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, conditions and manner of execution of geological researches of mineral and other geological resources, researching of geological environment, as well as geological researches for the purpose of spatial and urban planning, designing, construction of buildings and remediation of terrain, manner of classification of resources and reserves of mineral raw materials and ground waters, exploitations of reserves of mineral raw materials and geothermal 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 this Law.

Article 2

The Geological Institute of Serbia shall be established hereby as an individual organization with the capacity of a legal entity.

2. Terms

Article 3

Certain expression used in this 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 along with its geological, environmental and other properties, mineral resources, ground water resources and geothermal resources;
3) mineral resources shall mean non-renewable geological resources in such form and with such quality and quantity that there are rational perspectives of their possible economic exploitation, but which are non-exploitative at the moment of researching. Mineral resources shall include: fissile fuel resources, metallic and non-metallic mineral resources. Mineral resources shall be classified in accordance with the incremental degree of geological research and reliability thereof: probable, indicated and measured.
4) resources of ground waters shall mean renewable geological resources encompassing all types of ground waters (drinking, mineral and thermal) regardless of their quality and temperature;
5) geothermal resources shall represent a set of renewable geological resources encompassing ground waters and heat from rock masses from which thermal energy extraction is possible.

6) technogenic mineral resources shall represent part of mineral resources generated during the process of exploitation, preparation and processing of primary mineral raw materials, as well as of secondary concentrations and they can be found in mining and flotation tailing dumps, ash dumps, landfills for metallurgical slag and other landfills;

7) mineral raw materials shall be concentrations of organic and non-organic mineral substances which can be used in a cost-effective manner at a certain level of development of techniques and technology whether in their own natural form or upon appropriate processing. They shall encompass all types of coal and oil shale (slates), liquid and gaseous hydrocarbons (oil and gas) and other natural gases, radioactive mineral raw materials, metallic mineral raw materials, including precious and rare metals, non-metallic mineral raw materials, including raw materials for production of construction materials, precious and semi-precious stones, all types of salts and solvents, ground waters from which useful mineral raw materials and geothermal energy are obtained, ground waters relating to the mining technology and accompanying gases and technogenic mineral raw materials;

8) reserves of mineral raw materials shall be geologically determined quantities of mineral resources in a certain deposit for which it has been proven that at certain technical, technological, economical and environmental conditions they can be exploited and which have been classified into the following classes based on the incremental degree of geological researching and reliability thereof: probable and proven;

9) geological researches shall be complex processes and series of activities that include the implementation of appropriate methods and technical means, which are carried out with the purpose of informing about the development, composition and structure of the earth’s crust, researching and establishing reserves of mineral raw materials and the possibilities of exploitation thereof, determining and assessing geological, engineering-geological and hydro-geological properties of the terrain under research, particularly from the aspect of spatial and urban planning, designing and construction of facilities, and determining and eliminating harmful effects of geological and technogenic processes on geological environment and environment and cultural goods and goods under previous protection.

10) geological research works shall be all types of terrain, laboratory and indoor researching and testing performed with the purpose of finding and researching mineral and other geological resources and reserves of mineral resources and ground waters, as well as researching of geological environment. Geological research works shall be: geological mapping and reambulation of terrain, geo-physical and geo-chemical researching, exploratory cuts, geological exploratory boring, sampling, laboratory and technological testing, exploratory mining and other works performed during the process of researching of geological resources;

11) reconnaissance (initial geological research) shall pertain to a series of activities with the purpose to identify areas with increased participation of mineral resources. It shall be based on results of regional, geo-physical and geo-chemical studies, forecasting and metallogenetic (that is, mineragenetic) analysis, regional geological mapping and remote detection, preliminary terrain researching of outcrops and aquifers, as well as on geological assumptions based on extrapolation and analogies.

12) prospection shall be a group of research activities and procedures carried out with the purpose of finding mineral occurrences and/or deposits of mineral raw materials of ground waters and geothermal resources, as well as with the purpose of obtaining preliminary data on the most significant geological-economical properties of the found mineral occurrences and/or deposits.

13) previous (general) researches shall encompass geological research works performed for the purpose of obtain data on: the position, geological structure and genesis of deposits of mineral and other geological resources, quantities and quality of mineral
raw materials, ground waters and geothermal resources, general technological properties of mineral raw materials, possibilities of processing thereof and mining-geological conditions of their exploitation. The translation of indicated mineral resources into probable reserves of mineral raw materials shall be carried out based on the results of previous (general) geological researches;

14) detailed geological researches shall encompass researches performed for the purpose of obtaining reliable data on: the position, geological structure and genesis of deposits of mineral raw materials, quantities and quality of mineral raw materials in researched deposits of mineral resources, technological properties thereof, as well as possibilities of processing thereof and general mining-geological conditions of exploitation thereof. Detailed geological researches shall also be performed for the purpose of determination of quantitative and qualitative properties of ground water deposits and geothermal resources; they shall be used to determine hydrodynamic, geothermal and other geological conditions of use of hydro-geological and geothermal resources, as well as geological properties of the terrain for the purpose of spatial and urban planning, designing, construction of buildings and remediation;

15) mine tailing shall be a solid waste body that is necessary to relocate in order to perform exploitation of useful mineral raw material;

16) dumpsite shall be an area designated for piling or arranging of mining waste, in an either solid or liquid state or in the form of solvents and suspensions.

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

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

19) study of resources and reserves of mineral raw materials, ground waters and geothermal resources shall be a document on results of geological researches of a certain deposit of mineral raw materials or ground waters and geothermal resources, and on quantities and quality of researched raw materials or resources, their classification, technical possibilities and conditions of exploitation, as well as on expected economic effects;

20) research area shall be a part of geological environment wherein geological researches are performed. A research area shall be determined on a topographic map by coordinates in the national coordination system, bordered by lines of a closed polygon and stretching to the depth of researching as per the design.

21) entity in charge of research shall be a commercial entity, i.e. another legal entity and entrepreneur which has been issued the approval by the competent authority for the execution of geological research of mineral and other geological resources;

22) the entity in charge of exploitation shall be a commercial entity, i.e. another legal entity and entrepreneur which has been issued the approval by the competent authority to exploit reserves of mineral raw materials and geothermal resources;

23) exploitation of reserves of mineral raw materials shall be execution of mining works on the preparation, opening, development, excavation, transport, disposal, drainage, ventilation and preparation of mineral raw materials, as well as execution of other mining works in the ground and on its surface. Exploitation of mineral raw materials shall also be execution of works in the exploitation of oil and natural gases and works on the separation of oil and gas, preparation of oil and gases for transport and storage, separation of natural liquid gases (ethane, propane, butane and natural gasoline) in NGL and similar plants in the exploitation field, as well as transport of the mentioned raw materials by collective oil and gas pipelines when relating to the exploitation fields in technological terms;

24) exploitation of geothermal resources shall be execution of mining works on the preparation, boring, exploitation and use of geothermal resources;

25) surface exploitation shall pertain to methods of execution of mining works on the preparation, opening, excavation, transport, disposal, drainage and re-cultivation on
surface minings and dumpsites, with adherence to occupational health and safety measures and environmental protection measures.

26) underground exploitation shall pertain to methods of execution of mining works on opening, development, preparation, excavation, boring and mining, construction of underground rooms, transport, export, ventilation in underground rooms and at excavations, and drainage with adherence to occupational health and safety measures and environmental protection measures;

27) underwater exploitation shall pertain to methods of execution of mining works on the preparation, opening, excavation, transport, disposal, drainage and re-cultivation at surface excavations under water and associated dumpsites, with adherence to occupational health and safety measures and environmental protection measures;

28) exploitation borehole shall pertain to mining facilities wherein mining works are carried out during the exploitation of liquid and gaseous mineral raw materials and geothermal resources;

29) preparation of mineral raw materials shall pertain to the following processes: fining of mineral raw materials (crushing, sieving, grinding, sorting), concentration and/or separation of useful minerals from mine tailing (manual or automatized selection, gravitation, flotation, magnetic and electro-static concentration, leaching of mineral raw materials and drills and further preparation of solvents with the purpose of concentration of useful components), drainage of concentration, i.e. of separation products (thickening, filtration and drying). The preparation of mineral raw materials shall also encompass any process of hydro-transport of pulp, ash and/or concentrate and coursing of mineral raw materials and concentrates (pelletizing and agglomeration), separation of sand, gravel and stone, as well as processes of primary preparation of decorative and other stones;

30) mining works shall pertain to the following works: on excavation of boreholes; in boreholes and on the excavation of horizontal, diagonal and vertical pit rooms; on the reconstruction of mining facilities, plants and equipment; on the preparation, opening and exploitation of deposits; on the disposal of rock refuse and depositing of useful mineral raw materials; on dumpsites of flotation mine tailing and all works on the exploitation field aimed at the exploitation and preparation of mineral raw materials; as well as works carried out based on mining designs and other designs which are integral part of mining designs, and mining works performed with the purpose of researching mineral raw materials.

31) mining facilities, plants and equipment shall be such facilities, plants, machines and equipment intended for researching, exploitation, transport of mineral raw materials and other geological resources as follows: facilities and plants within mines which are directly related to the technological process of researching, exploitation and preparation of mineral raw materials and disposal of mine tailing, slag, ash and mineral raw materials at dumpsites for homogenization; machines and equipment intended for all stages of technological processes of underground and surface exploitation of mineral raw materials and preparation of mineral raw materials; machines and equipment intended for all stages of the technological process pertaining to excavation of solid mineral raw materials through boreholes; machines and equipment intended for all stages of technological process of excavation of mineral raw materials under water; machines and equipment intended for any stage of technological process of coal gasification directly in the fire shaft; facilities, plants and equipment for the protection of mines from ground and surface waters; facilities, plants and equipment in oil and gas fields which are directly related to the technological process of researching, exploitation, separation, preparation and transport of oil, as well as other substances in the exploitation field; facilities constructed outside the exploitation field in accordance with the mining design; facilities, plants and equipment that account for a whole with the electric grid of mines; main and auxiliary warehouses for the storage of explosives and explosive equipment in the exploitation field; facilities, plants and equipment for the exploitation of geothermal resources or other mineral raw materials by means of piping system
and boreholes and facilities and plants intended for the separation of gravel, sand and stone;

32) exploitation field shall include the space where reserves of mineral raw materials and geothermal resources are located, as well as space intended for keeping of mining tailing and other mining waste for the construction of facilities for preparation of mineral raw materials, for the construction of maintenance facilities, water intakes and other facilities, bordered by appropriate polygon lines on the surface of the terrain and stretching to the depth of exploitation as per the design;

33) protective area around an exploitation field shall be an area wherein exploitation has not been planned, nor it is performed, but it represents an area which separates exploitation fields and enables the entity holding an exploitation approval to request the research at a certain time in the event there are indications that resources of mineral raw materials are located also outside the existing borders of the exploitation field;

34) mining works outside the exploitation field shall be those works carried out on the construction of tunnels, galleries and other underground rooms, Co2 warehouses, banks, cuts, landfills, dumpsites, systems for transport of mineral raw materials and products, as well as substances for deposition and disposal, drainage canals and other construction facilities, by means of mining methods on the surface and/or underground outside the area of the exploitation field or when associated with the exploitation field in technological terms.

35) mining waste shall be waste generated from extractive industry, i.e. waste generated during geological researches, exploitation, preparation and storage of mineral raw materials, as well as waste generated during the process of preparation of ores that includes a mechanical, physical, biological, thermal or chemical procedure, (alteration of dimensions, separation and leaching, treatment of previously disposed waste), including also melting, thermal processes of production (excluding limestone calcinations) and metallurgical processes;

36) measurement book shall be the traditional name for the thematically archived documentation containing performed tasks in the area of field measurements, measurement data, processing of results and graphics in both analogue and digital forms.

37) competent person shall be a natural person who reviews reports on the results of geological researches and studies of resources and reserves of mineral raw materials and ground waters, as well as geothermal resources.

3. Conditions and general interest

Article 4

Mineral resources, resources of ground waters, geothermal resources, as well as other geological resources shall be state-owned natural goods and can be used under the conditions and in the manner stipulated in this Law.

A fee shall be paid for the execution of applied geological researches and for the use of mineral raw materials and geothermal resources in accordance with this Law.

Article 5

Geological research, exploitation of reserves of mineral raw materials and geothermal resources, use and maintenance of mining facilities shall be performed in the manner which provides for an optimal geological, technical and economic use of deposits of mineral raw materials, safety of people, facilities and property, and in accordance with the state-of-the-art achievements and technologies, regulations pertaining to this specific kind of facilities and works, and regulations which stipulate requirements in terms of occupational health and
safety, fire protection and protection from explosions, environmental and protection of
cultural goods and goods under previous protection,

**Article 6**

The execution of geological researches and exploitation of reserves of mineral raw materials
and geothermal resources in an area which represents a protected natural area, entirety of
cultural-historical and construction significance, tourist-recreational area, source of particular
importance for regional water supply and other protected areas, shall be approved only
under conditions issued by relevant state authorities and organizations for issuing conditions
for spatial arranging, nature and environmental protection, cultural heritage and other bodies
and organizations in charge of the relevant area pertaining to the protected area, in
accordance with the special Law.

**Article 7**

The entity in charge of research and exploitation shall not be a commercial entity, i.e. another
legal entity and entrepreneur that is in debt on the basis of: public liabilities relating to
previous researches and exploitation; illegal research, i.e. illegal exploitation, as well as in
the event they have outstanding liabilities pertaining to the remediation and protection of
environment and cultural goods and goods under previous protection.

**Article 8**

A commercial entity, i.e. another legal entity and entrepreneur performing geological
researches and/or exploitation of mineral raw materials without necessary approvals, shall
compensate damages to the owner for the occupied land, and to the Republic of Serbia the
mentioned damages shall be compensated for the value of mineral raw materials, in addition
to the remediation and re-cultivation of soil and/or re-cultivation of mineral raw material
where the aforementioned research has been performed.

**Article 9**

The approval for applied geological researches and approval for the exploitation of reserves
of mineral raw materials and geothermal resources can be transferred to another commercial
entity, i.e. to another legal entity and entrepreneur in accordance with the requirements
stipulated in this Law and by-laws passed pursuant to this Law, with the consent of the body
issuing approvals.

In the event of transfer of approval to the commercial entity, i.e. to another legal entity or
entrepreneur referred to in paragraph 1 of this Article, all rights and liabilities on the grounds
of the approval for geological researches in the approved research area, i.e. approvals for
the exploitation in the approved exploitation field shall also be transferred to the mentioned
entities.

The Minister in charge of mining and geological research works (hereinafter referred to as:
Minister) shall prescribe further requirements and manner of transfer of the approval referred
to in paragraph 1 of this Article.

**Article 10**

The approval for the exploitation of reserves of mineral raw materials and geothermal
resources, issued to a legal entity whose property serves the purpose of the exploitation of
sales during privatization, can be transferred to the buyer of the mentioned property by
means of an agreement concluded between the vendor of the property, buyer of the property, the Ministry and the Agency for privatization.

Previous consent to the agreement referred to in paragraph 1 of this Article shall be issued by the Government, upon proposal submitted by the Ministry in charge of mining and geological research works (hereinafter referred to as: the Ministry).

The agreement referred to in paragraph 1 of this Article which is concluded without consent by the Government shall be deemed invalid.

Mandatory elements of the agreement referred to in paragraph 1 of this Article shall be provisions pertaining to the investment of the property buyer and liabilities thereof on the grounds of social programme.

