referred to in paragraph 3 of this Article shall be issued by the Ministry, i.e. competent authority of Autonomous Province, if the previous inspection report has established that the reclamation was carried out in accordance with the approved project documentation.

Decision from paragraphs 1 and 4 of this Article, issued by the Ministry shall be is final and an administrative procedure may be initiated against it.

The decision referred to in paragraphs 1 and 4 of this Article issued by the competent authority of the Autonomous Province, the appeal is submitted to the Minister.

The Ministry, i.e. the competent provincial authority shall withdraw the approval for exploitation referred to in Article 1 of this Law if:

1) the exploitation endangers the life and health of people and the environment, and other measures provided by this Law or other regulations are not sufficient to prevent this;

2) the exploitation endangers cultural heritage, its protected environment or an area of cultural‐historical, architectural and archaeological importance;

3) if the reclamation procedure is not performed in accordance with the approved project documentation;

4) if the entity does not comply with the conditions defined by the acts of the other authorities and institutions in the field of environmental protection, water management and protection of cultural heritage.

5) the royalties for the use of mineral resources are not paid;

6) if the entity fails to obtain proof of the right to use, lease, consent of the owner, i.e. right of easement over land, on the area where it performs mining works, except in the case of underground exploitation due to which, according to the applied exploitation technology, there is no impact on the land surface;

7) in accordance with this Law, the entity fails to submit to the Ministry, i.e. the competent authority of the Autonomous Province, in a timely manner, a bank guarantee or a bill of exchange or a corporate guarantee for the rehabilitation and reclamation of degraded land due to exploitation.

In the case referred to in paragraph 7, item 1) -4) of this Article, the competent authority shall act after notifying the competent inspector, and on the basis of item 5) -7) of this Article, the competent authority shall previously request that the holder of the approval eliminates the determined irregularity within the deadline determined by the competent authority.

**Article 102**

The approval for construction of mining facilities and/or execution of mining works under Article 101 of this Law shall contain:

1) data on the investor: the exact name, identification number and registered seat;

2) class and type of mining project, name of integral parts of the project;

3) name of the deposit and type of mineral raw materials, the number of the exploitation field, the annual production capacity and name of the local self-government unit on the territory on whose territory the mining works shall be performed;

4) obligations related to obtaining a use permit for constructed mining facilities;

5) obligations related to the rehabilitation and reclamation area, engagement of persons with appropriate qualifications in the technical management, technical supervision and safety and health at work, timely reporting to the competent authorities and inspection services on the performance of mining works;

6) type and period of validity of the submitted security instrument referred to in Article 103, paragraph 1, item 11) of this Law;

7) conditions and obligations in respect of exploitation the minimum and maximum distances in order to protect people and facilities determined by the technical regulations, the conditions set forth by the decisions of the competent institutions for protection of cultural monuments, as well as the conditions established by the decisions of the other competent authorities.

**Article 103**

The request for the issuance of an approval for the construction of mining facilities and/or conducting the mining works from Article 101 of this Law shall be submitted with the following:

1) proof of payment of the republic administrative fee or provincial administrative fee if the works are performed on the territory of the province;

2) mining project certified by the holder of the approval for the exploitation field and technical controls with the stated certificate of reserves and resources on the basis of which it was prepared;

3) consent of the holder of exploitation and/or approval for exploitation field on the project;

4) statement of a local self-government authority unit responsible for the activities of urban planning in terms of compliance of exploitation with the urban planning documentation and requirements of development of a planning document of a lower order;

5) proof of ownership, i.e. a special act of the Government on determining the public interest for a period of at least five years in case of exploitation of mineral reserves that are of strategic importance for the Republic of Serbia, for areas where construction of mining facilities and mining works is planned, except in the case of oil and gas when proof of the right of use, lease and/or consent, or the right of easement over the land for a period of at least one year is submitted, as well as a written statement of the applicant with a list of all cadastral parcels covered by mining works for which property and legal relations are resolved or are covered by an act of the Government on determining the public interest. For areas where the public interest has been declared or property-legal relations have not been resolved, the investor's statement that he/she will resolve property-legal relations until the application for the execution of works on the subject project is submitted. The application of works to the competent inspector who performs the control of the submitted documentation can be submitted only for the part of the works on the area for which the investor submits proof of resolved property-legal relations. When the approval is issued for mineral resources determined by Article 3, item 13) of this Law, proof shall be submitted in accordance with Article 77, paragraph 2, item 10) or Article 79, paragraph 2, item 4);

6) photocopy of the certificate on resources and reserves of mineral raw materials or data on the issued certificate;

7) act of the competent authority for environmental protection giving a consent to the study on assessment the impact of exploitation on the environment;

8) consent of the competent institutions for protection of cultural monuments;

9) consent of the competent ministry for the water management activities;

10) consent to the technical documentation regarding fire protection measures issued by the competent authority responsible for fire protection in accordance with special regulations;

11) bill of exchange or proof of bank guarantee or corporate guarantee for conducting the activities of remediation and reclamation of degraded land due to the exploitation in favour of the Republic of Serbia, issued to ensure the proper settlement of the liability for conducting the activities of remediation and reclamation of degraded land due to exploitation, stipulated by this Law.

The first bank guarantee or bill of exchange or corporate guarantee for conducting the activities of remediation and reclamation of degraded land due to the exploitation must be at least 30% of the amount provided for the main mining design for remediation and reclamation activities, and must be valid for at least three years from the date of issuance of the guarantee.

Each additional bank guarantee or bill of exchange or corporate guarantee for the rehabilitation and reclamation of degraded land due to exploitation must be at least 30% of the value of the remaining amount for the rehabilitation and reclamation of degraded land due to exploitation, must be submitted 30 days before the expiration of the existing bank guarantee or bill of exchange or corporate guarantee and must be valid for at least two years.

The last bank guarantee or bill of exchange or corporate guarantee for remediation and reclamation of degraded land due to the exploitation must be valid for six months longer than the day of the planned completion of the exploitation of the mine under the main mining design.

The first bank guarantee or bill of exchange or cooperative guarantee should be issued with a clause unconditional, irrevocable, payable on first demand and without objection, except that with the bill of exchange a bank certificate on realized registration of the bill of exchange (original or certified copy by the commercial bank) is also submitted and original or a certified specimen of deposited signatures and corresponding promissory note authorization.

If the holder of exploitation loses the exploitation right according to the terms of this Law, the holder shall also lose the bank guarantee or bill of exchange or cooperative guarantee for remediation and reclamation of degraded land due to the exploitation, except when the holder performs reclamation himself.

If the procedure of bankruptcy or liquidation of the holder of the approval for the performance of mining works is initiated for not performing the rehabilitation and reclamation of the degraded land, the rehabilitation costs are covered from the bankruptcy or liquidation estate.

The competent authority shall exclusively check the fulfilment of the conditions established by the law and shall not engage in the assessment of technical documentation, submitted with the request referred to in paragraph 1 of this Article.

If other conditions are prescribed by a special law for the performance of works referred to in paragraph 1 of this Article, evidence of fulfilment of those conditions shall be submitted with the request.

The competent authority shall reject the request referred to in paragraph 1 of this Article by a decision if:

1) the complete documentation referred to in paragraph 1 of this Article has not been submitted with the request;

2) the applicant has outstanding debts based on the obligation to pay fees for applied geological research of mineral and other geological resources, for retention of exploration area, as well as for the use of mineral raw materials and geothermal resources;

3) liquidation or bankruptcy proceedings have been initiated for the applicant.

The decision referred to in paragraph 10 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it.

Complaint against the decision from paragraph 10 of this Article, issued by the competent authority of the Autonomous Province, shall be appealed to the Minister.

The Minister shall prescribe in detail the content of the work application document referred to in paragraph 1, item 5) of this Article.

**Article 104**

Mining works under the mining project referred to in Article 84, paragraph 2, item 5) of this Law shall be performed on the basis of the approval issued by the Ministry or the competent provincial authority at the request of the holder of exploration or the holder of exploitation.

The application for approval shall be submitted along with:

1) proof of payment of the republic administrative fee or provincial administrative fee if the works are performed on the territory of the province;

2) **- deleted -**

3) mining project on exploration of solid mineral raw materials harmonized with the project of geological exploration, certified by the technical control with the stated approval for exploration, i.e. approval for exploitation and/or exploitation field;

4) consent of the holder of exploitation or exploration under the project;

consent of the owner or user, or proof of the right of ownership or the right of use, lease and/or consent, or the right of easement over land that is determined for execution of mining works on exploration of mineral resources in areas covered by the project.

If other conditions are prescribed by a special law for the performance of works referred to in paragraph 1 of this Article, evidence of fulfilment of those conditions shall be submitted with the request.

The decision referred to in paragraph 1 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it.

The decision referred to in paragraph 1 of this Article issued by the competent authority of the Autonomous Province, the appeal is submitted to the Minister.

**Article 105**

Execution of preparatory and mining works according to technical mining designs and simplified mining designs can be accessed on the basis of an application submitted to the Ministry, i.e. the competent provincial body, before the beginning of the execution of works.