II MINERAL POLICY AND MINING INDUSTRY DEVELOPMENT PLAN

1. Mineral policy

Article 11

The mineral policy shall encompass measures and activities that are undertaken for the purpose of realization of long-term strategic objectives in the field of geological researches and exploitation of reserves of all types of mineral raw materials and geothermal resources, in particular for the following purposes:

1) safe supply of industrial capacities (thermal power plant, power plant, refinery, smelting, cement and limestone plants) and the market of the Republic of Serbia with all types of mineral raw materials;
2) application of best state-of-the-art technologies in the construction of mining infrastructure and mining facilities with the purpose of safety of facilities and occupational health and safety;
3) harmonization and implementation of the European directives in the field of mining and geological researches, in particular in the field of occupational and environmental protection.
4) promotion of investments and sustainable development of the mining industry of the Republic of Serbia;
5) creation of transparent and stable conditions for investments in mining and geological researches;
6) decentralization in planning and implementation of development projects of geological researches and mining.

The mineral policy shall be further developed and implemented through the realization of the Mineral resources management strategy of the Republic of Serbia.

2. Mineral resources management strategy of the Republic of Serbia

Article 12

Long-term objectives of the development of mining and geological researches of energetic, metallic, non-metallic and technogenic mineral raw materials, ground waters and geothermal resources shall be established by means of the Mineral resources management strategy of the Republic of Serbia (hereinafter referred to as: the Strategy).
The Strategy shall determine the projection of needs for any type of mineral raw material, development of the mining sector and geological researches, as well as the projection of import and export of any type of mineral raw materials in the Republic of Serbia, with regard to economic, environmental and social aspects.

The Strategy shall be passed by the National Assembly upon proposal of the Government for the period of no less than 10 years.

The Government shall monitor the realization of the Strategy and shall initiate its harmonization with the real requirements for mineral raw materials if necessary.

**Article 13**

The Government shall pass the plan and programs of realization of the Strategy, upon proposal of the Ministry.

Requirements, manner and dynamics of realization of the Strategy with regard to basic and other geological researches, safe and reliable supply of thermal power plants with domestic coal, substitution of import of mineral raw materials and raising domestic mining capacities, increase in production of metallic and non-metallic mineral raw materials, increase in the production of liquid and gaseous mineral raw materials, promotion of sustainable development of mining and geology, incentive measures for the construction of higher stages of preparation and processing of mineral raw materials, incentive measures for import of final products from the use of domestic raw materials, remediation and re-cultivation of abandoned mining facilities, application of old mining facilities for special purposes, as well as other aspects of importance for the implementation of the Strategy shall be determined by the Plan and programs.

The Plan shall be adopted for the period of realization of the Strategy.

Programs shall also determine the liability of drafting of certain spatial plans of special purpose areas for certain mining basins and deposits of mineral raw materials which are of great importance for the overall development of the Republic of Serbia.

Programs shall pertain to the period of at least two to ten years.

The competent authority of the Autonomous province shall propose a part of the program in its territory in compliance with the Development Plan of the autonomous province and of the Republic of Serbia.

**III GEOLOGICAL INSTITUTE OF SERBIA**

**Article 14**

The Geological Institute of Serbia (hereinafter referred to as: the Institute) shall perform basic geological researches determined based on the program of development of basic geological researches, i.e. based on the annual program of execution of basic geological researches.

The Institute shall also perform other works of national interest, such as: drafting and printing of geological maps in the scale of 1:25,000 and in smaller scales; drafting of specialist geological (mineragenetic, geo-physical, geo-chemical, engineering-geological, hydro-geological, structural-tectonic, geo-environmental and other) maps; determination and issuing of geological requirements and drafting of complex geological bases for the purposes of planning, designing, construction of facilities or provision of concessions; collection, updating and storing of data of importance for the Geological information system.
The Institute can also perform geological research works abroad.

Resources for the establishment and operation permit shall be provided for from the budget of the Republic of Serbia and other sources in compliance with law.

Supervision over the work of the Institute and execution of geological researches referred to in paragraphs 1 and 2 of this Article shall be carried out by the Ministry in charge of environmental protection.

**Article 15**

The Institute shall submit to the Government a report on work with a proposal of activities for the forthcoming calendar year on an annual basis.

**IV GEOLOGICAL RESEARCHES**

**1. Types of geological researches**

**Article 16**

For the purpose of this Law, geological researches shall be basic and applied.

Basic and applied geological researches shall be performed in compliance with the design of geological researches, according to the state-of-the-art scientific achievements and technologies, regulations pertaining to this type of research, as well as regulations which determine requirements with regard to occupational health and safety, fire protection and protection from explosions and protection of environment and cultural goods and goods under previous protection.

**2. Basic geological researches**

**Article 17**

For the purpose of this law basic geological researches shall encompass researches performed with the aim to: study the development, composition and structure of the earth’s crust, find mineral resources, resources of ground water and geothermal resources and initial studies thereof, valuation of the overall potential of the geological environment as an area for the purpose of spatial and urban planning and determination of suitability for the construction of building; determination and elimination of harmful effects of natural and technogenic processes on geological environment and environment.

Basic geological researches shall be deemed works of public interest and shall be financed from the budget of the Republic of Serbia.

The Autonomous province shall conduct and finance basic geological researches on the territory thereof.

The Autonomous province shall conduct the works referred to in paragraph 1 of this Article as entrusted.

**Article 18**

Basic geological researches shall encompass the drafting of: basic, review and specialist geological maps in the scale of 1:25,000 and smaller scales (exceptionally for areas of special purpose in the scale of 1:10,000); studies of potential geological environment with
regard to the presence of mineral and other geological resources; suitability of geological environment for the purpose of planning, designing and construction, as well as studies for the purpose of environmental protection, preservation of geo-diversity and protection of geo-heritage facilities and similar.

Basic geological researches shall be performed for the purpose of spatial planning and drafting of general urban plans, determination and validation of overall geological potentials of a certain area, determination of the purpose and suitability of geological environment as an area for the construction of buildings.

The drafting of geological maps referred to in paragraph 1 of this Article, preparation for printing, receipt of authors’ original geological maps and legends shall be carried out with expert assistance from a working group formed by the Minister in charge of environmental protection.

The act on the establishment of the working group referred to in paragraph 3 of this Article shall determine tasks, liabilities and compensation for work of the members thereof.

The Minister in charge of environmental protection shall further prescribe expert and technical grounds for drafting of geological maps referred to in paragraph 1 of this Article.

**Article 19**

Basic geological researches shall be performed by the Institute in accordance with the long-term program of development of geological researches (hereinafter referred to as: Long-term programs) and annual program of basic geological researches (hereinafter referred to as: Annual program).

The longer program shall encompass strategic priorities and longer objectives of execution of basic geological researches, with the purpose of overall economic and social development and in accordance with the Spatial Plan of the Republic of Serbia, Sustainable Development Strategy, as well as the Strategy.

The competent authority of the autonomous province shall submit a proposal pertaining to the part of the Long-term program on the territory thereof, in accordance with the regional spatial plan of the autonomous province, plans and programs of sustainable use of natural resources and goods, as well as with the Strategy.

The Long-term program shall be adopted by the Government upon proposal of the Ministry in charge of environmental protection, for the period of 10 years.

**Article 20**

The Annual program shall encompass objectives, type and scope of geological research works, dynamics and conditions of execution thereof, as well as necessary financial means.

The Annual program can also encompass other geological researches, provided their execution is necessary for the purpose of determination of causes and elimination of consequences of natural disasters, as well as applied geological researches of mineral resources, resources of ground waters and geothermal resources, as well as other researches, provided the execution thereof is of interest for the Republic of Serbia.

The Annual program shall be passed and implemented by the Ministry in charge of environmental protection, i.e. by the competent authority of the autonomous province in its territory, in accordance with the Long-term program.
3. Applied geological researches

Article 21

In terms of this law, applied geological researches of mineral and other geological resources shall encompass researches performed for the purpose of determination of resources and reserves of mineral raw materials, ground waters and geothermal resources and conditions of use thereof, as well as researches of geological environment for the purpose of spatial and urban planning, designing and building of construction, mining and other facilities, including also underground storages of gases and other substances, separation of favorable geological forms and structures, as well as depleted deposits, mineral raw materials for storing of natural gas and/or CO₂, as well as projects of protection, remediation and re-cultivation.

Applied geological researches of mineral and other geological resources shall be performed with the purpose of discovering and obtaining relevant data on the geological structure, genesys, qualitative and quantitative properties of deposits of mineral raw materials, ground waters and other geological resources and they shall encompass the following research stages:

1) prospection;
2) previous (general) researches;
3) detailed researches;
4) exploitation researches.

Applied geological researches carried out for the purpose of spatial and urban planning, designing and building of construction, mining and other buildings shall be performed with the aim to inform about the geological structure of the terrain, i.e. of engineering-geological properties and geo-dynamic properties of the geological environment. The mentioned shall encompass the stage of detailed geological researches.

The researches referred to in paragraph 3 of this Article shall be harmonized with the relevant plan documents or zoning regulations.

By means of a regulation the Government shall stipulate the conditions, criteria, procedure and manners of issuing of approvals and other special requirements relating to geological researches pertaining to separation of favorable geological formations and structures, as well as depleted deposits of mineral raw materials for storing of CO₂.

4. Conditions and manner of execution of geological researches

Article 22

Geological researches, drafting of designs of geological researches, report on results of geological researches, study of resources and reserves of mineral raw material, including also resources and reserves of ground waters and geothermal resources, as well as works pertaining to expert supervision over the execution of geological researches can be performed by a commercial entity, i.e. by other legal entity and entrepreneur registered with the Register of companies authorized to perform the mentioned activities, which employs at least two persons holding a second degree university diploma (graduate academic studies – master, specialist academic studies, specialist vocational studies) in geology and in the relevant field of geology, who are authorized to perform the mentioned works, one of which also holds the relevant license.

Management and expert supervision over the execution of geological research works and management of geological research design development and reports on results of geological
researches, as well as the study of resources and reserves of mineral raw materials, including also resources and reserves of ground waters and geothermal resources, can be performed by a person who, in addition to the requirements referred to in paragraph 1 of this Article, has at least three years of work experience in the relevant field of work.

Geological researches can also be performed by foreign legal entities under the conditions and in the manner stipulated in this law and law regulating the rights of foreign persons with regard to the use of goods of public interest.

The entity in charge of research can be a commercial entity, i.e. another legal entity and entrepreneur which is registered for the mentioned activities.

**Article 23**

Approval for the execution of the works referred to in paragraphs 1 and 2 Article 22 of 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 the commission formed by the Minister, i.e. by a competent authority of the autonomous province for candidates residing in the territory of the autonomous province.

The Minister shall further prescribe the conditions, program and manner of taking the professional exam referred to in paragraph 1 of this Article.

The performance of the works referred to in paragraphs 1 and 2 of this Article shall be entrusted.

**5. Execution of geological researches**

**Article 24**

Geological researches shall be performed according to the design of geological researches which shall contain in particular:

1) documents on the fulfillment of the requirements referred to in Article 22 of this Law;
2) textual part;
3) graphic attachments;
4) report and confirmation on the performed technical control of the design.

The Minister shall further prescribe the requirements, criteria and content of the design of geological researches in the fields of:

1) basic geological researches.
2) applied geological researches of mineral resources;
3) applied geological researches of hydro-geological and geothermal resources;
4) applied engineering-geological researches;
5) applied geological researches with the purpose of protection, remediation and re-cultivation.

**Article 25**

The design of geological researches, as well as amendments and supplements to the same design shall be subject to technical control.
The technical control of the design referred to in paragraph 1 of this Article shall encompass control of the implementation of state-of-the-art achievements and methods pertaining to geological science and techniques; harmonization with law and other regulations in the field of geology and mining; as well as harmonization with the existing technical regulations, norms, as well as relevant occupational health and safety measures, safety of people and buildings and environmental protection.

The report and confirmation of the performed technical control referred to in paragraph 2 of this Article shall represent an integral part of the design referred to in paragraph 1 of this Article.

The technical control referred to in paragraph 1 of this Article shall be performed by a commercial entity and entrepreneur, i.e. another legal entity which meets the requirements referred to in Article 22 of this Law.

**Article 26**

Technical control of the design of geological researches cannot be performed by, i.e. it cannot be participated in by:

1) commercial entity, i.e. other legal entity and entrepreneur which drafted the design or which is in charge of the research;
2) person employed with the commercial entity, i.e. with another legal entity and entrepreneur, which drafted the design of geological research or which participated in the drafting thereof;
3) person employed with the entity in charge of the research;
4) person employed with the Ministry, relevant state authority of the autonomous province and local self-government unit

**Article 27**

During the course of execution of geological researches, the entity in charge of the research shall provide expert supervision over the execution of geological researches.

The expert supervision referred to in paragraph 1 of this Article shall encompass the control of: whether the research works are conducted in accordance with the design of geological researches; quality of execution of research works and implementation of regulations, technical norms and quality norms; implementation of occupational health and safety measures and environmental protection.

A report on completed expert supervision shall be an integral part of the report on results of geological researches.

The entity in charge of researches can perform expert supervision directly over the execution of geological researches or to entrust it to another legal entity which meets the requirements stipulated in Article 22 of this law.

**Article 28**

Upon the completion of geological researches foreseen under the design, a final report on results of geological researches shall be drafted (hereinafter referred to as: the Final report).

The final report, as well as the report referred to in paragraph 1 Article 29 of this Law shall be subject to technical control with the purpose of checking whether geological researches have
been performed in accordance with the design of geological researches and whether the report has been drafted in compliance with this Law.

The report and confirmation on the performed technical control referred to in paragraph 2 of this Article shall be an integral part of the Final report.

Technical control of the Final report as well as of the report referred to in paragraph 1 Article 29 shall be performed under the conditions referred to in Articles 22 and 26 of this Law.

The entity in charge of research shall submit a written or electronic copy of the Final report to the authority which issued the approval for research, no later than 30 days from the day of expiration of the approved deadline for the research.

Article 29

Upon the expiry of the research period of one year, as well as in the event of cancellation of research, the entity in charge of research shall submit to the authority which issued the approval a written and electronic copy of an annual report on results of geological research, within the deadlines stipulated in the approval for research.

The final and annual reports referred to in paragraph 1 of this Article shall be deemed archival material and shall be kept permanently in compliance with law.

The Minister shall prescribe further contents of the Final and Annual reports referred to in paragraph 1 of this Article.

6. Approval for applied geological researches

Article 30

Applied geological researches shall be performed based on the ruling on the approval for geological researches issued by the Ministry upon request of the commercial entity, i.e. of another legal entity and entrepreneur.

The ruling issued by the Ministry referred to in paragraph 1 of this Article shall be deemed final, and an administrative procedure can be initiated against it.

The approval for applied geological researches performed in the territory of the Autonomous province shall be issued by the competent authority of the Autonomous province, against which a complaint can be lodged to the Minister.

The competent authority of the Autonomous Province shall submit reports on issued approvals for geological researches.

The Minister shall further determine the surface of research area for which execution of applied geological researches can be approved, depending on the type of mineral and other geological resources which are researched.

The performance of the works referred to in paragraphs 1 and 2 of this Article shall be entrusted.
Article 31

Applied geological researches of certain non-metallic mineral resources and other geological resources and researches of geological environment shall be performed also for the following purposes:

1) obtaining construction materials;
2) use of ground waters for the purpose of water supply to natural entities;
3) use of geothermal resources for the purpose of natural entities;
4) spatial and urban planning, designing, construction of buildings and protection, remediation and re-cultivation of the terrain.