The application referred to in paragraph 1 of this Article shall be submitted with a copy of the technical mining design and simplified mining design, provided also to submit, in addition to a copy of the simplified mining project for development the individual drill holes for oil, gas and aboveground plant and equipment for mining, preparation and transport of oil and gas delivered to the collecting station, a list of cadastral parcels with the attached consents of the owner or user, or a proof of the right of ownership, the right of use, the right of lease, i.e. the right of easement over the land affected by the works per simplified project.

**Article 106**

The holder of exploitation and the holder of exploration is obliged to inform the mining inspector on commencement of works, as well as the competent authority of local self-government unit and the competent institution for the protection of cultural monuments on whose territory mining works shall be performed, and not later than 15 days before the commencement of works.

**5. Approval for the Use of Mining Facilities**

**Article 107**

A mining facility built according to the main and supplementary mining design may be used when the approval for the use of mining facility is obtained (hereinafter: use permit), which is issued by a decision of the competent authority referred to in Article 101, paragraph 1 of this Law, at the request of the holder of exploitation.

The use permit may also be issued for a mining facility that represents a technical‐technological unit and may be independently used.

The approval for the use of mining facilities for oil and gas exploitation contains a list of mining facilities built according to the mining project with the cadastral parcels on which the construction of mining facilities is built/planned to be built and the technical characteristics of those facilities or which registration is performed in the real estate cadastre or cadastre of lines.

If a special law prescribes the obligation to obtain the prior consent or permit of other bodies or organizations for the issuance of approval for the use of a mining facility, the consent referred to in paragraph 1 of this Article shall be accompanied by that consent or permit.

The decision referred to in paragraph 1 of this Article issued by the Ministry is final and an administrative dispute may be initiated against it.

Complaint against the decision from paragraph 1 of this Article, issued by the competent authority of the Autonomous Province, shall be appealed to the Minister.

**Article 108**

Mining facilities reconstructed by the technical mining design can be used after obtaining the approval for use of the mining facility in accordance with the provisions of Article 107 of this Law.

**Article 109**

A use permit is issued if it is determined:

1) that the mining facility or its part was built in accordance with the mining project on the basis of which the approval for construction of mining facilities and/or performance of mining works was issued, in accordance with regulations whose application is mandatory for construction of mining facilities;

2) that the prescribed conditions regarding safety and health at work measures, water protection, fire protection, environmental protection and other prescribed conditions for the construction and use of that type of facilities have been met;

3) that the consents of other bodies have been obtained in accordance with special regulations, on the basis of the conditions issued in the procedure for obtaining approvals for exploitation;

4) that the decision of the competent body for fire protection has determined the suitability of the facility for use in terms of the implementation of fire protection measures provided in the technical documentation in accordance with a special regulation.

Article 110

The fulfillment of the conditions referred to in Article 109 of this Law shall be determined by a technical inspection of the facilities.

Technical inspection of the mining facility includes, according to the purpose of the mining facility, a technical inspection of mining, mechanical and construction works, electrical plants (devices and installations), fire and environmental protection devices, water protection, as well as the technical inspection of mining equipment and plants.

The Minister shall prescribe the conditions and the manner of performing the technical inspection.

Article 111

The Ministry or the competent provincial authority shall entrust the performance of technical inspection of a mining facility to a corporate entity which employs the persons with an appropriate license.

Technical inspection of a mining facility may not be performed by companies and persons who designed or participated in designing the mining project for that facility, or the companies who performed the technical control of that project, as well as the persons employed at the Ministry or at the Autonomous Province authority, nor may they participate in the inspection. The costs of technical inspection shall be borne by the holder of the exploitation license.

Article 112

If, in order to determine the suitability for use of a mining facility, which was built according to the project documentation for which the approval was obtained for mining works and/or for construction of mining facilities by the Ministry, i.e. the competent authority of the Autonomous Province, prior inspection of installations, devices and plants, stability or safety of the facility, as well as other tests must be performed, or when it is planned by the mining project, the commissioning of the facility may be approved.

The decision on the approval for commissioning the facility for a test period is issued by the competent authority that issued the approval for exploitation and/or the exploitation field.

The approval referred to in paragraph 2 of this Article shall determine the start and duration of the test period, which may not be longer than six months.

Before commissioning the facility for a test period, the holder of the exploitation license and/or the approval for the exploitation field shall notify the competent mining inspector of the test period commencement and set up an expert commission to monitor the test period results.

Upon the completion of the trial period, the holder of exploitation license and/or the approval for the exploitation field shall request a technical inspection of the facility and make available the documentation concerning the test period results.

The decision referred to in paragraph 2 of this Article rendered by the Ministry is final and an administrative dispute may be initiated against it.

An appeal against the decision referred to in paragraph 2 of this Article rendered by the competent authority of the Autonomous Province shall be submitted to the Minister.

6. Mine Surveying and Mining Plans

Article 113

The company shall organize the mine surveying works and based on the performed surveying design the plans or maps that shall allow determining the condition of mining works, their mutual position and the position of mining works in relation to the previously executed mining works, to the surface facilities and water, and to the environment.

Within the mine surveying works, the company shall prepare the adequate graphic documentation which shall include data on the changes of site surface and on the condition of the mining facilities on the exploitation field.

Article 114

The layout of the exploitation field and all mine surveying works and graphic presentations of the mining works shall be connected with the points of the state trigonometric network.

The company shall maintain the mine surveying books of all performed mine surveying works.

Mine surveying books shall be certified in the manner determined by the regulations determining the certification of business records.

Article 115

The Minister shall prescribe the execution of mine surveying works, the manner of keeping the original plans and maps, the preparation of mining plans and their scales, from Article 113 of this Law, as well as maintaining the mine surveying books with an internal inventory list of the immovable property of the mine from Article 114 of this Law.

7. Mine Surveying in the Underground and Surface Mining

Article 116

The company shall provide the following during the execution of mining works:

1) the layout ‐ a map of the exploitation field in the appropriate standard scale, prior to the start of works in the exploitation field and at the end of each calendar year, as well as, where appropriate, at the end of certain stages defined by the project documentation. The layout developed at the end of the year shall be a part of the documentation within the annual reports on business activity;

2) a geological map of the exploitation field and its surroundings in the appropriate standard scale with characteristic geological profiles;

3) hydrologic and tectonic plans, as well as the plans with marked places for the discharge of water of prescribed quality into reservoirs for the mining facilities with large water inflow and complex tectonics;

4) an updated layout of mining works at the open pits, or a plan of mining works in the underground exploitation and excavation of the mineral raw materials, mining facilities in the exploitation field, dumps, flotation tailing dumps, condition of the depot of useful mineral raw materials or commercial products, transport communications, and other facilities;

5) for the mines with underground exploitation:

(1) the plan of monitoring the ground subsidence;

(2) mining and bench plans of all underground mining works;

(3) plans for the venting of underground mining facilities and pits;

(4) plans of the defence against and salvaging in the case of sudden dangers threatening life and health of people and safety of facilities;

6) power network plans (electric power network, compressed air network, etc.), and water supply network.

Article 117

The company shall make the copies of the plans referred to in Article 116 of this Law available to the mining inspector without delay.

The plans referred to in Article 116, items 4 and 5 of this Law, must be supplemented each month according to the progress of mine works, and the plans and the map referred to in Article 116, items 1), 2), 3) and 6) of this Law, when changes occur.

If the underground works are performed in the vicinity of previously performed works or the abandoned parts of pits, the plans shall be supplemented where appropriate and in shorter time limits.

All details from previous mining plans, such as previous pit openings, previously performed works and faults, altitude levels, and other details, shall be transferred to the new mining plans.

8. Mine Surveying in Exploitation of Liquid and Gaseous Mineral Resources

Article 118

The company performing the exploitation of oil and gas, other natural gases as well as geothermal resources shall have to provide:

1) the layout of the exploitation field with the marking of all exploration and exploitation boreholes and other devices;

2) the geological map of the exploitation field and its surroundings, with characteristic geological profiles;

3) the technological exploitation scheme and a scheme of mining facilities in the petroleum‐gas field;

4) the structural map with marked boundaries of the site contours;

5) data and reports on the drillings, coring surveys, blockage, perforation, completion and measurement of dynamic and static pressure, quantity of produced fluids, gas factor and all the other physical‐chemical analyses of collectors and fluids.

The company shall make the copies of the plans referred to in paragraph 1 of this Article available to the mining inspector without delay.

9. Professional Qualifications for Conducting the Specific Mining Works

Article 119

The activities of technical management and expert supervision, the design and technical control of mining designs, the control and supervision of occupational safety and health, the control and supervision of environmental protection, the independent performance of mine surveying and the design of mining plans, management and supervision of mine waste, the independent handling of blasting agents and other expert works in the exploitation of mineral raw materials may be performed by persons who in terms of the level and type of degree and work experience meet the prescribed requirements and who have the authorisation for these works.

Article 120 ﻿

Technical management works may be performed by a person who has acquired higher education of the seventh level at least, sub-level one (level VII-1) of the national qualifications framework acquired by completing integrated academic studies of the scope of 300 to 360 ECTS credits (master academic studies, master applied studies), i.e. basic studies at the faculty lasting at least five years, appropriate educational profile and modules within the educational-scientific field of: technical and technological sciences in mining, five years of work experience in respective positions, the authorisation to perform corresponding works and the corresponding license.

**Article 121 ﻿**

Professional supervision in the construction and reconstruction of mining facilities according to the mining project may be performed by a person who has acquired higher education at least seventh level, sub-level one (level VII-1) of the national qualifications framework acquired by completing integrated academic studies of 300 to 360 ECTS credits, (master of academic studies, master of vocational studies), ie undergraduate studies at the faculty lasting at least five years, appropriate educational profile and modules within the educational-scientific field. technical and technological sciences in mining, five years of working experience in respective positions, the authorization to perform corresponding activities and appropriate license.

Professional supervision during the construction and reconstruction of mining facilities according to certain parts of the mining project can be performed by persons who have acquired higher education at least seventh level, sub-level one (level VII-1) of the national qualifications framework acquired by completing integrated academic studies of 300 to 360 ECTS, (master of academic studies, master of vocational studies), ie undergraduate studies at the faculty lasting at least five years, appropriate educational profile and module, five years of work experience in appropriate jobs, authorization to perform those jobs and appropriate license.

Professional supervision in the field of fire protection in construction, upgrading and reconstruction of mining facilities can be performed by persons who meet the requirements prescribed by the special regulations for performing the professional supervision in the field of fire protection.

Professional supervision in mining of mineral resources can be performed by persons who have acquired a university degree at the undergraduate academic studies of appropriate profession in duration of at least five years, working experience in respective positions and the authorization to perform corresponding activities and have appropriate licence.

Supervision activities in conducting mining works can be performed by persons who have acquired secondary education in the field of geology, mining and metallurgy, of appropriate educational profile, three years of working experience in respective positions and the authorization to perform corresponding activities.

**Article 122 ﻿**

Professional supervision in the construction and reconstruction of mining facilities according to the mining project may be performed by a person who has acquired higher education at least seventh level, sub-level one (level VII-1) of the national qualifications framework acquired by completing integrated academic studies of 300 to 360 ECTS credits, (master of academic studies, master of vocational studies), ie undergraduate studies at the faculty lasting at least five years, appropriate educational profile and modules within the educational-scientific field. technical and technological sciences, five years of working experience in development of mining projects or technical management, supervision and other professional activities for which the project is developed, the authorization to perform such activities and the appropriate license.

The development of certain parts of the mining project can be performed by persons in the capacity of responsible designer who have acquired higher education at least seventh level, sub-level one (level VII-1) of the national qualifications framework acquired by completing integrated academic studies ranging from 300 to 360 ECTS credits, (master of academic studies, master of vocational studies), i.e. undergraduate at the faculty lasting at least five years, appropriate educational profile and module, three years of work experience, authorization to perform these tasks and appropriate license

**Article 123 ﻿**

Professional supervision in the construction and reconstruction of mining facilities according to the mining project may be performed by a person who has acquired higher education at least seventh level, sub-level one (level VII-1) of the national qualifications framework acquired by completing integrated academic studies of 300 to 360 ECTS credits, (master of academic studies, master of vocational studies), ie undergraduate studies at the faculty lasting at least five years, appropriate educational profile and modules within the educational-scientific field. technical and technological sciences in mining, five years of working experience in activities of development the mining projects, technical control or the technical management, supervision and other professional activities in mining facilities for which the project is developed, the authorization to perform such activities and appropriate license.

Technical control of certain parts of the mining project can be performed by persons in the capacity of responsible auditor who have acquired higher education at least seventh level, sub-level one (level VII-1) of the national qualifications framework acquired by completing integrated academic studies of 300 to 360 ECTS credits, (master of academic studies, master vocational studies), ie undergraduate studies at the faculty lasting at least five years, appropriate educational profile and module, three years of work experience in design or technical control, authorization to perform those tasks and appropriate license.

**Article 124 ﻿**

Occupational safety and health, environmental protection and mining measurements and development of mining plans can be managed by a person who has acquired higher education at least the seventh level, sub-level one (level VII-1) of the national qualifications framework acquired by completing integrated academic studies of 300 up to 360 ECTS credits (master of academic studies, master of vocational studies), ie undergraduate studies at the faculty lasting at least five years, appropriate educational profile and module, field of mining engineering, five years of work experience in relevant jobs, authorization to perform those jobs and the appropriate license

**Article 125 ﻿**

Authorization for performing the activities of technical management, expert supervision, designing and other professional activities stipulated by this Law, shall be acquired by passing a professional exam.

The professional exam referred to in paragraph 1 of this Article shall be taken before a commission formed by the Chamber on the proposal of the Minister  
**Editor's note: this version of the Article is applicable from May 1, 2022.**

VII. LICENSES FOR PERFORMING CERTAIN WORKS IN GEOLOGICAL EXPLORATIONS AND EXPLOITATION

**Article 126 ﻿**

Licenses for natural persons in the field of geological exploration can be:

1) license for design, technical control, execution and professional supervision of geological exploration:

(1) for the exploration of mineral raw materials;

(2) for the exploration of oil and natural gas;

(3) for hydrogeological exploration and the exploration of geothermal resources;

(4) for engineering geological-geotechnical exploration;

(5) for geophysical exploration and testing;

(6) for regional geological exploration;

(7) for petrological and geochemical exploration;

(8) for mineral and crystallographic exploration;

(9) for paleontological exploration;

2) license for a competent person to evaluate the project study of resources and reserves:

(1) for solid mineral raw materials;

(2) for oil and natural gas.

Licenses for natural persons in the field of mining can be:

1) license for design and technical control, for the execution of mine works, professional supervision, and technical acceptance of facilities for obtaining a use permit:

(1) for the surface exploitation of solid mineral raw materials;

(2) for the underground exploitation of solid mineral raw materials;

(3) for the exploitation of liquid and gaseous mineral raw materials;

(4) for the preparation of mineral raw materials;

(5) for occupational safety and environmental protection;

(6) for mine surveys;

(7) for mechanical and electrical engineering in mining;

(8) for other professions engaged in mining works.

2) license for a competent person for mining.

The Chamber shall prescribe the conditions, types and manner of issuing licenses, as well as the revocation, content, and form of the license.

**Article 127 ﻿**

**- deleted -**

**Article 128 ﻿**

**- deleted -**

VIII. PROTECTIVE MEASURES

**Article 129**

In order to protect the life and health of employees, the company shall:

1) arrange for the safety and health of employees at work, in accordance with the specifics and hazards that may arise;

2) organise the performance of safety and health at work, in accordance with this Law and the regulations on safety and health at work;

3) provide personal protective devices and personal protective equipment for the employees;

4) provide protection against fires, hazards, accidents and chemical and other accidents and organise rescue operations;

5) organise a training for the workers in the field of safety and health at work and rescue operations, in cases of sudden dangers to life and health and safety of the facilities according to the determined plan and program, throughout the year and perform knowledge checks once a year.

**Article 130**

For the protection of water and the environment, the company shall:

1) plan measures to prevent the endangerment of water and environmental regimes, i.e. reclamation and remediation measures and provide the execution of prescribed measures;

2) record data on the types and quantities of hazardous and harmful substances used in the performance of activities, i.e. record data on the types and quantities of hazardous, harmful, and waste matter discharged or disposed of in the environment;

3) implement measures and conditions for the prevention of the endangerment of the water and environmental regime contained in the analysis of the impact of executing works on the environment and the water regime in accordance with a special law.

**Article 131**

Water and environmental protection measures provide:

1) immediate control over the implementation of prescribed water and environmental protection measures;

2) development of protection plans against hazards, incidents and other accidents;

3) monitoring the impact of executing works on the water and environmental regime;

4) giving proposals for taking measures for the protection and improvement of the environment and water regime in accordance with a special law.

**Article 132**

The company director, that is the holder of the exploitation license is responsible for the organisation, implementation, and improvement of occupational safety and health and water and environmental protection and for the implementation and improvement of measures for occupational safety and health and water and environmental protection measures, as well as persons with special authorisations determined by the act on the organisation and the systematisation of positions in the same company.

**Article 133**

The holder of the exploitation license, according to the specifics of the technical-technological process, organises rescue operations and protection against fire, hazards, incidents, and other accidents.

Rescue and fire protection activities are performed by the employees who are trained in accordance with this and other special regulations.

**Article 134**

The holder of the exploitation license shall keep record of mining supervision in which the orders of the mining inspector issued on the spot are entered in case of imminent danger to the life and health of employees and major material damage.

The record referred to in paragraph 1 of this Article shall also include orders of the director and other persons with special authorisations, which relate to safety and health at work and which are issued on the spot.

The record of mine monitoring is kept for each pit, open pit, drilling and repair facility, exploitation field in oil and gas production, as well as for mineral raw material preparation facilities.

**Article 135**

It is forbidden to bring easily flammable substances, smoking accessories, or other objects that can cause fire, ignition, or explosions into the underground premises and other mining facilities, where methane and other flammable gases or dangerous coal dust appears, and into explosion danger zones, on facilities located in oil and gas fields, which has to be marked with warning signs in visible places.

Welding machines may be brought into and used in underground mining premises, as well as other mining facilities, only under the conditions and in the manner determined by special regulations.