Geological researches referred to in paragraph 1 of this Article shall be performed based on the approval for geological researches issued by the competent authority of a local self-government unit on the territory of which researches are performed, against which a complaint can be lodged to the Minister.

Non-metallic mineral resources referred to in paragraph 1 of this Law shall be those that are used:

1) as construction stone: dimension (cut, split, rubbled, crushed, ground) and decorative (architectural, sculptural, memorial)
2) as natural aggregates: sand, gravel, rubble;
3) for the production of brick-ceramic materials;
4) for the production of fillers in industry.

The competent authority of the local self-government unit can associate with other units of local self-government for the purpose of performing of works referred to in paragraph 1 of this Article whereof it shall inform the Ministry.

In the event the competently authority of the unit of self-government fails to commence performing the entrusted work or it fails to perform it appropriately or timely, the Ministry, i.e. the competent authority of the autonomous province shall take over the works referred to in paragraph 1 of this Article.

The competent authority of the self-government unit shall submit to the Ministry annual reports on issued approvals for geological researches.

The works referred to in paragraph 1 of this Article shall be performed as entrusted.

Article 32

An application for issuing of the approval for applied geological researches shall contain data on: the entity in charge of research, subject of geological research, size of the research area, type of research works, amount of resources for the research, as well as duration of the research.

The following shall be submitted enclosed to the application referred to in paragraph 1 of this Article:

1) design of geological researches with a report and confirmation of the performed technical control of the design;
2) topographic map in the scale 1:25,000 or smaller, with marked borders and coordinates of breaking points of the requested research area;
3) proof of paid administrative fee;
4) approval of the competent institutions for environmental protection and protection of cultural heritage.

The applicant referred to paragraph 1 of this Article shall obtain the opinion from the competent institute for cultural heritage protection or any other competent authority, on the conditions under which the subject researches can be performed prior to drafting of the design of geological researches.

The act on conditions from competent authorities referred to in paragraph 3 of this Article shall be an integral part of the design of geological researches.

In the event the design referred to in paragraph 2 item 1 of this Article foresees the execution of mining works and/or sampling of mineral raw materials for the purpose of technological researches, a separate application for approval of execution of works in accordance with the mining design referred to in paragraph 1 of Article 72 of this Law shall be submitted, and if the research pertains to oil, gas and geothermal resources in accordance with the design referred to in item 2 paragraph 3 Article 72 of this Law, an application shall be submitted in accordance with Article 84 of this Law.

The Minister shall prescribe the permissible quantity of material that can be used for technological researches depending on the type of the mineral raw material.

The competent authority shall reject the application for the execution of geological researches by means of a ruling in the following instances:

1) in the event of failure of submission of the complete documentation referred to in paragraph 2 of this Article;

2) in the event the area for which the application is submitted has already been designated to another person for researching of the same mineral raw material or the same geological resource.

The ruling referred to in paragraph 7 of this Article issued by the Ministry shall be deemed final, and an administrative procedure can be initiated against it.

A complaint against the ruling referred to in paragraph 7 of this Article issued by a competent authority of the autonomous province, i.e. by a competent authority of the unit of self-government, shall be lodged to the Minister.

**Article 33**

In the event an application for research approval of the same mineral or another geological resource at the same research area has been submitted by two or more legal entities, i.e. entrepreneurs, the priority in approval issuance shall be given to the legal entity, i.e. to the entrepreneur who submitted the completed application first, in accordance with the provisions of Article 32 of this Law.

**Article 34**

The ruling on geological research approval shall contain the data on:

1) name of the entity in charge of the research with the address of its business seat;
2) subject and type of research;
3) coordinates of breaking points of the research area;
4) title of the design of geological research;
5) duration of the research period,
6) minimal scope of works that shall be realized;
7) deadline for the commencement of the research;
8) largest amount of mineral raw material, apart from oil and natural gases, allowed to be taken with the purpose of examining quality and technological properties thereof;
9) manner and deadlines during the course of which the entity in charge of the research has a liability to report to the authority which issued the research approval;
10) conditions under which the approval can be revoked.

**Article 35**

The approval for the execution of applied geological researches of mineral and other geological resources shall determine the research deadline of no longer than three years, with the possibility of prolongation thereof twice consecutively, while none of the extended research deadlines shall be longer than two years.

The request for the extension of the research deadline referred to in paragraph 1 of this Article shall be submitted no later than 30 days before the expiration of the research deadline determined by the research approval, provided no less than 75% of the volume of planned research works as per the design has been carried out in accordance with paragraph 1 Article 39 of this Law.

The following shall be submitted enclosed to the application referred to in paragraph 2 of this Article:

1) design of geological researches;
2) topographic map in the scale 1:25,000 or smaller, with marked borders and coordinates of breaking points of the requested research area;
3) final report for the previous research period;
4) proof of paid administrative fee;

The extension of the research deadline shall be approved by means of a ruling passed by the authority which issued the research approval.

The ruling referred to in paragraph 7 of this Article issued by the Ministry shall be deemed final, and an administrative procedure can be initiated against it.

A complaint against the ruling referred to in paragraph 4 of this Article issued by a competent authority of the Autonomous province, i.e. by a competent authority of the unit of self-government, shall be lodged to the Minister.

**Article 36**

The entity in charge of research shall reduce the surface of the research space in the request for the extension of the research deadline, in accordance with the obtained results and no less than 25% in comparison with the previously approved surface.

**Article 37**

Applied research of other mineral or geological resource can be approved within the same research space wherein applied geological researches of a certain mineral or geological resource have been approved, only with the previously obtained approval of the authorized entity in charge of researches.
Article 38

No later than 15 days before the commencement of the execution of research works the entity in charge of researches shall report the commencement of works on geological researches to the competent authority of the local self-government unit on the territory of which the research area is located, to the authority which issued the ruling on approval of research and geological and/or mining inspection, and if works are executed in the area referred to in Article 7 of this Law, to the organization, i.e. to the authority in charge of the mentioned area, or to the service for the cultural heritage protection.

Article 39

The smallest volume of geological and mining research works as per the design, which is mandatory to be executed during the authorized research deadline shall be 75% of the planned volume of research works as per the design.

In the event of perennial research of mineral and other geological resources, the type and volume of research works in accordance with the design, as well as the dynamics thereof shall be provided for each research year.

Article 40

Geological researches of mineral and other geological resources within the authorized exploitation field shall be performed without the approval for research.

The entity in charge of exploitation shall report the commencement of works on research to the competent authority which issued the approval for exploitation.

The geological research referred to in paragraph 1 of this Article shall be performed in the manner stipulated in this Law and other regulations in the area of geology and mining.

Article 41

The competent authority shall revoke the ruling on approval of research before the research deadline in the following events:

1) failure to commence geological researches within the deadline determined in the approval for research;

2) failure to perform researches in compliance with the design of geological research;

3) failure to perform researches under the condition referred to in Article 39 of this Law;

4) performing of researches outside the authorized research area;

5) failure to submit the Annual report for the previous research year;

6) performing of exploitation of mineral raw materials, ground waters and geothermal resources under the scope of research;

7) failure to return in the original state the soil where research works are carried out;

8) failure to conduct the prescribed occupational health and safety measures, necessary measures of securing property, people’s health and environmental protection and protection of cultural goods and goods under previous protection;

9) failure to pay the fee for applied geological research for the current year;

10) subsequent determination that the enclosed documentation based on which the approval has been issued contains incorrect, i.e. invalid data.

The ruling on the approval of research shall cease to be valid:
1) upon request of the entity in charge of research;
2) in the event of suspension of research based on the report of the geological inspector;
3) upon expiration of the deadline for research;
4) upon issuance of the certificate on resources and reserves, except for liquid and gaseous carbohydrates.

In the instances referred to in paragraphs 1 and 2 of this Article, the entity in charge of research shall perform the remediation of the area where the research was conducted and in the event of performance of research underground works as per the design referred to in paragraph 1 of Article 72 of this Law, it shall undertake measures for maintenance of the underground rooms, facilities and installations upon the completion of research works.

The ruling issued by the Ministry referred to in paragraphs 1 and 2 of this Article shall be deemed final, and an administrative procedure can be initiated against it.

A complaint shall be lodged to the Minister against the ruling referred to in paragraphs 1 and 2 of this Law issued by the competent authority of the Autonomous province, i.e. by the competent authority of the unit of self-government.

**Article 42**

The authority which issued the approval of research shall keep the record on authorized researches and cadastre of authorized research areas.

Data on the entity in charge of research, subject of geological research, research area and duration of research shall be entered into the cadastre of authorized research areas.

Stakeholders shall have the right to access the cadastre of authorized research areas.

**Article 43**

The right to use and access the results of applied geological researches and documents containing results of geological researches shall be given to the entity in charge of researches.

The entity in charge of researches shall have the right to allow or ban the use of results of research and documents containing the results of the geological research referred to in paragraph 1 of this Article.

The entity in charge of research, which uses the data and results of research arising from geological research of another commercial entity or arising from basic and applied geological research financed from the budget of the Republic of Serbia, shall submit evidence on the right to use the mentioned data when drafting a report on results of geological research and/or study of resources and reserves.

In the event the results of geological research and documents referred to in paragraph 1 of this Article contain information deemed confidential in accordance with the existing regulations stipulating the protection of confidential information, the entity in charge of research can disclose such data to third parties only in the manner and under the conditions stipulated in the aforementioned regulations.
7. Liabilities of the entity in charge of research

Article 44

The entity in charge of research shall:

1) provide for necessary financial resources for the execution of authorized geological researches, undertake any other necessary measures and activities and undertake the execution of the authorized researches in compliance with the determined dynamics;
2) obtain evidence of the right to use of land where the research works are planned to be undertaken as per the design (research boreholes / excavations / levels at which research is performed / research mining rooms etc.)
3) perform the type and scope of research works in accordance with the design of geological research with the derogation in terms of authorized scope and type of works amounting up to 25%;
4) report the commencement of works on research;
5) provide expert supervision over the execution of geological research;
6) pay for the fee for the authorized geological research;
7) submit the Annual and Final reports on results of research;
8) implement prescribed occupational health and safety measures, necessary measures of protection of property, people’s health and environment.
9) return in the original state the soil where research works are carried out;
10) record also other mineral raw materials and geological resources provided they are found within the authorized research area and inform the authority which issued the approval for geological research thereof;
11) keep reports and studies of results of geological research and other geological documentation, as well as sources of research boreholes and samples and analyses from any research works during the research and to make them available to the Ministry, i.e. to the competent authority of the Autonomous province and the local self-government unit for the purpose of control of the research results;
12) comply with positive geological practice during the course of examination of cores of research boreholes and other samples and enable confidentiality of the obtained results in that manner.

8. Classification of mineral resources and reserves, resources and reserves of ground waters and geothermal resources

Article 45

Classification of mineral resources and reserves, ground waters and geothermal resources shall be carried out in compliance with the relevant regulations on reporting and classification of solid, liquid and gaseous mineral raw materials, ground waters and geothermal resources by means of:

1) Rulebook on reporting on results of geological research, resources and reserves of solid mineral raw materials and classification thereof;
2) Rulebook on reporting on results of geological research, resources and reserves of oil, condensates and natural gases and classification thereof;
3) Rulebook on reporting on results of geological research, resources and reserves of ground waters and classification thereof;
4) Rulebook on reporting on results of geological research of geothermal resources and classification thereof;

Researched resources and reserves of mineral raw materials and ground waters, as well as geothermal resources for which technical feasibility and cost effectiveness has been proven
shall be presented in the study of resources and reserves of solid mineral raw materials, study of resources and reserves of oils, condensates and natural gases and in the study of resources and reserves of ground waters, as well as in the study of determined potential of geothermal resources.

The studies referred to in paragraph 2 of this Article shall contain information on quantities and quality of the researched resources and reserves, classified in accordance with the regulations referred to in paragraph 1 of this Article, as well as information on the estimated possibilities of their sustainable exploitation and estimated cost effects.

The Minister and the Minister in charge of environmental protection shall prescribe conditions, criteria, contents and manner of classification of resources and reserves of mineral raw materials, ground waters and geothermal resources referred to in paragraph 1 of this Article, as well as contents of the studies referred to in paragraph 2 of this Article.

Article 46

Researched resources and reserves of mineral raw materials and ground waters, as well as determined potentials of geothermal resources shall be determined on the basis of the studies referred to in paragraph 2 Article 45 of this Law.

Consideration and recording of the determined resources and reserves of mineral raw materials and ground waters, as well as of the determined potentials of geothermal resources shall be carried out by the Ministry, i.e. by the competent authority of the autonomous province based on the reports submitted by competent persons who hold relevant licenses.

Resources and reserves of mineral raw materials, resources and reserves of ground waters, i.e. determined potential of geothermal resources shall be determined on the basis of a certificate on the resources and reserves issued by the Ministry, that is by the competent authority of the autonomous province, by means of a ruling and upon request of the entity in charge of the research.

The following shall be submitted enclosed to the application referred to in paragraph 3 of this Article:

1) approval document for research, i.e. approval document for exploitation;
2) orderly map in the appropriate scale with coordinates of breaking points of the determined resources and reserves;
3) study referred to in paragraph 2 Article 45 of this Law;
4) report submitted by a competent person.

The ruling referred to in paragraph 3 of this Article issued by the Ministry shall be deemed final and an administrative procedure can be initiated against it, while a complaint to the ruling referred to in paragraph 3 of this Article issued by the competent authority of the autonomous province can be lodged to the Minister.

9. Balance of mineral resources and reserves, resources and reserves of ground waters and geothermal resources

Article 47

The entity in charge of research and in charge of exploitation shall keep the records on the condition of resources and reserves of mineral raw materials and resources and reserves of ground waters, as well as of geothermal resources in the authorized research area, i.e. in the
exploitation field and to submit to the Ministry, i.e. to the competent authority of the autonomous province. Information on the condition of the resources and reserves shall be done on annual bases.

Based on the obtained information and issued certificates on resources and reserves, mineral raw materials and ground waters, as well as on geothermal resources, the Ministry shall draft a balance of resources and reserves of mineral raw materials, a balance of resources and reserves of ground waters and a balance of geothermal resources in the Republic of Serbia.

The competent authority of the autonomous province shall draft a balance of resources and reserves of mineral raw materials, balance of resources and reserves of ground waters and balance of geothermal resources for the territory of the autonomous province, which represents an integral part of the balance of the Republic of Serbia.

10. Procedure of issuance of approvals for research of liquid and gaseous hydrocarbon

Article 48

The approval for research of liquid and gaseous hydrocarbon (oil and gas) and other natural gases shall be issued to a commercial entity, i.e. to another legal entity and entrepreneur selected on the basis of a public tendering procedure.

Article 49

The decision on conducting a public tender for research of liquid and gaseous hydrocarbon and other natural gases shall be passed by the Ministry, i.e. by the competent authority of the autonomous province if the raw material is located in the territory of the autonomous province, in the event the mentioned authorities assess there is the requirement of determination of the same mineral raw materials in the same area or upon proposal of a commercial entity, i.e. of another legal entity or entrepreneur registered for research of mineral raw materials.

Article 50

An advertisement on the public tender for the issuance of approvals for geological researches of mineral raw materials shall be published in the “Official Gazette of the Republic of Serbia” and in the official journal of the European Union.

The advertisement referred to in paragraph 1 of this Article shall contain:

1) mineral raw material intended to research;
2) size and name of the research area;
3) program of overall research works by type and by scope;
4) deadline for the completion of the research;
5) amount of planned financial resources for the execution of research works, as well as the manner of their provision;
6) plan of remediation of the research area.