Employees who operate a storage facility, warehouse or manage the transport and transfer of explosives or perform blasting operations, as well as other persons who come into the storage premises or help with transport and transfer of explosive and blasting, must comply with prescribed safety and health measures at work, environmental protection and fire protection measures.

Responsible persons and other employees who participate in the technological process and perform professional work on safety and health at work, are obliged to implement and control the implementation of safety measures at work and fire protection measures related to protection against the risk of explosion of methane, other hazardous gases or coal dust or from aggressive mineral dust, ionising radiation, silicosis, water intrusion, or fire.

**Article 136**

The lingering of workers on underground mining premises after working hours is allowed only for the purpose of executing the works of the technical – technological process approved by the technical manager of the mining facility.

**Article 137**

Employees and responsible persons shall work with full care for the safety of their lives and health and the life and health of other employees, protection of mining facilities, means of work and other material goods and to comply with the established safety and health measures at work.

Employees and responsible persons who do not comply with the established measures of safety and health at work, fire protection, and other measures determined by this law shall commit a serious violation of work obligations.

**Article 138**

Every employee shall inform the responsible person without delay about any danger in the execution of mining works, and especially about the occurrence of explosive, suffocating, and poisonous gases, water intrusion, fire, landslides, or other phenomena that may endanger the safety of employees, material goods and property and human life and health.

In the case referred to in paragraph 1 of this Article, the responsible person shall take all necessary measures to prevent serious consequences for the safety of employees and property and to inform the mining inspector and the internal affairs body and other competent inspection without delay.

**Article 139**

In mines with underground exploitation in which potential dangers may occur, fires, inflammations and explosions of methane and coal dust, penetration of gases, sand, water and sludge, the collapse of pit rooms, the exploitation operator is obliged to organize daily duty in order to control the application of protection measures and employee safety and timely on-site response in case of need.

In the case referred to in paragraph 1 of this Article, the responsible person on duty shall take all necessary measures to prevent serious consequences for the safety of employees and property and inform the operator, the mining inspector, and the internal affairs body without delay.

**Article 140**

The holder of the exploitation license shall keep record of the occurrence of dangers during the execution of mine works, which contain in particular: data on the type of occurrence, time of its duration, cause and damage that followed the occurrence, as well as data on the established liability.

The holder of the exploitation license shall inform the mining inspector and the internal affairs body without delay about every death, group injury and serious injury at work, and the competent inspection, in case of hazards, incidents, and other accidents.

**Article 141**

Companies shall provide immediate assistance to each other in the event of a hazard or accident, except in the case when the provision of such assistance is not possible due to the danger to their own safety.

**Article 142**

In case of danger for the holder of the exploitation license and the holder of the exploration license, the owners and users of the land are obliged to allow the necessary works needed for the elimination of the danger to be performed on their land.

In the case referred to in paragraph 1 of this Article, the holder of the exploitation license shall compensate for the damage caused.

**Article 143**

The Minister shall prescribe special measures and the manner of control of the application of fire and explosion protection measures in mining facilities for underground exploitation. In other mining facilities, the valid regulations in the field of fire and explosion protection shall be applied.

The Minister shall prescribe special measures and the manner of safety and health control during the execution of works on geological research and the exploitation of mineral raw materials.

With regard to safety and health measures at work, environmental protection, protection against fire and explosion, and other protection measures related to the execution of mine works, which are not determined by this Law, the provisions of special regulations determining these protection measures shall apply.

IX. OTHER EXPLOITATION PROVISIONS

**1. Mine waste management**

**Article 144**

Disposal and management of mine waste is performed based on the permit for management of mine waste issued by the Ministry or the competent provincial authority, in accordance with the waste management plan and other supporting documentation, which defines the type, manner of management and reporting, as well as other obligations regarding the management of mine waste.

The Government shall determine the conditions and the procedure for issuing a waste management permit, as well as the criteria, characterisation, classification and reporting on mine waste.

**Article 145**

Mine waste does not include waste generated during the exploration, exploitation and preparation of mineral raw materials, which is not directly related to these works (waste oils, food, worn-out vehicles and spent batteries and accumulators), nor waste from the extractive industry that may be radioactive, nor waste from the industrial processing of mineral raw materials.

**2. Abandoned mines**

**Article 146**

Abandoned mines and mining facilities are facilities that were created before the date of entry into force of this Law, due to improper suspension of mine works and abandonment of mining facilities, without applied technical and technological procedures of remediation and reclamation, and for which the holder of the approval for exploitation and/or the exploitation field is not known or no longer exists and the ownership over the subject space cannot be determined.

The Government shall determine the conditions, criteria, programming, procedure and manner of performing remediation and reclamation of abandoned mines and mining facilities referred to in paragraph 1 of this Article.

Funds required for the execution of remediation and reclamation of abandoned mines and mining facilities referred to in paragraph 1 of this Article shall be provided from the budget of the Republic of Serbia.

**Article 147**

The Ministry shall keep a special record of documents on abandoned mines and mining facilities, as well as records on remediated and reclaimed mines and mining facilities referred to in Article 146 of this Law.

**Article 148 ﻿**

Remediation and reclamation procedures for abandoned mines and mining facilities shall be carried out on the basis of technical mining design containing: Technical description of the existing condition, technical description of engineering-geological research for the purpose of determining the technical-technological bases for the development of the remediation and reclamation project and technical description of the remediation and reclamation of abandoned mines and mining facilities with bill of quantities and estimate.

**3. Temporary suspension of mine works**

**Article 149**

If works in pits and open pit mines and their parts or oil and gas fields must be temporarily suspended due to unplanned circumstances (intrusion of gases or water, problems related to mountain accidents, pit fires, disturbances on main paths for ventilation, passage, drainage and transportation, landslides, eruptions, changes in the water regime, etc.) or due to force majeure, the holder of the exploitation license shall notify the reasons for the suspension of the work to the mining inspector, no later than 24 hours from the suspension of the works.

The holder of the exploitation license shall inform the mining inspector about the temporary suspension of works, which is planned in advance, no later than 15 days before the suspension of works.

Before planning the suspension of works referred to in paragraph 2 of this Article, which will last longer than 30 days, the holder of exploitation shall perform the necessary survey, supplement mining designs and plans and make a record of the reasons for the suspension of works, stating the dangers that may occur during the reopening of the pit or its part, i.e. putting the oil and gas field in operation again for production.

During the temporary suspension of works, the main pit areas and facilities in the oil and gas fields must be maintained in such a condition that they can be passable without danger.

In case the temporary suspension of works lasts longer than two years, Article 150 of this Law shall apply.

**4. Permanent suspension of works**

**Article 150**

If, for any reason, there is a complete and permanent suspension of exploitation in pits or individual districts or parts of pits, open pits or in oil and gas fields, the holder of exploitation and/or approval for the exploitation field shall inform the body that issued the permit for exploitation and/or approval for the exploitation field, i.e. the permit for mining works, no later than 30 days before the suspension of works.

**Article 151**

In case of permanent suspension of works, the holder of exploitation shall take all measures to protect the mining facility and land on which the works were performed and measures to protect and remedy the environment to ensure life and health of people and property, in all respects according to the main mining project of permanent suspension of works.

Mining designs, plans and sketches, survey records and other documentation on the condition of mining works and the state of resources and reserve of mineral raw materials at the time of suspension, the company with majority state capital as the holder of exploitation shall submit for safekeeping to the authority that issued the exploitation approval, that is, the approval for executing mining works.

The documentation referred to in paragraph 2 of this Article is available to any company that is interested in the renewal of works on the abandoned exploitation field.

For the renewal of works referred to in paragraph 3 of this Article, an exploitation permit shall be obtained, in accordance with the provisions of this Law.

**5. Planned permanent suspension of works**

**Article 152**

The public enterprise that performs exploitation, in case of planned permanent suspension of mining activities shall previously prepare a program for closing the mine (hereinafter: the Program).

The Program contains, in particular, the following measures:

1) developing an action plan for mine closure;

2) remediation of abandoned mining facilities and the possibility of using abandoned mining facilities;

3) remediation and reclamation of the land on which the exploitation was executed;

4) solving the problems of environmental protection caused by the closure of the mine;

5) the need to solve the problems of local communities caused by the suspension of mining works in the area of the mine that is being closed;

6) adoption of a program for resolving surplus of employees, in accordance with the law;

7) determining the amount of funds required for the implementation of the mine closure plan.

The Government approves the Program.

The funds required for the implementation of the Program are provided from the budget of the Republic of Serbia and other sources in accordance with the law.

The Ministry shall monitor the implementation of the Program.

**6. Remediation and reclamation**

**Article 153**

The holder of exploitation shall, during and after the completion of works on exploitation, and no later than one year from the day of completion of works on the areas where mining works have been completed, to reclaim in all respects according to the technical project of technical and biological reclamation, which is an integral part of the main or additional mining project.

The measures referred to in paragraph 1 of this Article shall be reported to the Ministry, i.e. the competent authority of the Autonomous Province and the ministry in charge of agriculture and water management, i.e. the ministry responsible for environmental protection.

If liquidation or bankruptcy proceedings are opened against the holder of exploitation, the costs of remediation and reclamation of the land on which the exploitation was executed shall be paid as a priority from the liquidation or bankruptcy estate.

**7. Strike**

**Article 154**

In a company that exploits raw materials, the right to strike is exercised on the condition that the safety of facilities, devices, and installations, safety and human health are ensured during the strike.

**Article 155**

In order to ensure the conditions referred to in Article 154 of this Law, the activities are realized in the company that performs the exploitation, during the strike:

1) drainage, venting, maintenance of road passability in the building and maintenance of devices, equipment and installations;

2) completion of the started works on insurance, insulation and transport of excavations whose disposal may endanger the safety and health of employees and the safety of mining facilities, plants and devices.

It is forbidden to organise and conduct a strike in the pit premises or in other facilities and premises where there is a potential danger to human life and health.

The general act of the company shall determine the positions within which the works referred to in paragraph 1 of this Article are executed, and the execution of which is necessary to ensure the conditions referred to in Article 154 of this Law, as well as facilities or premises referred to in paragraph 2 of this Article.

**Article 156**

In case of violation of the provisions on strike determined by this Law, which may result in imminent danger or extremely severe consequences for the safety and health of people or their safety and security of property or other harmful irreparable consequences, the Ministry shall take measures necessary to prevent such consequences, such as:

1) introduction of work duties;

2) hiring workers from other technical and technological systems and other individual workers;

3) initiating a procedure for determining the responsibilities of directors and members of management bodies.

X. FEES FOR GEOLOGICAL EXPLORATION AND USE OF MINERAL RAW MATERIALS AND GEOTHERMAL RESOURCES

**Articles 157 - 159 ﻿**

**- ceased to be valid -**

**Article 160 ﻿**

**- deleted -**

XI. CADASTRE AND INFORMATION SYSTEM IN THE FIELD OF GEOLOGICAL EXPLORATION AND MINING

**Article 161**

For more efficient collection, processing, archiving, search and distribution of geological data and information, simpler and more efficient access to geological data and information on basic geological characteristics and resources of the Republic of Serbia, simpler monitoring, updating and analysis of geological exploration results, for optimal planning and design of geological exploration, as well as for the efficient collection, processing, monitoring and recording of data necessary for the implementation of mineral policy and development policy and strategy in the field of mining, the Ministry keeps a record of:

1) Geological Information System of Serbia;

2) Information System for Geological Research and Mining;

3) cadastre of exploration and exploitation areas of groundwater;

4) cadastre of exploration and exploitation areas of geothermal resources;

5) cadastre of exploration areas and exploitation fields of solid mineral raw materials, oil, and gas;

6) cadastre of mineral deposits and other geological resources;

7) cadastre of mine waste fields;

8) cadastre of abandoned mines and mining facilities;

9) cadastre of active and remediated mining facilities;

10) document record.

The Minister shall prescribe in detail the conditions and manner of data collection, processing and storage, the Geological Information System of Serbia (hereinafter: GeolISS) and the Information System for Geological Research and Mining (hereinafter: CIS GIR), as well as the conditions for data exchange with international geological and mining information systems.

The information systems and cadastres referred to in paragraph 1 of this Article shall contain personal data, as follows: name and surname of the person and date and place of birth of the person.

The Minister shall prescribe in detail the manner of keeping and the content of the cadastre referred to in paragraph 1 of this Article, the book of documents and the manner of managing and exchanging data, the manner of maintaining and using it.

All interested subjects have the right to inspect the cadastre referred to in paragraph 1 of this Article, item 3) - 9), the book of documents and CIS GIR, for which the republic administrative fee is paid.

The Ministry cooperates with national and other bodies, public and other companies and institutions that collect and store data in the field of geological studies and research of geological resources, as well as research and exploitation of mineral resources and other geological resources.

**Article 162**

The cadastre of research areas and exploitation fields and the cadastre of active and remediated mining facilities are kept by the competent authority that issued the research permit and the exploitation permit.

Data on the holder of the research, the research area, the subject of the geological research, the results of the research, as well as the measures ordered by the geological and mining inspectors shall be entered into the cadastre of approved research areas.

In the cadastre of exploitation fields, all data from the approval for exploitation on a certain exploitation field are entered, the restriction of exploitation, data on mining facilities and dynamics of mining works on the exploitation field, changes in relation to the exploitation field user, data on suspension of works, as well as measures by geological and mining inspectors.

Data on the position and status of mines and facilities are entered in the cadastre of active and remediated mining facilities. All data from the approval for research and approval for use in a particular exploitation area, the determined amount of groundwater used, as well as basic data from the study on groundwater reserves are entered in the cadastre of exploration and exploitation areas of groundwater and hydrogeothermal resources.

All data from the approval for exploration and approval for use in a certain exploitation area are entered in the cadastre of research and exploitation areas of petrogeothermal resources, as well as basic data from the study on the determined potential of resources, i.e. the study on resource use.

The competent authority of the Autonomous Province is obliged to submit to the Ministry data on the holder of the exploration, exploration area and the subject of approved and realized geological exploration and all data related to the exploitation.

**Article 163**

The cadastre of deposits and balance of mineral raw materials and groundwater, as well as the cadastre of geothermal resources are kept by the Ministry, i.e. the competent body of the Autonomous Province.

Data on the spatial coverage, location and name of the deposit, data on the type, quantity and quality of mineral raw materials, data on the holder of research and/or exploitation, data on issued certificates of reserves for a given deposit and changes in balance, as well as other data related to making a balance of mineral raw materials are entered in the cadastre of deposits and balance referred to in paragraph 1 of this Article.

**Article 164**

The cadastre of mine waste fields and the cadastre of abandoned mines and mining facilities are kept by the Ministry, i.e. the competent authority of the autonomous province.

Data on the boundaries of the mine waste field, data on the holder of research and/or exploitation, i.e. the economic entity that generates mine waste, data on the economic entity that is the operator of mining waste, data on characterization and categorization of all mine waste landfills in the field of mining waste all other data related to mining waste management are entered in the cadastre of mine waste fields.

Data on the position and status of the same mines and facilities, as well as implemented remediation and reclamation measures are entered in the cadastre of abandoned mines and mining facilities.

**Article 165**

The Ministry, i.e. the competent body of the autonomous province or local self-government unit shall keep a book of documents and records of economic entities, which have been issued approval for conducting geological research and exploitation.

The document book consists of a permit for conducting geological research, a permit for retaining the research area, a permit for an exploitation field or an exploitation permit, a permit for the construction of mining facilities and / or mining works and a use permit, as well as other data related to geological research and the exploitation of mineral resources.

**Article 166**

GeolISS is the basis for understanding the geological resources of the Republic of Serbia, occurrences and deposits of mineral resources and groundwater, production of geological maps of various types and purposes, production of maps of geological hazards and risks, as well as implementation of all types of activities in the field of geological planning, decision-making and design of geological research works, the realization of global geocommunication and commercialization of geological information.

CIS GIR provides the formation, classification, maintenance, presentation and distribution of numerical, descriptive, and spatial databases on: approved geological exploration, ore reserves, mining infrastructure, archival documentation and approvals, licenses and certificates, cadastre of research and exploitation fields, cadastre of deposits, and balance of mineral raw materials, cadastre of mining works and facilities, cadastre of mining waste and abandoned, remediated and closed mines, book documents, financial obligations regarding the fee paid by the holder of research and exploitation, performed supervision and measures ordered by inspection services, production and consumption of mineral resources and other information of importance.

Data from the GeolISS and CIS GIR information system are public, i.e. available for use in accordance with this law.

The competent authority of the autonomous province is obliged to submit to the Ministry the data necessary for the management of GeolISS and CIS GIR in accordance with paragraphs 1 and 2 of this Article.

GeolISS and CIS GIR are an integral part of the unified information system of the Republic of Serbia, which is used by the competent authority of the autonomous province.

**Article 167**

The information system ensures the exchange of information, through GIS portals or websites, directly or with other information systems and the harmonization of all relevant information at the local, national and international level.

The construction and maintenance of the central information system is financed from the budget of the Republic of Serbia or other sources in accordance with the law.

XII. INSPECTION SUPERVISION

**Article 168 ﻿**

Inspection supervision over the application of the provisions and regulations adopted for implementation thereof shall be performed by the Ministry through geological and mining inspectors, within the scope determined by this Law.

The Autonomous Province shall be entrusted with the performance of inspection supervision referred to in paragraph 1 of this Article on the territory of the Autonomous Province

The provisions of the law and other regulations governing inspection supervision shall apply to the content, type, form, procedure and implementation of inspection supervision, authorizations and obligations of participants in inspection supervision and other issues of importance for inspection supervision that are not regulated by this Law.

**Article 169 ﻿**

The duties of a geological inspector may be performed by a person who has acquired higher education in basic academic studies in the amount of at least 240 ECTS credits, master's academic studies, specialist academic studies, specialist vocational studies, or in undergraduate studies lasting at least four years or specialist studies at the faculty, in the area of geological engineering within the educational-scientific field: technical and technological sciences and working experience of minimum five years in geological explorations, passed professional exam and exam for inspector.