Article 51

The following shall be necessary to submit along with the offer for issuance of approval for geological research of mineral raw materials:
1) excerpt from the Business Registry to confirm that the applicant is registered for research or for exploitation of mineral raw materials;
2) topographic map in the scale of 1:25,000 or smaller, with the marked borders of the research areas, determined by the coordinates of breaking points of the closed polygon.
3) other documentation defined within the public tender.

The Government shall prescribe conditions and manner for the implementation of the procedure as to the public tender for the issuance of approval for research of mineral raw materials referred to in Article 48 of this Law.

V EXPLOITATION OF RESERVES OF MINERAL RAW MATERIALS AND GEOTHERMAL RESOURCES

1. Conditions and manner of execution

Article 52

The entity in charge of exploitation can be a commercial entity, i.e. another legal entity and entrepreneur, which is in charge of research, i.e. a beneficiary of the certificate on resources and reserves of mineral raw materials and geothermal resources, which is issued in accordance with the existing regulations on classification of resources and reserves in the field where exploitation will be carried out in compliance with this Law.

Exploitation of reserves of mineral raw materials and geothermal resources can be performed by foreign legal entities under the conditions and in the manner prescribed by this Law and law stipulating rights of legal persons with regard to the use of goods of public interest.

Article 53

Construction of buildings, public roads, railways, canals and other roads, as well as high voltage electrical lines with certain protective posts in the exploitation field, as well as other infrastructure facilities, can be approved in accordance with the previously obtained consent from the Ministry.

Prior to the issuance of the location permit issued in accordance with special regulations for the construction of facilities referred to in paragraph 1 of this Article, an opinion of the commercial entity performing exploitation as to the proposed direction and position of the aforementioned facilities in the exploitation field shall be obtained.

The entity in charge of exploitation shall have the right to compensation of real damages caused by the construction of facilities referred to in paragraph 1 of this Article.

Article 54

Exploitation of reserves of mineral raw materials and geothermal resources, execution of mining works outside the exploitation field, drafting of investment-technical documentation and mining designs for the execution of mining works, technical control of mining designs and performing of expert supervision can be carried out by a commercial entity, i.e. by another legal entity and entrepreneur (hereinafter: business entity) registered for the same activity and which employs at least two persons holding a second degree university diploma (graduate academic studies – master, specialist academic studies, specialist vocational studies) in mining and in the relevant field of mining, authorized to perform the mentioned works, one of which also holds the relevant license.
Works pertaining to expert supervision over the execution of exploitation in accordance with the conditions referred to in paragraph 1 of this Article shall be performed solely by the entity in charge of exploitation.

2. Establishment of general interest

Article 55

Geological researches and exploitation of reserves of mineral raw materials and geothermal resources which have been determined as mineral raw materials and geothermal resources of significance for the Republic of Serbia based on the Strategy, shall represent the activity of public, i.e. of general interest.

A competent authority can perform expropriation of immovable property for the purpose of a commercial entity in charge of research and in charge of exploitation of mineral raw materials and geothermal resources which have been determined as raw materials and resources of significance in the context of paragraph 1 of this Article.

The expropriation of immovable property referred to in paragraph 2 of this Article shall be carried out in accordance with the regulations stipulating expropriation.

Article 56

Exploitation of reserves of mineral raw materials and geothermal resources (hereinafter referred to as: exploitation) shall be carried out based on a ruling by means of which the following is issued:

1) approval for exploitation of reserves of mineral raw materials and geothermal resources (hereinafter referred to as: approval for exploitation);
2) approval for the execution of mining works;
3) approval for use of mining facilities.

The approvals referred to in paragraph 1 of this Article shall be issued by the Ministry, while approvals for exploitation of reserves of mineral raw materials and geothermal resources carried out in the territory of the autonomous province, approvals shall be issued by the competent authority of the autonomous province.

Exploitation of reserves of certain non-metallic mineral raw materials used for obtaining of construction materials (construction stone: dimension stone (cut, split, rubbed, crushed, ground) and decorative stone (architectural, sculptural, memorial), natural aggregates: sand, gravel, rubble, for the production of brick-ceramic materials, limestone and other, and for the production of fillers in industry) and exploitation of geothermal energy for the purpose of the production of cement and other, shall be carried out based on the approval referred to in paragraph 1 of this Article, which is issued by the competent authority of the local self-government unit, in the territory of which the mentioned exploitation is carried out.

The competent authority of the local self-government unit can associate with other units of local self-government for the purpose of performing of works referred to in paragraph 1 of this Article whereof it shall inform the Ministry.

In the event the competent authority of the unit of self-government fails to commence performing the entrusted work or it fails to perform it appropriately or timely, the Ministry, i.e. the competent authority of the Autonomous province shall take over the works referred to in paragraph 1 of this Article.
The competent authority of the self-government unit shall submit to the Ministry annual reports on issued approvals on issued rulings.

The competent authority of the self-government unit shall perform the works referred to in paragraph 1 of this Article as entrusted.

The ruling referred to in paragraph 1 of this Article issued by the Ministry shall be deemed final and an administrative procedure can be initiated against it.

Complaint against the ruling referred to in paragraph 1 of this Article, issued by the competent authority of the autonomous province or competent authority of local self-government unit is lodged to the Minister.

3. Approval for exploitation

Article 57

The following shall be submitted enclosed to the application:

1) proof of paid administrative fee;
2) situational map in the scale of 1:25,000 or in the appropriate scale with marked borders of the exploitation field, public roads and other facilities located in that area and marked cadastral parcels in the written and/or digital form.
3) certificate on resources and reserves of mineral raw materials or on geothermal resources, issued based on the performed researches in accordance with the existing regulations on classification of resources and reserves;
4) feasibility study of exploitation of deposits of mineral raw materials or geothermal resources;
5) act of the municipal authority in charge of urbanism with regard to harmonization of exploitation with appropriate spatial, i.e. urban plans.
6) act of the Ministry in charge of environmental protection and the act of the institution in charge of cultural heritage protection;
7) act of the Ministry in charge of water management, in the event exploitation has effects on the water regime;
8) proof of the ownership or user right, i.e. easement for the terrains designated for surface exploitation of reserves of mineral raw materials. In the event of underground exploitation of reserves of mineral raw materials, exploitation of liquid and gaseous hydrocarbon reserves (oil and gas), and other natural gases, as well as for exploitation of geothermal resources, when the proof of the ownership or use right, or easement shall be submitted only for the land designated for construction of mining facilities, plants and equipment, and in case of exploitation of resources of mineral raw materials and geothermal resources of importance for the Republic of Serbia, a specific Government act on the establishment of public interest for five-year exploitation period shall be submitted;

Article 58

The approval for exploitation shall determine the following:

1) type of mineral raw material or geothermal resources intended for exploitation;
2) capacity in accordance with the exploitation feasibility study;
3) position, surface and exact borders of the exploitation field;
4) deadline for the completion of preparatory works and obtaining of the approval for the execution of mining works, which shall not be longer than two years;
5) deadline for conceding reserves of mineral raw materials or geothermal resources for use in accordance with the production dynamics compliant with the exploitation feasibility study and quantities of mineral raw material verified in the certificate on resources and reserves;

6) conditions under which exploitation is performed in an area of cultural-historical construction and archeological importance;

7) protective area surrounding the exploitation field necessary for the possible expansion of reserves and resources, in particular:

   (1) for exploitation fields up to 25ha, the protective area of up to 100m of width from the relevant border of the exploitation field;

   (2) for exploitation fields between 25ha and 100ha, the protective area of up to 250m of width from the relevant border of the exploitation field;

   (3) for exploitation fields larger than 100ha, the protective area of up to 500m of width from the relevant border of the exploitation field.

**Article 59**

The Ministry, i.e. competent authority of the autonomous province or of the local self-government unit shall revoke the approval for exploitation in the event of:

1) failure of obtaining the approval for execution of mining works within a certain deadline;

2) execution of mining works which are not in compliance with the approval for execution of mining works;

3) exploitation poses a threat to human lives, health and environment, and other measures stipulated in this Law and other regulations are not sufficient to prevent such threat;

4) exploitation poses a threat to any cultural goods, protected area thereof or area of cultural-historical, construction and architectural importance;

5) failure to submit to the Ministry, i.e. to the competent authority of the autonomous province or competent unit of self-government, the annual operational plan for the forthcoming calendar year and annual report on business activities for the previous calendar year timely and in accordance with this Law;

6) failure to pay for the fee for use of mineral resources and geothermal resources;

7) failure to perform re-cultivation in compliance with the soil re-cultivation design.

In the events referred to in paragraph 1 of this Article, the entity in charge of exploitation shall perform remediation of soil wherein the exploitation had been performed or to deposit funds for the purpose of addressing the issue of remediation of the same area, except in the event of permanent change of the purpose of facilities.

The ruling issued by the Ministry referred to in paragraph 1 of this Article shall be deemed final, and an administrative procedure can be initiated against it.

A complaint against the ruling referred to in paragraph 1 of this Article issued by a competent authority of the Autonomous province, i.e. by a competent authority of the self-government unit, shall be lodged to the Minister.

**Article 60**

1) The approval of exploitation shall cease to be valid:

1) upon request of the entity in charge of exploitation;
2) in the event of permanent suspension of exploitation of reserves of mineral raw materials or geothermal resources;
3) upon expiration of the deadline for the approval of use of reserves of mineral raw materials or geothermal resources, i.e. upon the change of purpose of the facility;

In the instances referred to in paragraph 1 of this Article, the entity in charge of exploitation shall perform remediation and re-cultivation of the terrain wherein exploitation had been carried out or deposit funds for the purpose of addressing the issue of remediation of the same area, except in the event of permanent change of purpose of the facilities.

The ruling on the revocation of the approval for exploitation in the event referred to in paragraph 1 of this Article shall be passed by the Ministry, i.e. competent authority of the autonomous province, i.e. competent authority of the self-government unit.

The ruling issued by the Ministry referred to in paragraph 1 of this Article shall be deemed final, and an administrative procedure can be initiated against it.

A complaint against the ruling referred to in paragraph 1 of this Article issued by a competent authority of the autonomous province, i.e. by a competent authority of the self-government unit, shall be lodged to the Minister.

**Article 61**

The entity in charge of exploitation can perform exploitation of other mineral raw materials and geothermal resources which are not included in the obtained approval in the same exploitation field, under the conditions and in the manner stipulated in this Law.

**4. Approval for manual extraction of precious metals**

**Article 62**

Extraction of precious metals and other minerals from river sediments can be approved also to a natural person, provided any quantity of the extracted metal is offered to the National Bank of Serbia at market prices.

The approval for manual extraction of precious metals and other minerals from river sediments performed by natural persons shall be issued by the Ministry in the form of a ruling.

The request for issuance of the approval referred to in paragraph 1 of this Article shall contain the name of the river or creek with its tributaries wherein sediments are intended for extraction, as well as an approximate quantity of metals that can be extracted on annual bases.

The approval for extraction of precious metals and other minerals shall contain:

1) information on the natural person to be issued the approval for extraction;
2) name of the river or creek with its tributaries wherein sediments are intended for extraction;
3) validity of the approval
4) obligation to submit a certificate, i.e. receipt for the performed service of melting, indicating the melted mass;
5) date of commencement of precious metals extraction.
The ruling issued by the Ministry referred to in paragraph 2 of this Article shall be deemed final, and an administrative procedure can be initiated against it.

**Article 63**

The Ministry shall report to the National Bank of Serbia on any issued approval for extraction of precious and other minerals from river sediments.

In the event the Ministry determines that the person to whom the approval has been issued, fails to perform extraction of precious metals for the period longer than six months or fails to offer the extracted quantities of the mentioned metals to the National Bank of Serbia within a specified deadline, the Ministry shall revoke the issued approval and inform the National Bank of Serbia whereof.

**VI INVESTMENT AND TECHNICAL DOCUMENTATION FOR EXECUTION OF MINING WORKS**

1. Types of investment and technical documentation

**Article 64**

The exploitation of the reserves of mineral raw materials and geothermal energy shall be performed in accordance with investment and technical documentation for execution of mining works.

The documentation referred to in paragraph 1 of this Article shall be drafted on the basis of the research results, i.e. resources and reserves study organized in accordance with regulations on classification of reserves and resources and other documentation which elaborate and analyze technical, technological and financial conditions for execution of works, occupational health and safety, fire protection, environmental protection, protection of cultural heritage and other protected property, water protection and other relevant conditions for evaluating technical, technological and economic justification of exploitation and execution of mining works.

The mining works performed in exploitation fields other than primary exploitation field shall be performed in accordance with the mining design for executing mining works in exploitation fields other than primary exploitation field.

**Article 65**

Investment and technical documentation under this Law shall encompass the following:

1) Feasibility study on the exploitation of mineral raw material deposits;
2) long-term exploitation plan;
3) mining designs.

The mining design under paragraph 1 point 3 of the Article shall encompass the following:

1) main mining design;
2) supplementary mining design;
3) technical mining design;
4) annual plan of operations;
5) mining design on research of solid mineral raw materials;
6) mining design on the execution of mining works in exploitation fields other than primary exploitation field.
7) simplified mining design.

Article 66
The Feasibility study of the exploitation of the mineral raw material deposits shall contain an overview of conditions and manners of exploitation, preparation of mineral raw materials, placement of mineral raw materials, working life and annual capacity, analysis of the impact on the environment and protection and rehabilitation measures, reclamation measures, mining waste management plan, impact of the mining activities on the community, technical and economic rate with cash flow with necessary funding and number of employees.

Article 67
A long-term exploitation plan shall be drafted for the period of no less than 10 years for an exploitation field for which there is a government Act, i.e. for exploitation of resources and reserves of mineral raw materials and geothermal resources which are of importance for the Republic of Serbia.

The long-term plan referred to in paragraph 1 of this Article shall represent a technical basis for spatial plans for special purposes.

Article 68
The mining works shall be executed in accordance with the main mining design, supplementary mining design, technical mining design, simplified mining design, mining design for executing mining works during geological research of solid mineral raw materials, mining design for on executing mining works executing mining works on exploitation fields other than primary exploitation field and annual plan of operations.

Article 69
The main mining design shall be drafted for: the construction of new underground mining structure; new surface mining structures; the construction of new collection points for the exploitation of oil and gas, the construction of the new systems for exploitation of geothermal resources; the construction of facilities for the preparation of mineral raw materials; opening and exploitation of the new mining deposits within the existing mines; restarting inactive mines; determining as-built state and continuing exploitation of the exploitation fields; permanent suspension of work and closure of mines; storage of hydrocarbons in liquid and gaseous state and other substances in the underground mining facilities and reconstruction of the system for the opening and preparation of mining structures aimed at the mining of mineral raw material deposits, as well as for the opening of new deposits in the existing mines.

The main mining design is the construction design that shall in particular contain the basic concept, technical design for constructing the main mining infrastructure, technical and technological units and stationary mining facilities, and also the plan for managing mining waste and techno-economic evaluation of the design.

Article 70
The supplementary mining design shall be drafted for derogations from the main mining design, in particular in the event of changing of the capacity of the mine, or the reconstruction or improvement of mining facilities and infrastructure and stationary mining facilities, the promotion of applicable or introducing the new methods of exploitation of mineral raw materials, the reconstruction of facilities for the preparation of mineral raw materials, conservation of the mine and the temporary suspension of mining operations.
The supplementary mining design shall be the construction design which contains the basic concept, technical design for constructing the main mining infrastructure, technical and technological units and stationary mining facilities, as well as the plan for managing mining waste and techno-economic evaluation of the design.