The duties of a mining inspector may be performed by a person who has acquired higher education in basic academic studies in the amount of at least 240 ECTS credits, master's academic studies, specialist academic studies, specialist vocational studies, or in basic studies lasting at least four years or specialist studies at the faculty, in the area of mining, mechanical, technological and electrical engineering within the educational and scientific field. technical and technological sciences and working experience of at least five years in mineral resources exploitation, passed professional exam and exam for inspector.

Mining inspector supervising the mining facilities affected by methane or dangerous coal dust shall have at least three years of working experience in the pits with methane or dangerous coal dust or in oil and gas explorations and exploitation.

**Article 170 ﻿**

In performing the inspection supervision, geological inspector shall have the right and obligation to check whether:

1) the business entity performing the activities referred to in Article 22, paragraph 1 of this Law is entered in the register of business entities or another register for performing such activity;

2) the persons performing the tasks referred to in Article 22, para. 2-4. of this law meet the prescribed conditions;

3) the activity of geological exploration and conducting the geological explorations works are performed in accordance with prescribed requirements;

4) the design and final report of geological exploration results are prepared in accordance with the law and other regulations, and whether technical control has been performed by the authorized company entered in the court register;

5) whether the holder of the research has provided professional supervision over the performance of geological research and exploitation;

6) the person performing professional supervision keeps a supervision logbook and whether he/she timely reported to the research holder on all omissions and deficiencies identified during the performance of professional supervision;

7) the annual report on geological exploration results is prepared and verified in the prescribed manner;

8) geological explorations are performed on the basis of and in compliance with the approval for exploration;

9) geological explorations and explorations works are reported to the competent authority;

10) geological explorations works are performed according to the geological exploration design on the basis of which the approval was issued;

11) engineering‐geological and hydro‐geological works are performed according to the geological exploration design and approval of the competent authority;

12) geological exploration works are performed in accordance with the Law and other regulations;

13) take the security measures of persons, adjacent buildings, traffic and environment, as well as all occupational health and safety measures by the company undertaking the geological explorations;

14) prescribed records are maintained of the quantities of mineral raw materials taken for the purpose of their testing, and of other mineral resources the existence of which was identified in the course of geological prospecting;

15) storage and keeping the cores of exploration drill holes;

16) the quantity of mineral raw materials taken for testing is larger than the one determined in the approval for exploration;

17) mineral raw material is taken (for different purposes) without the approval for exploration;

18) the book on the state of reserves of mineral resources and geothermal resources is maintained;

19) the geological technical documentation is prepared to cover all exploration activities.

20) whether the holder of the research also performs other obligations prescribed by this Law and regulations adopted on the basis of this Law.

Geological inspector shall also perform other activities set forth by the laws applicable in the field of geological exploration.

**Article 171 ﻿**

Mining inspector shall in performing the inspection supervision have the right and duty to check whether:

1) the business entity performing the activities referred to in Article 22, paragraph 1 of this Law is entered in the register of business entities or another register for performing that activity;

2) whether the persons who perform professional supervision during the exploitation of mineral raw materials and supervision during the execution of mining works meet the prescribed conditions;

3) in performing the mining works the measures prescribed for occupational health and safety and regulations of safety of people and movable and immovable property are applied;

4) mining is performed based on the approvals issued in accordance with this Law;

5) mining is performed at the level of the mining design parameters;

6) mining is performed on the basis of approved mining method;

7) disposal of flotation tailings is performed on the basis of approved project documentation and whether the geodetic survey of the earth dam crest is done in relation to the water level in the settling lake;

8) the training of workers is organized and whether the rescue measures are implemented in the cases of sudden dangers to life and health of people and security of the facilities;

9) external and internal waste dumps at the open pits are formed in accordance with the approved project documentation;

10) mining works are executed fully in accordance with the technical regulations relating to such works;

11) mining facilities in the pit and on the surface are constructed in accordance with designs;

12) mining works on exploitation are performed according to the annual operation plan;

13) prescribed mine surveying operations are performed, whether mining plans and other documentation necessary for performing the mining works are correctly and regularly made and supplemented, and whether the mine surveying books are regularly maintained;

14) the conditions prescribed for assignment of employees to the corresponding jobs are fulfilled and whether their training for performing specific jobs is done;

15) transport, storage and handling of blasting agents and liquid fuel are performed by the prescribed manner;

16) preparatory works as well as mining of overburden/rock waste at the open pits are performed in accordance with the design;

17) filling the cavities in the underground mining is performed in accordance with the mining method design;

18) measures prescribed for handling the mine waste in the pit and on the surface, in the mine field and out the mine field are implemented.

19) the disposal and management of mining waste is performed on the basis of a permit for mining waste management;

20) the business entity implements the protective measures prescribed by this Law and regulations adopted on the basis of this Law;

21) remediation and reclamation procedures for abandoned mines and mining facilities are carried out on the basis of technical mining project;

22) in case of permanent suspension of works, the holder of exploitation has taken all measures in all respects according to the main mining project of permanent suspension of works;

23) the public company performing the exploitation, in case of planned permanent suspension of mining activities, has previously developed a program for closing the mine;

24) the holder of exploitation, during and after the completion of works on exploitation, has recultivated the land in all respects according to the technical project of technical and biological reclamation, which is an integral part of the main or additional mining project;

25) the holder of the research also performs other obligations prescribed by this Law and regulations adopted on the basis of this Law.

The mining inspector also performs other tasks determined by the regulations that are applied in the field of mining.

**Article 172 ﻿**

In performing inspection supervision, the geological inspector shall be authorized to:

1) order the removal of detected irregularities within the term period that he/she shall determine;

2) issue a decision and impose an administrative measure if the supervised entity does not eliminate the illegality within the time limit referred to in item 1) of this paragraph, except when due to the necessity of taking urgent measures it issues a decision without delay;

3) prohibit work by a decision:

(1) the exploration is not carried out in accordance with the exploration permit or is not carried out in accordance with the geological survey project;

(2) if the professional supervision is not provided on performing the geological explorations;

(3) if the explorations are performed out of the approved exploration area;

(4) if the land on which the exploration works are performed is not returned to the original state;

(5) if the prescribed occupational health and safety measures, measures necessary to protect property, people’s health and environment and protection of cultural assets and assets that enjoyed previous protection are not implemented;

(6) if the fee for applied geological research, as well as the fee for oil and natural gas, obtained by trial operation of exploration wells in the previous exploration year, is not paid;

(7) if it shall be subsequently found that the enclosed documentation, based on which the approval was issued, includes the incorrect or untrue data.

(8) if the research endangers the already existing use or research of groundwater and geothermal energy;

(9) if proof of the right of use, lease, consent of the owner, ie servitude on the land on which the projected exploration works are performed, has not been obtained (exploration wells, excavations, exploration floors, exploration mining works, etc.);

(10) if the commencement of the investigation is not reported within the time limit provided by law;

(11) if the exploitation of mineral raw materials, or the use of groundwater and geothermal resources is carried out under the guise of research;

The holder of prospecting license ordered to remove the irregularities and deficiencies within the meaning of paragraph 1, point 1 of this Article shall have to notify the geological inspector thereof within the time period set by the inspector, which cannot be longer than eight days.

Apart from taking the measures from paragraph 1 of this Article, the geological inspector shall also be authorized to:

1) determine the security measures in the case of danger to life and health of people or to safety of property;

2) file a criminal complaint, a criminal complaint for an economic offense, or a request for initiating a misdemeanor procedure with the competent judicial body, ie take other actions and measures to which it is authorized by law or other regulation;

3) notify the authority competent for issuing the approvals in accordance with this Law and another authority if reasons are in place for taking measures that such authority is competent for;

4) to order the execution of other prescribed measures or obligations within a certain period of time and to temporarily prohibit work if the order is not executed within the set deadline.

**Article 173 ﻿**

In performing the inspection supervision, the mining inspector shall be authorized to:

1) order that the established illegalities be eliminated within the time limit determined;

2) issue a decision and impose an administrative measure if the supervised entity does not eliminate the illegality within the deadline referred to in item 1 of this paragraph, except when due to the necessity of taking urgent measures it issues a decision without delay;

3) prohibit mineral resources exploitation if the mining works are performed without the approval for exploitation and approval for performing the mining works;

4) prohibit works if performing of mining works are not carried out according to the approved technical documentation;

5) prohibit works by a decision if professional supervision during the exploitation of mineral raw materials and supervision during the execution of mining works is not provided;

6) prohibit the use of a mining facility for which a use permit has not been issued;

7) prohibit entrance to the warehouses, auxiliary storages and storerooms of blasting agents, as well as the handling of blasting agents to the persons not professionally trained;

8) prohibit works in the case of imminent danger to safety and health of employees;

9) prohibit works if exploitation endangers the life and health of people and the environment, and the other measures provided by this Law and other regulations are not sufficient to prevent this;

10) prohibit works if exploitation endangers a cultural asset, its protected environment or an area of cultural‐ historical, architectural and archaeological importance;

11) prohibit works if the reclamation procedure is not performed in accordance with the project documentation;

12) prohibit works by if the legal entity that performs exploitation does not have proof of the right to use, lease, consent of the owner, ie servitude on the land, on the area where it performs mining works;