**Article 71**

Technical mining designs shall be drafted in accordance with the main and supplementary mining project, for the following technological operations: execution of mining works, excavation, transport and disposal of valuable mineral raw materials; excavation, transport and disposal of materials such as rock, transportation and disposal of floatation tailings; the protection of mining facilities from the flow of surface water and groundwater; establishing measures, requirements, management and control of mining waste, as well as procedures for technical and biological reclamation of land on which the exploitation is performed.

The technical mining designs referred to in paragraph 1 of this Article shall be drafted for the period of not longer than 5 years.

**Article 72**

A mining design for research of solid mineral raw materials shall be a design based on which mining works are performed within the approved design of geological researches in the research area or exploitation field (outside the area included in the main or supplemental mining design), with the purpose of sampling for laboratory and technological testing in situ or in industrial conditions, collecting of geo-mechanical parameters and other information on the geological structure and deposit conditions aimed at the determination of spatial parameters of mineral resources, as well as other researches for construction purposes. A mining design for research of mineral raw materials shall be an execution design that shall contain the following in particular: basic concept with dynamics of execution of mining works, technical solutions according to which mining works shall be performed, bill of quantities of works, occupational health and safety measurements, mining waste management plan, as well as measures for the remediation and re-cultivation of the area included in the works in the event of suspension of researches. Measures for maintenance of underground rooms, facilities and installations upon completion of research works shall be foreseen in the event of execution of research underground mining works based on the mentioned design.

A mining design for the execution of mining works outside the exploitation field shall be an execution design carried out independently or within a design for the purpose of construction of mining or construction facilities and it shall contain the following in particular: zoning-technical conditions, basic concept with the dynamics of execution of mining works, technical solutions according to which mining works are to be performed, bill of quantities of works, occupational health and safety measures, as well as measures of environmental protection.

A simplified mining design shall be drafted for:

1) any small-scale derogations from adopted technical solutions included in the technical mining design, where the execution of mining works in accordance with the simplified mining design can last up to one year;
2) construction of individual boreholes for oil, gas, ground waters, geothermal resources, works carried out within the mentioned, as well as above-round facilities and equipment for exploitation, preparation and transport of oil, gas, and ground water to the collection station;
3) technological exploration of mining waste.
Article 73

The entity in charge of exploitation shall draft an annual operational plan, as well as annual report on business activities for the previous calendar year.

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

The annual report on business activities referred to in paragraph 1 of this Article shall be drafted by the entity in charge of exploitation no later than 28 February of the current year and it shall be submitted to the competent authority which issued the approval for exploitation no later than 31 March of the current year.

In the event exploitation is performed in the territory of the autonomous province, the competent authority of the local self-government unit shall submit annual reports to the Ministry, i.e. to the competent authority of the autonomous province on the information from the reports referred to in paragraphs 2 and 3 of this Article.

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

The Minister shall prescribe the contents, form and manner of submission of the annual operational plan and annual report on business activities referred to in paragraph 1 of this Article.

Article 74

The Minister shall closely prescribe the contents of investment-technical documentation referred to in Article 65 of this Law, in accordance with the state-of-the-art achievements and mining practice.

2. Technical control

Article 75

Technical control shall be performed for the mining designs referred to in items 1) – 6), paragraph 2 Article 65 of this Law.

Technical control shall encompass the control of the design with regard to its harmonization with law and other regulations in the field of mining, application of state-of-the-art achievements and mining and scientific methods, as well as with regard to the harmonization with the existing regulations on occupational health and safety, security of people and buildings and environmental and protection of cultural goods and goods under previous protection.

Article 76

The report and confirmation of technical control of a mining design shall be issued by the commercial entity which performed the technical control and they shall be deemed integral part of the mining design.

Article 77

Technical control of mining designs cannot be performed, i.e. participated in by the following:
1) commercial entity which drafted the design and is in charge of exploitation;
2) person employed with the commercial entity and with the entity in charge of exploitation, which drafted the mining design or participated in the drafting thereof;
3) person employed with the Ministry, competent authority of the autonomous province or with the competent authority of the self-government unit.

3. Designs drafted abroad

**Article 78**

Mining designs drafted abroad shall be subject to technical control in compliance with this Law.

Technical control referred to in paragraph 1 of this Article shall encompass control with regard to implementation of measures and norms of occupational health and safety, environmental and protection from fire and explosions, security of buildings and people and underground, surface and adjacent buildings, as well as control with regard to the implementation of state-of-the-art achievements and methods of mining science and technology.

Technical control of mining designs drafted abroad shall be performed for the purpose of checking whether the regulations, measures and conditions corresponding to those of the Republic of Serbia have been applied for the execution of mining works designated for the execution of works which are subject of the mining design and compliance of measures and units of measurements applied in drafting of mining designs.

4. Approval for mining activities

**Article 79**

Mining activities as per the main and supplemental mining design shall be carried out based on the Decision on the Approval for mining activities, issued at the request of the exploiting entity.

The Approval referred to in paragraph 1 of this Article shall be issued by the Ministry, while exploitation of mineral deposits and geothermal resources carried out on the territory of the autonomous province shall be approved by the competent authority of the autonomous province.

In case of exploitation carried out based on the approval for exploitation issued in compliance with Article 56, paragraph 3 of this Law, the Approval for mining activities shall be issued by the competent authority of local self-government unit where exploitation takes place.

Competent authority responsible for approval issuance shall withdraw the Decision on the Approval for mining activities if the works not executed in compliance with the approved design documentation are continued, upon the expiry of deadline for repair of defects found by mining inspector, where the deadline for repair of the mentioned defects cannot be longer than 90 days.

The Decision referred to in paragraphs 1 and 4 of this Article, issued by the Ministry, shall be final and administrative procedure can be initiated against it.

Complaint against the Decision referred to in paragraphs 1 and 4 of this Article, issued by the competent authority of the autonomous province or competent authority of local self-government unit is lodged to the Minister.
Article 80

The Approval for mining activities referred to in Article 79 of this Law shall contain the following:

1) Sort and type of mining design, name and parts of the design;
2) Name of the material and sort of mineral deposits and geothermal resources, and name of the local self-government unit where mining activities will be carried out;
3) Obligations related to the obtainment of occupancy permit for the constructed mining facilities;
4) Obligations related to rehabilitation and recultivation of the area, mining waste management, contracting of people with proper qualifications for technical management, professional supervision and occupational health and safety, timely reporting to the competent authority and inspectorates about the ongoing mining activities.

Article 81

The application for the Approval for mining activities referred to in Article 79 of this Law shall be accompanied with the following:

1) Receipt on paid administrative fee;
2) Mining design;
3) Approval of the design by the entity in charge of exploitation;
4) Certificate issued by the authority that had adopted the act on requirements for land use planning, confirming that mining design was developed in accordance with the act;
5) Proof of the ownership or user right, i.e. easement for the areas or terrains included in mining activities design, except for exploitation of liquid and gaseous hydrocarbon reserves (oil and gas), and other natural gases, as well as for exploitation of geothermal resources, when the proof of the ownership or use right, or easement shall be submitted only for the land designated for construction of mining facilities, plants and equipment, and in case of exploitation of mineral resources and geothermal resources of importance for the Republic of Serbia, a specific Government act on the establishment of public interest for five-year exploitation period shall be submitted;
6) Certificates on resources and reserves of mineral reserves, or on geothermal reserves;
7) Approval of the authority responsible for environmental protection about the compliance of designs with environmental protection and improvement requirements, and of the authority responsible for protection of cultural heritage;
8) Water-related approval for designs, if mining activities affect water regime.

If other specific legal requirements have been prescribed for the activities referred to in paragraph 1 of this Article, the application shall be accompanied with evidence of compliance with such requirements.

Article 82

Mining activities conducted in compliance with the mining design referred to in Article 65, paragraph 2, point 5) of this Law shall be conducted on the basis of the approval issued based on the Decision issued by the authority that approved geological research, i.e. exploitation approval, as requested by the main researching entity, i.e. entity in charge of exploitation.

The application for the Approval shall be accompanied with the following:
1) Receipt on paid administrative fee;
2) Approval for research, i.e. approval for exploitation;
3) Mining design compliant with geological research design;
4) Approval of the design from the entity in charge of exploitation;
5) Approval of the owner, i.e. user, or proof of the ownership or use right, or easement for the land designated for mining activities that research of mineral deposits for the areas included in the design can be carried out.

If other specific legal requirements have been prescribed for the activities referred to in paragraph 1 of this Article, the application shall be accompanied with evidence of compliance with such requirements.

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

Complaint against the Decision referred to in paragraph 1 of this Article, issued by the competent authority of the autonomous province or competent authority of local self-government unit is lodged to the Minister.

**Article 83**

Mining activities compliant with the mining design referred to in Article 65, paragraph 2, point 6) of this Law shall be executed based on the approval issued on the basis of the Decision of the Ministry, i.e. competent authority of the autonomous province if the activities are conducted in the autonomous province, as requested by a company.

The application for the Approval referred to in paragraph 1 of this Article shall be accompanied by:

1) Receipt on paid administrative fee;
2) Mining design;
3) Investor's approval;
4) Certificate issued by the authority that had adopted the act on requirements for land use planning, confirming that mining design was developed in accordance with the act;
5) Approval of the owner, i.e. user, or proof of the ownership or use right, or easement for the land designated for mining activities outside the exploitation field for the areas included in the design;
6) Approval of the authority responsible for environmental protection about the compliance of designs with environmental protection and improvement requirements, and of the authority responsible for protection of cultural heritage;
7) Water-related approval for designs, if mining activities affect water regime

If other specific legal requirements have been prescribed for the activities referred to in paragraph 1 of this Article, the application shall be accompanied with evidence of compliance with such requirements.

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

Complaint against the Decision referred to in paragraph 1 of this Article, issued by the competent authority of the autonomous province is lodged to the Minister.
Article 84

Mining activities compliant with technical mining designs and simplified mining designs can be accessed based on the request submitted to the authority issuing the approval for research, approval for exploitation, or approval for mining activities, before the commencement of the activities.

The application referred to in paragraph 1 of this Article shall be accompanied by a copy of technical and simplified mining design.

The entity in charge of exploitation shall inform the mining inspector and the authority of local self-government unit where subject activities will take place about the commencement of the activities, not later than 15 days before the commencement of the activities.

5. Approval for use of mining facilities

Article 85

Mining facility constructed as per the main and supplemental mining design can be used upon the obtainment of the Approval for use of mining facility (hereinafter referred to as: occupancy permit), issued based on the Decision of the competent authority referred to in Article 79, paragraph 2 of this Law, as requested by the entity in charge of exploitation.

The occupancy permit can be issued for a mining facility presenting a technical-technological unit, and can be used independently as such.

If it has been prescribed by a specific law that it shall be necessary to obtain approval or permit from other authorities or organizations prior to the issuance of the occupancy permit, the application referred to in paragraph 1 of this Article shall be accompanied by such approval or permit.

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

Complaint against the Decision referred to in paragraph 1 of this Article, issued by the competent authority of the autonomous province or the local self-government unit, is lodged to the Minister.

Article 86

The facilities constructed based on the mining design for execution of mining activities outside the exploitation field referred to in Article 72, paragraph 2 of this Law can be used once the occupancy permit has been issued by the competent authority in compliance with law.

Article 87

The occupancy permit shall be issued if the following has been established:

1) Mining facility or part thereof has been constructed in compliance with the mining design based on which the Approval for mining activities was issued, in compliance with regulations application of which is obligatory in the construction of mining facilities;
2) Prescribed requirements in terms of occupational health and safety, water protection, fire protection, environmental protection and other prescribed requirements for the construction and use of such type of facilities have been fulfilled.

**Article 88**

The fulfillment of requirements referred to in Article 87 of this Law shall be established through technical check of the facility.

The technical check of mining facility shall, in compliance with the mining facility purpose, include technical check of mining, mechanical and construction works, electric installations (devices and installations), fire protection installations and environmental protection installations, as well as technical check of mining equipment and installations.

The Minister shall closely prescribe the requirements and manner of technical check.

**Article 89**

Competent authority which issued the Approval for exploitation and Approval for mining activities shall entrust the technical check of mining facilities to a company employing licensed persons competent for technical checking of mining facilities.

Technical check of mining facilities cannot be done or participated by companies or persons that developed or participated in the development of mining design for the facility, and companies that performed technical control of the design, as well as persons employed by the Ministry, competent authority of autonomous province or local self-government authority. The costs for technical check shall be borne by the entity in charge of exploitation.

**Article 90**

If it is necessary to perform previous checks of installations, devices and equipment, as well as of the stability and safety of the facility and other tests, or when stipulated so in the mining design, in order to establish occupational suitability of a mining facility, trial start-up of the facility can be approved.

The Decision on the Approval for trial star-up of the facility shall be issued by competent authority that had issued the Approval for exploitation.

The Approval referred to in paragraph 2 of this Article shall establish the beginning and duration of trial operation.

Before the trial operation has started, the entity in charge of exploitation shall inform competent mining inspector about the commencement of trial operation and shall form a professional commission which will monitor the results of such operation.

Upon the finalization of trial operation, the entity in charge of exploitation shall request technical check of the facility and shall present the documentation about the results of trial operation.

The Decision referred to in paragraph 2 of this Article issued by the Ministry shall be final and administrative procedure can be initiated against it.

Complaint against the Decision referred to in paragraph 2 of this Article, issued by the competent authority of the autonomous province or the local self-government unit, is lodged to the Minister.
6. Mining measurements and mining plans

Article 91

The company shall organize mining measurements and based on the performed measurements shall design plans i.e. maps, which shall enable establishment of the status of mining activities, their mutual position, and position of mining activities with respect to previously conducted mining activities, other facilities and surface waters and environment.

Within the activities of mining measurement, the company shall develop proper graphic documentation, containing data about changes in the field surfaces, and on the status of mining facilities in exploitation field.

Article 92

The layout of the exploitation field and all mining measurements and graphic layout of the mining activities shall be connected with points of the state trigonometric network.

All the performed mining measurements shall be recorded in the measurement books maintained by the company.

The measurement books shall be verified in the manner determined by regulations on verification of business books.

Article 93

The Minister shall closely prescribe the manner of mining measurement performance, manner of the original plans and maps maintenance, development of mining plans and their proportions, as referred to in Article 91 of this Law, as well as maintenance of measurement books with the internal list of mine property referred to in Article 92 of this Law.

7. Mining measurements in underground and open exploitation

Article 94

In the course of mining activities, the company shall provide for the following:

1) The layout – map of exploitation field in proper standard proportion;
2) Geological map of exploitation field and its surroundings in proper standard proportion with characteristic geological profiles;
3) Hydrological and tectonic plans, as well as plans with marked positions for the release of water of proper qualities into recipients for mining facilities with high inflow of water and complex tectonics;
4) Updated layout for mining activities in open pits, i.e., plan of mining activities in underground exploitation and excavation of mineral deposits, mining facilities on exploitation field, disposal sites, tailing pond, status of useful mineral deposits depot or depot for commercial products, transport communications and other facilities;
5) For mines with underground exploitation:
   (1) land settlement monitoring plan,
   (2) excavations plans and plans for levels at which researches are done for all underground mining activities,
   (3) ventilation plan for underground mining facilities and pits,
   (4) plans for protection and rescuing in case of sudden dangers for human health and safety of the facilities;
6) energy grid plans (electric grid, compressed air, etc.) and water supply network.
Article 95

Copies of plans referred to in Article 94 of this Law shall be presented to the mining inspector by the company, without any delay.

The plans referred to in Article 94, points 4) and 5) of this Law shall be updated monthly according to the schedule of mining activities, while plans referred to in Article 94, points 1), 2), 3) and 6) of this Law shall be updated according to changes.

If underground activities are carried out closely to previously executed works or abandoned parts of pits, updating of plans shall be done according to the use and in shorter intervals.

All the details from earlier mining plans, such as earlier pits, works and faults, altitudes and other details shall be transferred to new mining plans.

8. Mining measurements in exploitation of liquid and gaseous mineral deposits

Article 96

The companies performing the exploitation of oil and gas, or other natural gases, as well as geothermal resources, shall provide for the following:

1) the layout of exploitation field, noting all the research and exploitation drillings and other devices;
2) geological map of exploitation field and its surroundings, with characteristic geological profiles;
3) technological exploitation scheme and mining facilities scheme in oil-gas field;
4) structural map with the deposit contours;
5) data and reports about drilling, logging measurements, piping, perforation, achievement and measurement of dynamic and static pressures, quantities of generated fluids, gas factor and all other physical-chemical analyses of the collectors and fluids.

The copies of plans referred to in paragraph 1 of this Article shall be presented to the mining inspector by the company, without delay.

9. Qualification for certain exploitation activities

Article 97

Technical management and professional supervision, development and technical control of mining designs, control of occupational health and safety, environmental control, independent mining measurements and development of mining plans, mining waste management, independent handling with explosives and other professional activities related to exploitation of mineral deposits, can be carried out only by properly qualified persons with working experience, who therefore fulfill prescribed requirements and are authorized to carry out such activities.

Article 98

Technical management can be performed only by a person with university degree (diploma academic studies – master, specialist academic studies, or specialist vocational studies) in mining area, with three years of working experience in proper positions, holding the authorization for performance of such activities and proper license.
**Article 99**

Professional supervision in exploitation of mineral deposits can be performed only by a person with university degree (diploma academic studies – master, specialist academic studies, or specialist vocational studies) in mining area, with three years of working experience in proper positions, holding the authorization for performance of such activities and proper license.

**Article 100**

Development of mining designs can be done only by a person with university degree (diploma academic studies – master, specialist academic studies, or specialist vocational studies) in mining area, with three years of working experience in the development of mining designs or in the activities of technical management, supervision and other professional activities for which the design is being developer, holding the authorization for performance of such activities and proper license.

Development of certain parts of mining designs can be performed by persons with university degree (diploma academic studies – master, specialist academic studies, or specialist vocational studies) in respective areas, holding the authorization for performance of such activities.

**Article 101**

Technical control of mining designs can be managed only by a person with university degree (diploma academic studies – master, specialist academic studies, or specialist vocational studies) in mining area, with three years of working experience in the development of mining designs or in the activities of technical management, supervision and other professional activities in mining facilities for which the design is being developer, holding the authorization for performance of such activities and proper license.

Technical control of mining designs can be performed only by persons fulfilling the prescribed requirements for the development of mining designs.

**Article 102**

Activities related to occupational health and safety can be managed by a person with university degree (diploma academic studies – master, specialist academic studies, or specialist vocational studies) in mining area, with three years of working experience in respective positions, holding the authorization for performance of such activities and proper license.

**Article 103**

Authorization for the activities of technical management, professional supervision, designing, and other professional activities referred to in this Law, shall be obtained upon the taken professional exam.

The professional exam, referred to in paragraph 1 of this Article, shall be taken before the commission established by the Minister responsible for mining, i.e. competent authority of autonomous province for candidates from the autonomous province.

The activities referred to in paragraphs 1 and 2 of this Article shall be performed as entrusted activities.
The Minister shall closely prescribe the requirements, programme and manner of taking the professional exam referred to in paragraph 1 of this Article.

VII LICENCES FOR CERTAIN ACTIVITIES WITHIN GEOLOGICAL RESEARCHES AND EXPLOITATION

Article 104

Licenses for natural entities issued in relation to matters of conducting exploitation and geological researches of mineral raw materials, in accordance to this Law shall be the following:

1) license for designing and technical control of geological researches projects;
2) license for management and conducting of geological researches and expert monitoring of geological research;
3) license for development of a study on resources and reserves of mineral raw materials, underground waters and geothermal resources;
4) license for performance of competent person's duty;
5) license for performance of mining activities and for expert monitoring over mining activities;
6) license for projecting and technical control of mining projects;
7) license for control and safety and health monitoring during geological researches and exploitation;
8) license for mining measuring and creation of mining plans;
9) license for technical checks of mining facilities;
10) license for projecting and conducting mines setting;
11) license for management and monitoring over mining waste;
12) license for management and monitoring over rehabilitation and re-cultivation of soil, abandoned or disused mines.

Article 105

Licenses referred to in Article 104 of this Law can be obtained by natural entities having:

1) authorization to perform tasks in accordance to provisions of this Law;
2) adequate education qualifications;
3) three years of working experience in proper profession, except in the case of license of a competent person for which it is needed person to have five years of working experience in proper profession.

Article 106

Licenses referred to in Article 104 of this Law shall be issued by the decision adopted by the Ministry.

Licenses issuance shall be performed with expert assistance of a working group formed by the Minister.

Act on formation of the working group referred to in paragraph 2 of this Article determines tasks, obligations and compensation for the work of its members.

The Minister shall closely stipulate the conditions for and methods of license issuance, license withdrawal, content and form of licenses referred to in Articles 104 and 105 of this Law.
The applicant shall pay republic administrative tax for license issuance.

The issued license shall be withdrawn by the decision of the Minister, if on the basis of submitted data it is verified that authorized person performs tasks for which license was issued in negligent and unprofessional manner.

The decision referred to in paragraphs 1 and 6 of this Article shall be final and administrative proceedings can be initiated against it.

The Ministry shall maintain the registry of all issued licenses. All interested subjects have the right to insight the registry.

VIII PROTECTION MEASURES

Article 107

For protection of lives and health of its employees, legal entity shall be obliged to:

1) regulate safety and health of employees at work in accordance to specifics and dangers which can appear;
2) organize working safety and health related tasks performance in accordance to this Law and regulations on safety and health at work;
3) provide personal protective means and personal protective equipment to employees;
4) secure protection from fire, breakdown, accidents and chemical and other incidents and to organize rescue service;
5) organize training of employees from the area of safety and health at work and rescue actions, in cases of sudden dangers to life and health of people and security of facilities by determined plan and programme, during the whole year and to conduct knowledge test once a year.

Article 108

For protection of water and environment, legal entity shall be obliged to:

1) plan measures by which it prevents endangering of water and environment regimes, i.e. measures of re-cultivation and rehabilitation and to secure execution of prescribed measures;
2) maintain data log on types and amounts of danger and hazardous materials used in performance of its activities, i.e. keep data logs on types and amounts of dangerous, harmful and waste materials it releases or disposes into environment;
3) implement measures and conditions for prevention of waters and environment regimes endangering contained in analysis of activity performance impact to environment and water regime in accordance to a special law.

Article 109

Measures of water and environment protection shall provide for:

1) direct control of implementation of prescribed waters and environment protection measures;
2) creation of protection plans from breakdown, accidents and other incidents;
3) monitoring of activity performance impact to water regime and to environment;
4) give proposals to undertake protection measures and improve environment and water regime in accordance to special law.
Article 110

The Director of a legal entity which is the carrier of exploitation shall be responsible for organization, implementation and improvement of safety and health at work matters and protection of waters and environment and for implementation and improvement of safety and health at work measures and measures of waters and environment protection, as well persons with special authorizations established by the act on organization and systematization of working positions subject legal entity.

Article 111

The exploiting entity, compliant with the specifics of technical-technological process, shall organize rescue actions and tasks of protection from fire, breakdown, accidents and other incidents.

Rescue and fire protection tasks shall be performed by employees who are trained for that in accordance to this and other special regulations.

Article 112

The exploiting entity shall be obliged to maintain the log of mining monitoring where orders of a mining inspector issued on-site in the case of imminent danger to life and health of employees and bigger material damage are inscribed.

Orders of the Director and other persons with special authorizations related to occupational health and safety, also issued on-site, shall be registered in the log referred to in paragraph 1 of this Article.

The mining monitoring log shall be maintained for each narrow underground and open pit, drillers and servicing plant, exploitation field during production of oil and gas, as well for facilities for preparation of mineral raw materials.

Article 113

It shall be forbidden to bring easy inflammable materials, smoking kit or other means that can cause fire, inflammation or explosion in underground mining areas and other mining facilities where methane and other inflammable gases or dangerous coal dust appear and in zones of danger from explosion, in facilities which are in oil and gas fields; this must be marked with warning signs in visible positions.

Welding devices can be brought in and used in underground mining areas, as well in other mining facilities, only under conditions and manners established by special regulations.

Employee handling storage, warehousing or managing transportation and transfer of explosive devices or setting mines, as well other persons on any grounds coming to warehouse premises or assist transportation of explosive means and mines setting, have to stick to prescribed measures of safety and health at work, environment protection and measures of fire protection.

Responsible persons and other employees involved in technological process and performing professional tasks related to occupational health and safety shall be obliged to implement and control implementation of measures of protection at work and fire protection measures related to protection from danger of methane explosion, other gases or coal dust or from aggressive mineral dust, ionizing radiation, silicosis, waters intrusion or fire.
Article 114

Stay of employees in underground mining areas after working hours shall be allowed only for the purpose of technical-technological process approved by technical manager of the mining object.

Article 115

Employees and responsible persons shall be obliged to work with full attention to the end of their safety and health and lives and health of other employees, protection of mining facilities, working means and other material goods and to comply with established measures of safety and health at work.

Employees and responsible persons not complying with the established measures of occupational health and safety, fire protection and other measures established by this Law are seriously infringing their working obligation.

Article 116

Each employee shall be obliged with no further delay to inform responsible person about each danger occurring in the course of mining activities and particularly about occurrence of explosive, suffocating and poisonous gases, about water intrusion, land sliding or other appearances which could endanger safety of employees, material goods and property and lives and health of people.

Responsible person shall be obliged in the case referred to in paragraph 1 of this Article to undertake necessary measures to prevent more severe consequences against safety of employees and property, and to inform mining inspector about that, as well as law enforcement authority and other competent inspectorate with no further delay.

Article 117

The exploiting entity shall be obliged to maintain the registry of occurrences of danger in the course of mining activities which shall particularly contain: data about the type of occurrence; period of its duration, cause of the occurrence and damage caused by such danger, as well data on established responsibility for it.

The exploiting entity shall be obliged with no further delay to inform mining inspector and law enforcement authority about each death casualty, group injury and severe injury at work, and in the case of breakdowns, accidents and other incidents to inform competent inspection.

Article 118

Legal entities shall be obliged in the case of casualty or incident to provide immediate mutual assistance, except in the case when providing such assistance is not possible due to the danger to personal safety.

Article 119

In the case of danger for the exploiting entity, owners and users of the land shall be obliged to allow performance of necessary activities on their land so as to eliminate danger.

In the case referred to in paragraph 1 of this Article, the exploiting entity shall be obliged to compensate inflicted damage.
Article 120

The Minister shall prescribe special measures and manners of control over implementation of fire and explosion protection measures in mining facilities for underground exploitation. In other mining facilities valid regulations from the field of fire and explosion protection shall apply.

The Minister shall prescribe special measures and manners of control over safety and health during the activities within geological researches and exploitation of mineral deposits.

Regarding the measures of occupational health and safety, environmental protection, fire and explosion protection and other measures related to mining activities not stipulated by this Law, special regulations stipulating these measures of protection shall be applicable.

IX OTHER EXPLOITATION-RELATED PROVISIONS

1. Management of mining waste

Article 121

Disposal and management of waste shall be performed on the basis of permit for waste management issued in accordance with the waste management plan and other accompanying documentation defining the category, management and reporting on mining waste.

The Government shall determine requirements, criteria, procedure and methods of disposal, management and categorization of mining waste, as well as for reporting on mining waste.

Article 122

Waste generated in the course of research, exploitation and preparation of mineral materials which is not directly linked to the mentioned activities (waste oils, food, deteriorated vehicles and used batteries and accumulators), or waste generated from extraction industry which can be radioactive, shall not belong to mining waste.

2. Abandoned mines

Article 123

Abandoned mines and mining facilities shall be the facilities formed till the day when this Law entered into force, due to irregular termination of mining activities and abandonment of mining facilities, with no applied technical and technological procedures of rehabilitation and re-cultivation.

The Government shall determine requirements, criteria, programming, procedure and methods of rehabilitation and re-cultivation of abandoned mines and mining facilities for which the exploiting entity is not known or no longer exists, which represent ecological heritage.

Means needed to fulfill rehabilitation and re-cultivation of the abandoned mines and mining facilities shall be provided from the budget of the Republic of Serbia and used through the Environmental Protection Fund in accordance with the law and working programme of the Fund.
Article 124

The Ministry shall maintain separate log of documents on abandoned mines and mining facilities, as well registry of rehabilitated and re-cultivated mines and mining facilities referred to in Article 123 of this Law.

Article 125

Rehabilitation and re-cultivation procedures for abandoned mines and mining facilities shall be conducted on the basis of:

1) study of the existing situation, mining activities and facilities, as well state of resources and reserves of mineral raw materials and other geological resources;
2) design of engineering-geological and mining researches for the purpose of identification of technical-technological grounds for development of rehabilitation and re-cultivation project;
3) design for rehabilitation and re-cultivation of abandoned mines and mining facilities;
4) as-built design after the finalized rehabilitation of abandoned mines and mining facilities.

The Minister shall prescribe the content of the designs referred to in paragraph 1 of this Article, in accordance with modern scientific achievements and rules of mining and other professions.

3. Temporary stoppage of mining activities

Article 126

If the activities in underground and open pits and their parts or in oil and gas fields, as well the activities in geothermal boreholes shall be temporarily stopped due to unforeseen circumstances (gases or water intrusion, problems related to rock bursts, pit fires, disruption in the main ventilation flows, passing routes, water drains and transportation routes, terrain sliding, eruption, changes of water regimes, etc.), or due to force majeure; the exploiting entity shall inform the mining inspector about the reasons for the activities stoppage within 24 hours from the activities stoppage.

The exploiting entity shall be obliged to inform the mining inspector about the activities stoppage planned in advance within 15 days before the activities stoppage.

Before the planned activities stoppage referred to in paragraph 2 of this Article which will last longer than 30 days, the exploiting entity shall be obliged to conduct necessary measurements, supplement to the mining designs and plans, and shall make a report on the reasons for the activities stoppage with indication of dangers that can appear during reopening of a pit or its part, i.e. reopening of production in oil or gas field.

During the period of temporary stoppage of the activities, the main pit and facilities in oil and gas fields have to be maintained in the state to be passable with no danger.

In the case of temporary stoppage lasting longer than two years, provisions referred to in Article 127 of this Law shall apply.
4. Permanent activities stoppage

Article 127

If for any reason complete and permanent exploitation stoppage should happen in the pits or certain areas or parts of the pits, open pits or in the fields for exploitation of oil and gas, the exploiting entity shall be obliged to inform the authority issuing approval for exploitation, i.e. approval for mining activities within 30 days before the activities stoppage.

In the case referred to in paragraph 1 of this Article, authority issuing the exploitation approval, i.e. approval for mining activities, shall establish a commission to examine on-site reasons for the activities stoppage and consequences of it.

If the commission referred to in paragraph 2 of this Article has established that the activities stoppage did not happen due to force majeure or fault of others, but harmful consequences were caused, the authority issuing the approval for exploitation, i.e. mining activities shall suggest to the competent authority to initiate procedure to establish responsibility for damage caused by this stoppage.