13) prohibit works by a decision if the fee for the use of mineral resources is not paid;

14) order that operations relating to technical management, expert supervision, handling of blasting agents and other technical operations be performed by the persons who meet the required conditions, have authorizations for performing such activities and appropriate license;

15) order the regulation of occupational safety and health in accordance with the specificities and dangers that may appear in the company;

16) order the organization of rescue operations in the cases of sudden danger to life and safety of people and to safety of the facilities in compliance with the established plan and program;

17) order the organization the training of workers in the field of occupational safety and health and rescue operations in the cases of sudden danger;

18) order the provision of personal protective means and personal protective equipment for employees who shall have to use them regularly;

19) order keeping the book of mine surveying for each pit, open pit, drilling and overhauling equipment, mine field in oil and gas production, and for the facilities for preparation the mineral raw materials;

20) order regular performance of geodetic surveys, making of geodetic maps and plans which allow determine the state of performed mining works;

21) order the preparation the appropriate documentation with respect to the ventilation of pits, open pits, power network, water supply network and mine installations with basic technical data;

22) order that technical documentation and technical control of mining designs be performed by the persons who in terms of their educational level and profile and working experience meet the conditions prescribed, and who have authorizations for performing such activities;

23) to order that the annual operational plan and annual business report for the previous calendar year be prepared in accordance with the provisions of this Law;

24) file a criminal complaint, a criminal complaint for an economic offense, or a request for initiating a misdemeanor procedure with the competent judicial body, ie take other actions and measures to which it is authorized by law or other regulation;

25) notify the authority competent for issuing the approvals in accordance with this Law and another authority if there are reasons for taking measures for which this authority is competent for;

26) order the execution of other prescribed measures or obligations within a certain period of time and to temporarily prohibit work if the order is not executed within the set deadline.

The holder of exploitation ordered by decision to remove the irregularities and deficiencies within the meaning of paragraph 1 of this Article shall be obligated to notify the mining inspector upon their removal within the time period as defined in the decision which, however, cannot be longer than eight days.

**Article 174**

In supervising the application of safety and health measures at work in mining facilities, the geological and mining inspector has the powers and duties of a labour inspector, provided by the regulations on safety and health at work.

The holder of exploitation shall enable the inspector referred to in paragraph 1 of this Article to enter the business and plant premises, to take samples of mineral raw materials and plant material for the purpose of testing, as well as to secure other evidence.

**Article 175 ﻿**

The holder of the exploration or the holder of exploitation, in which a fatal, collective or severe injury at work occurs and an injury at work due to which the employee is unable to work for more than three consecutive working days during geological research or exploitation, is obliged to immediately notify the geological or mining inspector.

The inspector from paragraph 1 of this Article shall be obliged to promptly, in situ, investigate the causes of the death and group accidents, and order the measures that shall be taken without delay, and to submit to the competent authorities within the shortest time possible a substantiated report with the opinion about the causes of the accident.

**Article 176 ﻿**

An appeal against the inspector's decision may be submitted to the Minister, within 15 days from the day of receipt of the decision. The appeal postpones the execution of the decision, except in the case when it is necessary to take urgent measures prescribed by the provisions of the law governing inspection supervision.

In the event that the first-instance decision of the inspector has already been annulled once, the second-instance body cannot annul it again and refer the case to the inspection for a new procedure, but will resolve this administrative matter itself.

XIII. PENALTY PROVISIONS

1. Criminal Acts

Article 177

**Article 177**

Whoever organizes or participates in the implementation of a strike in pit premises or other facilities and premises referred to in Article 155, paragraph 2 of this Law shall be punished with one to five years of imprisonment.

**Article 178**

Whoever brings a highly flammable substance or other items whose entry into such a pit or facility is prohibited into a pit with methane or other flammable gas or dangerous coal dust or into a facility in oil and gas field (Article 135, paragraph 1), shall be punished with one to five years of imprisonment.

The perpetrator shall be punished for attempting to perform an act referred to in paragraph 1 of this Article.

If the act from paragraphs 1 and 2 of this Article was committed through negligence, the perpetrator shall be punished with a fine or imprisonment not exceeding one year.

**Article 179**

Whoever, entering the stockroom, warehouse, or storage of explosives on any basis, does not adhere to the prescribed measures of safety and health at work (Article 135, paragraph 3), shall be punished with one to five years of imprisonment.

**2. Economic offenses**

**Article 180 ﻿**

A fine of 1,500,000 to 3,000,000 dinars for an economic offense shall be imposed on a company, i.e. another legal entity and an entrepreneur, if:

1) they prepare geological exploration designs and final reports on the results of geological exploration, i.e. performs geological exploration, and does not meet the conditions for performing those tasks (Article 22, paragraph 1);

2) they conduct the management of the preparation of geological exploration designs and final reports on the results of geological exploration and management of geological exploration contrary to the prescribed conditions (Article 22, paragraph 2);

3) geological exploration is not performed according to the geological exploration project (Article 24, paragraph 1);

4) they do not perform technical control of the geological exploration design under the conditions and in the manner prescribed by law in accordance with Article 25 of this Law;

5) they do not provide professional supervision over the conduct of geological exploration in accordance with Article 27 of this Law;

6) they do not perform technical control of the final report under the conditions and in the manner prescribed in Article 28 of this Law;

7) they conduct geological exploration without a research permit (Article 30, paragraph 1 and Article 31, paragraph 1);

8) they take a larger quantity of mineral raw materials for geological exploration than the approved quantity (Article 45);

9) they do not act in accordance with Article 50 of this Law;

10) they do not keep a book on the state of resources and reserves of mineral raw materials, resources, and reserves of groundwater and geothermal resources or they do not submit data on the state of those resources and reserves (Article 53, paragraph 1);

11) they do not perform applied engineering-geological-geotechnical exploration for the needs of spatial and urban planning, design and building of construction, mining and other facilities (Article 21, paragraph 2);

12) they conduct geological exploration without an exploration license (Article 30, paragraph 1 and Article 31, paragraph 1);

13) they conduct geological exploration without approval (Article 38);

14) they perform engineering geological-geotechnical exploration without registration of works (Article 32, paragraph 2);

15) they perform geological exploration of geothermal resources for the needs of supplying thermal energy to the family household of a natural person without registration of works (Article 33, paragraph 2);

16) they retain the right to the exploration area in order to prepare documentation for approval for exploitation without approval (Article 40);

17) they use exploitation space and resources and/or reserves of groundwater and geothermal resources without approval (Article 58);

18) they do not allow the geological inspector to enter business and plant premises or review projects and plans, reports and other documentation on the status of geological works or if they otherwise obstruct the inspector in performing inspection supervision (Article 50, paragraph 1, item 14).

**Article 181**

A fine of 1,500,000 to 3,000,000 dinars for an economic offence shall be imposed on a company, i.e. another legal entity and an entrepreneur, if:

1) they during the development of the mining project do not act in accordance with Article 67, paragraph 1 of this Law;

2) they entrusted the development of mining projects and technical control to a company that does not meet the prescribed conditions referred to in Article 67, paragraph 1 of this Law;

3) they perform exploitation without approvals issued in accordance with Article 68, paragraph 1 and Article 77, paragraph 1 of this Law;

4) do not perform technical control of the mining project in accordance with Article 97 of this Law;

5) they perform the construction of mining facilities and perform mining works without appropriate technical documentation and without the approval of the competent authority (Article 101, paragraph 1 and Article 104, paragraph 1);

6) they do not report the execution of works according to the technical and simplified mining project referred to in Article 105, paragraph 1 of this Law;

7) they do not inform the mining inspector and the body of the local government unit within a certain period of time about the beginning of mining works on exploitation (Article 106);

8) they start using the facility, premises and devices before obtaining a use permit (Article 107, paragraph 1 and Article 108);

9) they do not perform a technical inspection of the mining facility in accordance with Article 110 of this Law;

10) they do not act in accordance with Article 112 of this Law;

11) they do not have mining plans or do not regularly supplement them (Article 113, paragraph 1);

12) by a decision, determine the person who does not meet the conditions from Art. 122 and 123 of this law;

13) they do not organize the performance of safety and health at work, fire protection and rescue or does not supply the necessary equipment and does not organize the protection of water and the environment in accordance with Art. 129, 130, and 131 of this law;

14) they do not keep a book of mining supervision (Article 134, paragraph 1);

15) they manage mine waste without the approval of the competent authority (Article 144, paragraph 1);

16) they do not perform remediation and reclamation of abandoned mining facilities in accordance with Article 153, paragraph 1 of this Law;

17) they continue with the execution of works upon receipt of the decision on the prohibition of their execution before eliminating the identified irregularities and deficiencies in accordance with Articles 172 and 173 of this Law.

For the economic offense referred to in paragraph 1 of this Article, the responsible person in the company, or other legal entity and entrepreneur shall also be fined from 100,000 to 200,000 dinars.