If the commission referred to in paragraph 2 of this Article has established that after the stoppage significant amount of mineral reserves are left, it can suggest development of additional mining design for mine conservation.

Article 128

In the case of permanent activities stoppage, the exploiting entity shall be obliged to undertake all protection measures of the mining facilities and soil in which the activities were conducted, and protective measures and rehabilitation of environment in order to protect lives and health of people and property, all compliant with the main mining design for permanent activities stoppage.

The exploiting entity shall be obliged to hand over for maintenance: mining designs, plans and prints, measurement books and other documentation about the state of mining activities and state of resources and reserves of mineral raw materials at the time of the activities stoppage to the authority issuing the approval for exploitation, i.e. mining activities.

Documentation referred to in paragraph 2 of this Article shall be available to any legal entity interested in renewal of the activities in abandoned exploitation field.

Exploitation approval is to be obtained for renewal of the activities referred to in paragraph 3 of this Article, in accordance with the provisions of this Law.

5. Planned permanent activities stoppage

Article 129

Public company conducting exploitation shall develop a programme of mine closing in advance, in the case of planned permanent stoppage of mining activities (hereinafter: the Programme).

The Programme shall contain particularly the following measures for:

1) development of the activities plan for mine closure;
2) rehabilitation of abandoned mining facilities and options of abandoned mining facilities use;
3) rehabilitation and re-cultivation of the soil where exploitation was conducted;
4) solution of environment protection problems caused by mine closure;
5) need to solve problems of local communities caused by stoppage of mining activities in the area of mine to be closed;
6) making programme to solve problem of redundant employees, in accordance with the law;
7) determination of amount of funds needed for implementation of mine closure plan.

The Government approves the Programme.

The funds needed for the implementation of the Programme shall be provided from the budget of the Republic of Serbia and other sources in accordance with the law.

Monitoring over the implementation of the Programme shall be done by the Ministry.

6. Rehabilitation and re-cultivation

Article 130

The exploiting entity shall be obliged to re-cultivate the soil in compliance with the design for soil re-cultivation developed according to special regulations, i.e. to undertake measures of soil protection where the activities have been performed and rehabilitation of environment and waters for safety and health of people and security of property within a year after the day of the activities completion on surfaces where mining activities were performed.

The authority issuing the approval for exploitation, i.e. approval for mining activities and the ministry in charge of agriculture and water management issues, i.e. issues of environment protection shall be informed about the measures referred to in paragraph 1 of this Article.

If liquidation or bankruptcy procedure is opened against the exploiting entity, priority for payment from the insolvency or liquidation funds shall be given to compensation of costs for rehabilitation and re-cultivation of soil where exploitation has been conducted.

The Minister shall prescribe the procedure, requirements and method for rehabilitation and re-cultivation referred to in paragraph 1 of this Article in cooperation with the ministry in charge of soil re-cultivation issues.

7. Strike

Article 131

The right to strike in the legal entity exploiting raw materials shall be fulfilled under the condition to provide safety of facilities, devices and installations, safety and health of people during the strike.

Article 132

In order to ensure fulfillment of the requirements referred to in Article 131 of this Law during the strike, the exploiting entity shall perform the following:
1) draining, ventilation, keeping the routes passable in the facility and maintenance of devices, equipment and installations;
2) completion of initiated activities to secure, isolate and transport the excavations disposal of which can endanger safety and health of employees and safety of mining facilities, plants and devices.

It shall be forbidden to organize and conduct strike in pit facilities or other facilities and premises where there is potential danger to lives and health of people.

General act of the legal entity shall determine working positions within which the activities referred to in paragraph 1 of this Article shall be performed, and performance of which is necessary to provide conditions referred to in Article 131 of this Law, as well facilities, i.e. premises referred to in paragraph 2 of this Article.

**Article 133**

In the case of infringement of provision on strike determined by this Law which can, as a consequence, cause imminent danger or extremely severe consequences to safety and health of people or their safety and safety of property, or other harmful irrecoverable consequences, the Ministry shall undertake measures necessary to prevent such consequences, as follows:

1) introduction of working obligation;
2) deployment of employees from other technical-technological systems and other workers - individuals;
3) initiation of the procedure to determine accountability of the Director and members of management organ.

**X FEES FOR GEOLOGICAL RESEARCHES AND USAGE OF MINERAL DEPOSITS AND GEOTHERMAL RESOURCES**

**Article 134**

A fee in the value of 5% of the real value of conducted researches in certain research area shall be paid for use of data and documentation of basic and applied geological researches financed from the budget of the Republic of Serbia.

The funds gained in accordance with the paragraph 1 of this Article shall be the revenue of the budget of the Republic of Serbia.

The amount of the fee referred to in paragraph 1 of this Article and payment method shall be established through a special act adopted by the minister in charge of environmental protection.

Exceptionally from paragraph 1 of this Article, data and documentation of applied geologic researches which became state property on the basis of concession contracts shall be obtained, used and disposed of in accordance with regulations stipulating the use of state property.

**Article 135**

The researching entity shall pay a fee for applied geological researches of mineral and other geologic resources in accordance with this Law.
The amount of the fee for applied geological researches shall be determined depending on the type of mineral and other geological resources, degree up to which terrain is researched, assessed ore potential of research area, etc. The amount of the fee shall be determined in counter value in RSD, and up to 10,000 RSD maximum per square kilometer of research area.

The amount of the fee referred to in paragraph 1 of this Article and method of payment shall be determined by the Government act each year, latest till December 31st for following calendar year.

The funds gained from the fees referred to in Article 134 paragraph 1 and paragraph 1 of this Article shall be the revenue of the budget of the Republic of Serbia.

**Article 136**

The exploiting entity approved to perform mining activities shall pay a fee for the use of mineral deposits and geothermal resources in accordance with this Law.

The fee referred to in paragraph 1 of this Article shall be determined according to following grounds:

<table>
<thead>
<tr>
<th>Grounds</th>
<th>Fee Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) for all types of coal and oil shale</td>
<td>3% of income;</td>
</tr>
<tr>
<td>2) for hydrocarbons in liquid and gas condition (oil and gas)</td>
<td>7% of income;</td>
</tr>
<tr>
<td>and other natural gases</td>
<td></td>
</tr>
<tr>
<td>3) for radioactive raw materials</td>
<td>2% of income;</td>
</tr>
<tr>
<td>4) for all metallic raw materials</td>
<td>5% of smelting plant net income;</td>
</tr>
<tr>
<td>5) technogenic raw materials resulting from exploitation and</td>
<td>1% of income;</td>
</tr>
<tr>
<td>refining of mineral raw materials</td>
<td></td>
</tr>
<tr>
<td>6) for non-metallic raw materials</td>
<td>5% of income;</td>
</tr>
<tr>
<td>7) for all types of salts and salty solutions</td>
<td>1% of income;</td>
</tr>
<tr>
<td>8) for ground waters from which useful mineral raw</td>
<td>3% of income;</td>
</tr>
<tr>
<td>materials are obtained, as well ground waters linked to mining</td>
<td></td>
</tr>
<tr>
<td>technology and gases appearing in them</td>
<td></td>
</tr>
<tr>
<td>9) and for geothermal energy</td>
<td>2% of income.</td>
</tr>
</tbody>
</table>

The revenue referred to in paragraph 2 of this Article shall be the amount gained by the exploiting entity from used or natural mineral raw materials, determined on the basis of income gained from sale of non-refined mineral raw material, or income gained from the sale of technologically refined mineral raw material.

Net revenue from smelting plant referred to in paragraph 2 point 4) of this Article shall be the income from sale of end product reduced by expenditures of smelting, refining, transport, reload, securing and sale. Net income from the smelting cannot be reduced on the basis of depreciation, expenditures of capital or tax allowances.

For non-metallic raw materials used in production of construction material (marl, limestone, clay, sand, gravel, technical and architecture construction rock, etc.), the fee referred to in paragraph 1 of this Article shall be determined in RSD counter value defined by a ton of excavated mineral raw material.

The amount of the fee referred to in paragraph 5 of this Article shall be determined by the Government in the last quarter of current year for following year, according to the type of the raw material.
The fee shall be paid for all components of the raw materials used or sold, and shall not be paid for samples of mineral raw materials used for technical-technological examinations in industrial conditions.

Forced payment and control of calculation and payment of the fee for use of mineral raw materials and geothermal resources shall be done by competent tax authority. Regarding the forced payment, control, interest and obsolete fees for use of raw materials, provisions regulating tax procedure shall accordingly apply.

Payment methods for the fee referred to in paragraph 1 of this Article shall be in details regulated by the Government in the last quarter of current year for following calendar year.

**Article 137**

The funds gained in accordance with Article 136 of this Law from the fees for use of mineral raw materials and geothermal resources shall be the revenue of the budget of the Republic of Serbia in the value of 40%, the revenue of the budget of local self-government unit in the territory of which exploitation is being conducted in the value of 40%, and of the Ministry in the value of 20%.

The funds collected as the Ministry own revenues referred to in paragraph 1 of this Article shall be used in accordance with the annual programme for the incentives for mining development and prevention and removal of harmful consequences caused by mineral raw materials exploitation, which is adopted in accordance to the Strategy, as well plan and programme of Strategy implementation.

The annual programme referred to in paragraph 2 of this Article shall determine the use of the collected funds, types and scopes of the activities, terms and methods of use of the funds earmarked for the programme implementation.

The Government shall adopt the annual plan referred to in paragraph 2 of this Article, at the proposal of the Ministry.

The funds gained from the fees for the use of mineral raw materials and geothermal resources which make part of the respective local self-government unit’s own revenues shall be used on the basis of special programme of measures adopted by the authority of local self-government unit competent for improvement of living conditions in the local community, and particularly for building of infrastructure and other facilities in order to improve living conditions, and the Ministry shall give its consent to it, i.e. competent authority of autonomous province.

When exploitation is conducted in the territory of autonomous province, the funds gained in accordance with Article 136 of this Law from the fees for use of mineral raw materials and geothermal resources shall be revenue of the budget of the Republic of Serbia in the value of 40%, revenue of the budget of the local administration unit in the territory of which exploitation is being conducted in the value of 40%, revenue of the budget of autonomous province in the value of 10%, and revenue of the Ministry in the value of 10%.

**XI LAND REGISTRY AND INFORMATION SYSTEM IN THE AREA OF GEOLOGICAL RESERAHES AND MINING**

**Article 138**

In order to provide for more efficient collection, processing, monitoring and registry of data necessary for implementation of minerals policy and the Strategy, in order to provide safe,
reliable and good quality supply of the market of mineral raw materials, as well perform other activities in the area of geological research and mining, the Ministry shall maintain:

1) land registry of research and exploitation fields;
2) land registry of deposits and mineral raw materials and geothermal resources balance;
3) land registry of mining waste fields;
4) land registry of abandoned mines and mining facilities;
5) land registry of active and rehabilitated mining facilities;
6) register of documents;
7) central information system for geology and mining.

All interested subjects shall have the right of insight into land registries referred to in paragraph 1 points 1) - 5) of this Article, register of documents and central information system for geology and mining.

The Minister and minister in charge of environmental protection shall closely prescribe the maintenance methods and contents of land registries referred to in paragraph 1 points 1) - 5) of this Article, register of documents and methods of data management and exchange, methods of maintenance, use and the amount of fee for use of data from central information system for geology and mining (hereinafter: information system).

**Article 139**

Land registry of research and exploitation fields and land registry of active and rehabilitated mining facilities shall be maintained by the competent authority which issued research and exploitation approvals.

Data about the exploiting entity, research area, subject of geological research, results of research as well ordered measures by geological and mining inspectors shall be entered in the land registry of approved research areas.

All data from the approval for exploitation in certain exploitation area, defined exploitation limitation, data about mining facilities and schedule of mining activities in the exploitation field, made changes related to user of the exploitation field, data about the activities stoppage, as well ordered measures by geological and mining inspectors shall be entered in the land registry of exploitation fields.

Data about the position and status of mines and facilities shall be entered in the land registry of active and rehabilitated mining facilities.

Competent authority of autonomous province and competent authority of local self-government unit shall be obliged to submit to the Ministry data about the researching entity, research area and subject of the approved and conducted geological research and all the data related to exploitation activities.

**Article 140**

The land registry of deposits and balance of mineral raw materials and geothermal resources shall be kept by the Ministry and ministry in charge of environmental issues, i.e. competent authority of autonomous province.

Data about spatial planning, location and name of the deposit, data about the type, amount and quality of mineral raw material, data about the researching entity and/or exploitation entity, data about issued certifications on reserves for given deposit and changes related to
the balance, as well other data related to the mineral raw materials balance shall be entered in the land registry of deposits and balances referred to in paragraph 1 of this Article.

**Article 141**

The land registry of mining waste and land registry of abandoned mines and mining facilities shall be kept by the Ministry, i.e. competent authority of autonomous province.

Data about borders of mining waste field; data about the researching and/or exploitation entity, i.e. legal entity generating mining waste; data about the legal entity which is the operator of mining waste, data about the characterization and categorization of all disposals of mining waste in the mining waste field, as well other data related to management of mining waste shall be entered in the land registry of mining waste field.

Data about the position and status of these mines and mining facilities as well implemented rehabilitation and re-cultivation measures shall be entered in the land registry of abandoned mines and mining facilities.

**Article 142**

The Ministry, i.e. competent authority of autonomous province or local self-government unit shall maintain the registry of documents and registry of legal entities approved to conduct geological research and exploitation.

The registry of documents shall contain the approvals for geological research, approvals for exploitation, performance of mining activities and permit of use, as well other data related to geological research and exploitation of mineral raw materials.

**Article 143**

Information system shall be maintained, used and kept by the Ministry and it shall make part of a unified information system of the Republic of Serbia. Competent authority of autonomous province and competent authority of local self-government unit shall use the information system. Integrated part of the information system shall also be geological information system which represents basis to overview geological resources of the Republic of Serbia.

The information system shall provide for the formation, classification, maintenance, presentation and distribution of numeric, descriptive and spatial databases on: geological resources and reserves; infrastructure of mines; archive documentation and approvals, permits and certifications; land registry of research and exploitation fields; land registry of deposits and balance of mineral raw materials; land registry of mining activities and facilities; land registry of mining waste and abandoned, rehabilitated and closed mines; register of documents; financial obligations regarding the fee paid by the researching and exploitation entity; performed monitoring and ordered measures by inspection service; production and consumption of mineral raw materials and other information of significance.

Competent authority of autonomous province and competent authority of local self-government unit shall submit to the Ministry data needed to maintain the information system in compliance with the paragraph 2 of this Article.

Data from the information system shall be public, i.e. available for use in accordance with this Law, except for data representing state, military, service or business secret.
Article 144

The information system shall facilitate information exchange, via GIS portal or web pages, directly or with other information systems and harmonization of all relevant information at local, national and international levels.

Issues related to the development and maintenance of the information system shall be financed from the budget of the Republic of Serbia or other sources in accordance with this Law.

A fee shall be paid for use of data from the information system in accordance with Article 138 paragraph 3 of this Law.

The funds gained from the fee referred to in paragraph 3 of this Article shall be the revenue of the budget of the Republic of Serbia.

XII ENFORCEMENT

Article 145

Enforcement of provisions and regulations adopted shall be performed by the Ministry, through geological and mining inspectors.

In the case when geological research and exploitation are conducted on the basis of decisions made in accordance to Articles 31 and 56 of this Law, the enforcement over the provisions and regulations adopted shall be performed by the competent authority of autonomous province, i.e. competent authority of local self-government unit.