**3. Offenses**

**Article 182**

A fine of 500,000 to 2,000,000 dinars will be imposed on the company, i.e. another legal entity and an entrepreneur, if:

1) they do not provide the execution of professional supervision and other tasks (Article 27, paragraph 1);

2) they do not submit a copy of the project study on engineering-geological-geotechnical conditions of construction of the facility, final and annual report on the results of geological research, i.e. report on works and results of those works (Article 28, paragraphs 1 and 2 and Article 29, paragraph 1);

3) they do not keep a copy of the final and annual report on the results of geological research in the prescribed manner (Article 29, paragraph 2);

4) they do not timely report the beginning of research works in accordance with Article 43 of this Law;

5) they fail to notify the geological inspector within a specified period upon elimination of deficiencies and irregularities (Article 172, paragraph 2).

For the action referred to in paragraph 1 of this Article, the responsible person in the company, i.e. other legal entity and entrepreneur, shall also be fined 100,000 to 200,000 dinars.

When the geological inspector determines that the offense referred to in paragraph 1 of this Article has been committed, he shall impose a mandatory fine in the amount of 5,000 dinars on the spot to the responsible person in the company, i.e. to another legal entity and entrepreneur.

**Article 183**

A fine of 500,000 to 2,000,000 dinars will be imposed on a company, i.e. another legal entity and an entrepreneur, if:

1) they fail to adopt the annual operational plan within the prescribed deadline (Article 95, paragraph 1);

2) they do not keep records of the occurrence of hazards during the performance of mining works, on the causes and consequences of these occurrences (Article 140, paragraph 1);

3) they fail to notify the competent authorities of the suspension of works or of a fatal or group accident within a specified period (Article 149, paragraph 2 and Article 175);

4) they fail to notify the mining inspector within a specified period about the elimination of deficiencies and irregularities (Article 173, paragraph 2);

5) they do not allow the mining inspector to enter the business and operating premises or to review projects and plans, reports and other documentation on the state of mining works, or if they otherwise obstruct the inspector in performing inspection supervision (Article 174, paragraph 2).

For the action referred to in paragraph 1 of this Article, the responsible person in the company, i.e. other legal entity and entrepreneur shall also be fined 100,000 to 200,000 dinars.

When the mining inspector determines that the offense referred to in paragraph 1 of this Article has been committed, he shall impose a mandatory fine in the amount of 5,000 dinars on the spot to the responsible person in the company, i.e. to another legal entity and entrepreneur.

**Article 184**

A fine of 5,000 to 30,000 dinars shall be imposed on a natural person for an offense if he washes out precious metals from river deposits without approval or if he does not hand over the washed quantities of precious metals to the National Bank of Serbia contrary to Article 75, paragraph 1 of this Law.

When the mining inspector determines that the offense referred to in paragraph 1 of this Article has been committed, he shall impose a mandatory fine in the amount of 5,000 dinars on the spot.

**Article 185**

A fine of 5,000 dinars shall be imposed on a natural person for an offense on the spot, if they do not implement safety and health measures at work in the sense of Article 137 of this Law.

When the mining or geological inspector determines that the offense referred to in paragraph 1 of this Article has been committed, he shall impose a mandatory fine in the amount of 5,000 dinars on the spot.

**Article 186**

When a mining or geological inspector imposes a mandatory penalty under Art. 182, 183, 184 and 185 of this Law, he shall issue an order on the spot for the payment of the mandatory fine, which the subject of supervision is obliged to pay within the deadline determined by a special regulation for the area of offenses.

If the subject of supervision, within the period referred to in paragraph 1 of this Article, does not submit proof to the inspector of the paid mandatory fine, the inspector shall submit a request for initiating misdemeanour proceedings.

XIV. TRANSITIONAL AND FINAL PROVISIONS

**Article 187**

Companies and other legal entities, entrepreneurs, and natural persons, who performed geological research and exploitation of mineral raw materials until the day this Law enters into force, shall harmonize their operations with the provisions of this Law within one year from the day this Law enters into force.

Approvals and consents, issued on the basis of the Law on Mining ("Official Gazette of RS", No. 44/95, 85/05 - other law, 101/05 - other law, 34/06 and 104/09), Law on Geological Research ("Official Gazette of RS", No. 44/95 and 101/05 - other law) and the Law on Mining and Geological Research ("Official Gazette of RS", No. 88/11) until the day this law enters into force, they shall be valid until the expiration of the term for which they were issued.

Approvals for conducting applied geological research of mineral raw materials valid on the day of entry into force of this Law, regardless of whether they have been extended or not, shall be considered initially issued approvals and may be extended under the conditions and deadlines of this law.

**Article 188**

Persons who have passed the professional exam which verified the professional qualification for the work on positions determined by this Law according to the regulations that were in force at the time of their taking, as well as persons who also have the right which was recognized to perform certain tasks by this Law even without verification of professional competence, meet the conditions for performing these tasks in accordance with the provisions of this Law, if they also meet other prescribed conditions.

**Article 189**

Proceedings initiated before the date of entry into force of this Law shall continue in accordance with the regulations under which they were initiated.

The Ministry, i.e. the competent body of the autonomous province shall take over from the competent body of the local government unit the subjects and archives for the tasks performed by the body of the local government unit as entrusted.

**Article 190**

The Geological Survey of Serbia established by the Law on Mining and Geological Research ("Official Gazette of RS", No. 88/11), on the day this law enters into force, shall continue to operate in accordance with the provisions of this law.

**Article 191**

Regulations for the implementation of this law shall be adopted within two years from the day this law enters into force.

**Article 192**

Until the enactment of regulations based on the authorizations from this law, the regulations will be applied on the basis of:

1) Law on the Unique Manner of Determining, Recording and Collecting Data on Reserves of Mineral Raw Materials and Groundwater and on the Balance of These Reserves ("Official Gazette of the SFRY", No. 53/77, 24/86 and 17/90 and "Official Gazette of the FRY", No. 28/96);

2) Law on Mining ("Official Gazette of RS", No. 44/95, 85/05 - other law, 101/05 - other law, 34/06 and 104/09);

3) Law on Geological Research ("Official Gazette of RS", No. 44/95 and 101/05 - other law);

4) Law on Mining and Geological Research ("Official Gazette of RS", No. 88/11).

**Article 193**

On the day this law enters into force, these laws shall cease to be valid:

1) Law on Mining and Geological Research ("Official Gazette of RS", No. 88/11);

2) Rulebook on conditions and manner of transfer of approvals for applied geological research and approvals for exploitation of reserves of mineral raw materials and geothermal resources ("Official Gazette of RS", No. 119/12).

**Article 194**

The provisions of Articles 54-57 of this Law shall apply from the day of accession of the Republic of Serbia to the European Union.

**Article 195**

This Law shall enter into force eight days from the day of its publication in the "Official Gazette of the Republic of Serbia ".

**THE EDITORIAL CONSOLIDATED TEXT DOES NOT INCLUDE:**

**Articles 87-92 of the Law - 40/2020-45:**

**Article 87**

Proceedings initiated before the date of entry into force of this Law shall be terminated in accordance with the regulations under which they were initiated, unless the applicant requests the application of this Law in writing.

For certificates of reserves and resources issued before the date of entry into force of this Law, the period of six years referred to in Article 36 of this Law shall begin to run from the date of entry into force of this Law, except for certificates issued before January 1, 2000.

**Article 88**

The Chamber of Mining and Geological Engineers of Serbia will be established within six months from the day this law enters into force.

The Minister shall, within 60 days from the day this Law enters into force, form the Interim Administration of the Chamber of Mining and Geological Engineers of Serbia.

The Interim Administration of the Chamber of Mining and Geological Engineers of Serbia will, within 60 days from the day of education, adopt the Draft Statute of the Chamber of Mining and Geological Engineers of Serbia and conduct elections for the first convocation of the Assembly of the Chamber of Mining and Geological Engineers of Serbia.

The Chamber of Mining and Geological Engineers of Serbia, no later than one year from the day of its establishment, will verify the licenses of persons in accordance with the acquired rights of licensed geological engineers, which licenses were acquired according to the Law on Planning and Construction (Official Gazette of the Republic of Serbia, no. 72/09, 81/09 – correction, 64/10-US, 24/11, 121/12, 42/13-US, 50/13-US, 98/13-US, 132/14, 145/14, 83/18, 31/19, 37/19 – other law and 9/20).

**Article 89**

Until the application of the provisions of Article 14 and Article 72, paragraph 1 of this Law, the professional examination for authorization to perform technical management, professional supervision, design and other professional activities determined by the Law on Mining and Geological Research ("Official Gazette of the Republic of Serbia", no. 101/15 and 95/18 – other law), shall be submitted to a commission formed by the Minister, ie the competent body of the Autonomous Province for candidates from the territory of the Autonomous Province.

**Article 90**

On the day this Law enters into force, the Republic of Serbia shall become the holder of the results of geological research and certificates on reserves and resources issued before January 1, 2000, if on the basis of these certificates the holders of certificates or their successors performing mining works and approvals for the use of mining facilities.

**Article 91**

The Ministry of Mining and Energy entrusts professional geological documentation to the Geological Survey of Serbia. On the day this law enters into force, the Geological Survey of Serbia undertakes to take care of and dispose of the relevant documentation.

**Article 92**

Regulations for the implementation of this Law shall be adopted within one year from the date of entry into force of this Law.