The activities referred to in paragraph 2 of this Article shall be performed as entrusted activities.

Inspectors referred to in paragraphs 1 and 2 of this Article shall have official identification document, badge and proper equipment.

The Minister shall prescribe the form of official identification document, form and content and type of equipment for geological and mining inspectors.

Article 146

The activities of geological inspector can be performed by persons with university degree (graduated academic studies – Master, specialist academic studies, specialist professional studies) of geological profession and working experience of minimum three years in the area of geological research and passed professional exam.

The activities of mining inspector can be performed by persons with university degree (graduated academic studies – Master, specialist academic studies, specialist professional studies) of mining, technologic-metallurgic profession or electric engineering profession of electro-magnetic course, i.e. machine engineering profession and working experience of minimum three years in exploitation of mineral raw materials and passed professional exam.

Mining inspector supervising the mining facilities in danger of methane or dangerous coal dust must have minimum three years of working experience in mine pits with methane or dangerous coal dust or with jobs of oil and gas research and exploitation.
Article 147

When performing inspection, geological inspector has the right and duty to check the following:

1) if the renewal of geological research business and performance of geological research activities is done according to prescribed conditions;
2) if design and final report on results of geological research is developed in accordance with law and other regulations, and if technical control is done by authorized legal entity registered in court registry;
3) if annual report on results of geological research is developed and authorized in prescribed manner;
4) if geological researches are conducted on the basis of and in accordance with the research approval;
5) if geological researches and geological research activities are reported to the competent authority;
6) if geological activities are performed according to the project of geological research on the basis of which license for research was issued;
7) if engineering-geological and hydro-geological activities are conducted according to the design of geological research and approval of competent authority;
8) if geological activities are performed in accordance with this Law and other regulations;
9) if measures of safety of persons, neighboring facilities, traffic and environment, as well all necessary measures of occupational health and safety at the activities are undertaken by the legal entity performing the geological research;
10) if prescribed registry on taken amounts of mineral raw materials for examination and on other mineral resources existence of which was verified during the geological research is maintained;
11) if permanent storage and research borehole core is protected;
12) if professional monitoring is provided during the geological research and exploitation;
13) if prescribed conditions regarding education and authorizations to perform such tasks are fulfilled for persons managing research activities and performing professional monitoring over these activities;
14) if larger amount of mineral raw materials is taken for examination then determined in the approval of research;
15) if mineral raw materials are taken (for different purposes) without a research approval;
16) if the log on status of mineral raw materials reserves and geothermal reserves is maintained;
17) if geological technical documentation is developed for all the activities in exploitation.

Geological inspector shall also perform other activities defined by laws applicable in the area of geological researches.

Article 148

The mining inspector shall be authorized and shall particularly verify whether:

1) during the execution of mining operations prescribed safety measures and norms are applied, together with the regulations on the safety of persons and immovable and movable property owned by legal entities and/or natural persons;
2) mining is performed on the basis of mining approval and in compliance with this Law;
3) mining is performed at the level of parameters set out in the mining project;
4) mining is performed in compliance with the approved mining method;

5) disposal of mine tailings is carried out in compliance with the approved project documentation and whether the geodetic survey of the crest of dam was performed in order to determine the water level in the reservoir;

6) the training is provided to employees and whether adequate measures related to the rescue operations are implemented in case of emergencies in order to prevent property damage and loss of lives;

7) external and internal tailings storage facilities of the open-pit mines are constructed in compliance with the approved design documentation

8) technical regulations related to relevant operations are applied in entirety during the execution of mining operations;

9) underground and surface mining structures are constructed in accordance with technical regulations and projects;

10) mining operations are performed in compliance with the annual operational plan;

11) prescribed mining measurements are carried out, mining plans and other relevant documents necessary for the execution of mining operations, as well as records on measurements are kept and regularly updated;

12) prescribed conditions for the allocation of employees to the corresponding activities are applied and adequate training provided;

13) transport, storage and handling of explosives and liquid fuel are performed in the prescribed manner;

14) preparatory activities, as well as overburden removal activities on open-pit mines are performed in accordance with the mining project;

15) filling of mining areas or underground mines is performed in accordance with the design for mining techniques;

16) prescribed measures are implemented while handling the mining waste both inside the mining pit, as well as on the surface, on the mining field and off site.

**Article 149**

A geological inspector shall have the power to order:

1) that the identified irregularities and defects are corrected within the deadline specified by the Inspector;
2) the suspension of further mining operations, if:
   
   (1) irregularities and defects are not corrected in the determined period;
   
   (2) mining operations are performed without the mining approval or if they are not in accordance with the mining project;
   
   (3) such defects that directly threaten human life or health, or put property under direct risk are identified.
The entity in charge of research, ordered to remove irregularities and defects in terms of paragraph 2 item 1) of this Article, shall inform the geological inspector about corrective measures within the deadline determined by the inspector, which shall not be longer than eight days.

In addition to measures set out in paragraph 1 of this article, the geologic inspector shall have the authorization to:

1) determine safety measures in case of life and health hazards or any other risks related to the safety of people and/or property;
2) submit the report to the authority in charge of economic offences and submit the request for initiating the criminal proceeding;
3) inform the competent authority in charge of issuing approvals or any other relevant authority, if there are grounds for taking appropriate measures which are within the scope of competencies of that authority.
4) order carrying out of other prescribed measures or activities within the specified deadline.

Article 150

While carrying out the inspection, the mining inspector shall have the authorization to take the following actions:

1) determine the deadline for correcting the irregularities and defects identified during the inspection supervision;
2) forbid further mining operations if carried out without the mining permit or the mining approval;
3) forbid mining operations if not in compliance with the technical documentation;
4) forbid all operations if the mining facilities are used without the relevant use permit;
5) order that the drafting and technical control of the mining projects shall be carried out by the persons who fulfill the prescribed criteria regarding their level and type of education and working experience and are properly licensed;
6) order that the technology and operations management, surveillance and handling of explosives and other special operations should be carried out by persons who fulfill all relevant criteria, have proper licenses and are authorized to carry out particular operations;
7) suspend all operations if health and safety of the employees are threatened;
8) prevent persons from working on high risk working positions if they did not pass the medical checkup;
9) forbid an employee to carry on working if he/she is not sufficiently trained to work safely on the particular job position;
10) prevent using the equipment which is not safe in terms of health and safety issues;
11) order the adaptation of occupational health and safety measures in accordance with the specific dangers and issues at the work place;
12) order the rescue operations in cases of sudden human health and safety hazards, as well as the safety of the facility in accordance with the determined emergency plan;
13) order organization of the relevant occupational health and safety trainings for workers, as well as the rescue operations in cases of sudden emergency situations;
14) order the provision of personal protective and safety equipment for the employees who are obligated to use such equipment;
15) forbid entrance to storage facilities, auxiliary warehouses and explosive storage facilities, as well as handling and using of the explosives to the persons which are not qualified for such operations;
16) to regularly carry out geodetic measurements, make geodetic maps and plans that can be used for determining the condition of the performed mining operations;
17) order the drafting of relevant documentation concerning the mine ventilation, open-pits, power lines, water supply network, as well as the mining pit equipment, which shall include basic technical data;
18) order the keeping of Mining Surveillance Records for each mining pit, open-pit, drilling equipment and maintenance operations, exploitation field in case of oil and gas exploitation, as well as for the facilities for the preparation of the mineral raw materials;
19) submit the report to the authority in charge of particular criminal offence or economic offence and submit the request for initiating the criminal proceeding;
20) inform the competent authority in charge of issuing approvals or any other relevant authority, if there are grounds for taking appropriate measures which are within the scope of competencies of that authority.
21) order carrying out of other prescribed measures or activities within the specified deadline.

Entity in charge of research, ordered to remove irregularities and defects in terms of paragraph 1 of this article, shall inform the mining inspector about the implemented corrective measures within the deadline determined by the inspector’s decision, which shall not exceed eight days.

**Article 151**

In supervising the application of occupational health and safety measures in mining facilities, both geological and mining inspectors shall have the same powers and duties as labor inspectors prescribed by relevant regulations on occupational health and safety.

The entity in charge of exploitation shall in compliance with paragraph 1 this Article allow the inspector to enter the corporate and operating facilities, to perform sampling of the mineral raw materials and check the equipment for the purpose of inspection investigation, as well as provision of other relevant evidence.

**Article 152**

In case of death or a group accident during the carrying out of geologic research or mining operations, the entity in charge of research or the entity in charge of exploitation shall immediately inform the geological or mining inspector.

The inspector referred to in paragraph 1 of this Article shall immediately and on the spot examine the causes of death or the group accidents, and order corrective measures which shall be taken without delay and submit comprehensive report on the causes of the accident as soon as possible.

**Article 153**

A complaint against the decision of the geological or mining inspector can be submitted to the Minister in charge of mining within 15 days from the day of the receipt of the decision in accordance with paragraphs 1 and 2, article 145 of this law.

The complaint against the decision of the geological or mining inspector shall not postpone the enforcement of the decision.
XIII PENALTY PROVISIONS

1. Criminal acts

Article 154
Anyone who organizes or participates in the implementation of a strike in the pit areas or other buildings and premises referred to in Article 132 paragraph 2 of this Law shall be punished with imprisonment of one to five years.

Article 155
Anyone who brings easily flammable materials or anything else that is forbidden (Article 113, paragraph 1) into the pit with methane or other flammable or explosive gas or coal dust or into in the facility on the oil and gas field, shall be punished with imprisonment of one to five years.

For the attempted offence from the paragraph 1 of this Article, the perpetrator shall be punished.

If the offence referred to in paragraphs 1 and 2 of this Article is committed from negligence, the offender shall be punished by fine or imprisonment of up to one year.

Article 156
Anyone who, when entering a storage, warehouse or repository of explosives on any grounds, does not comply with the prescribed measure for occupational health and safety (Article 113, paragraph 3), shall be punished with imprisonment of one to five years.

2. Commercial offences

Article 157
A fine of 1,500,000 to 3,000,000 RSD for commercial offence shall be imposed on a company or other legal entity or entrepreneur if they:

1) develop designs for geological researches and final reports on the results of geological investigations or conduct geological researches but do not meet the requirements for doing such work (Article 22, paragraph 1);
2) entrust the management of the development of geological researches designs and final reports on the results of geological exploration and management of geological investigations contrary to the prescribed conditions (Article 22, paragraph 2);
3) do not conduct geological researches according to the geological research design (Article 24, paragraph 1);
4) do not perform technical inspection of the geological research design under the terms and conditions prescribed by law in accordance with Article 25 of this Law;
5) do not provide professional supervision over the execution of geological researches in accordance with Article 27 of this Law;
6) do not perform technical control of the final reports under the terms and conditions prescribed in Article 28 of this Law;
7) conduct geological research without the approval for research (Article 30, paragraph 1 and Article 31, paragraph 1);
8) take greater amount of minerals for the geological survey than the approved amount (Article 32, paragraph 6);
9) do not comply with Article 44 of this Law;
10) fail to maintain the register on the state of resources and mineral reserves, resources and reserves of groundwater and geothermal resources or if they do not submit reports on the state of these resources and reserves (Article 47, paragraph 1).

For the commercial offence referred to in paragraph 1 of this Article, the responsible person in the company or other legal entity or entrepreneur shall also be fined with 100,000 to 200,000 RSD.

**Article 158**

A fine of 1,500,000 to 3,000,000 RSD for commercial offence shall be imposed on a company or other legal entity or entrepreneur if they:

1) exploit mineral resources without the prescribed approval in the area in which these works require special approval in accordance with Article 7 of this Law;
2) do not comply with Article 54 paragraph 1 of this Law during the development of the mining design;
3) entrust the development of mining projects and the technical control to a company that does not meet the requirements from Article 54 Paragraph 1 this Law;
4) conduct exploitation without authorizations issued in accordance with Article 56 paragraph 1 of this Law;
5) fail to perform technical control of the mining project in accordance with Article 75 of this Law
6) perform mining without adequate technical documentation and without the approval of the competent authority (Article 79 paragraph 1, Article 82 paragraph 1 and Article 83 paragraph 1);
7) do not report on the works under the technical and simplified mining project and from Article 84 paragraph 1 of this Law;
8) fail to report the beginning of mining exploitation within a specified period of time (Article 84, paragraph 2);
9) start using the facility, premises and equipment prior to obtaining the use permit (Article 85, paragraph 1 and Article 86);
10) fail to perform the technical inspection of the mining facility in accordance with Article 88 of this Law;
11) fail to comply with Article 90 of this Law;
12) have no mining plans, or do not supplement them regularly (Article 91, paragraph 1);
13) appoint a person who does not meet the requirements from Articles 100 and 101 of this Law;
14) do not organize the implementation of measures for occupational health and safety, fire protection and rescue, or do not supply the necessary equipment and organize activities and protection of waters and the environment in accordance with Articles 107, 108 and 109 of this Law;
15) fail to maintain the register of the mining supervision (Article 112, paragraph 1);
16) manage the mining waste without authorization from the competent authority (Article 121, paragraph 1);
17) do not perform the remediation and reclamation of abandoned mining facilities in accordance with Article 130 Paragraph 1 of this Law;
18) continue with the activities after the decision to ban their execution prior to eliminating the irregularities and deficiencies in accordance with Articles 149 and 150 of this Law;

For the commercial offence referred to in paragraph 1 this Article, the responsible person in the company or other legal entity or entrepreneur shall also be fined with 100,000 to 200,000 RSD.

2. Offences
Article 159

A fine amounting to RSD 500,000 to 2,000,000 shall be imposed on a commercial entity or other legal entity or entrepreneur in the event of:

1) failure to provide professional supervision and other activities (Article 27, paragraph 1);
2) failure to submit a copy of the final and the annual report on the results of geological research, or reports on the works and the results thereof (Article 28, paragraph 5 and Article 29, paragraph 1);
3) failure to keep a copy of the final and the annual report on the results of geological investigations in the prescribed manner (Article 29, paragraph 2);
4) failure to report the start of the research activities in a timely manner in accordance with Article 38 of this Law;
5) failure to notify the geological inspector within a specified period about the elimination of deficiencies and irregularities (Article 149, paragraph 2);

For the action referred to in paragraph 1 of this Article, the responsible person in the commercial entity or other legal entity or entrepreneur shall also be fined with RSD 100,000 to 200,000.

When the geological inspector determines that an offence referred to in paragraph 1 of this Article is committed, he or she shall impose the responsible person in a company or other legal entity or entrepreneur a mandatory fine amounting to RSD 5,000 on the spot.

Article 160

A fine amounting to RSD 500,000 to 2,000,000 shall be imposed on a commercial entity or other legal entity or entrepreneur in the event of:

1) failure to adopt an annual operating plan in the prescribed period (Article 73, paragraph 1);
2) failure to keep records on the occurrence of the risks incurred during the execution of mining works, the causes and consequences of these occurrences (Article 117, paragraph 1);
3) failure to inform the authorities about the suspension of work or death or group accident within a specified period (Article 126, paragraph 2);
4) failure to notify the mine inspector within a specified period about the elimination of deficiencies and irregularities (Article 150, paragraph 2);
5) failure to allow the inspector to enter the business and operating premises or inspect the drafts and plans, reports and other documentation on the status of mining operations, or otherwise interfere with the inspector during the inspection (Article 151, paragraph 2).

For the action referred to in paragraph 1 of this Article, the responsible person in the commercial entity or other legal entity or entrepreneur shall also be fined with RSD 100,000 to 200,000.
When the mining inspector determines that an offence referred to in paragraph 1 of this Article is committed, he or she shall impose the responsible person in a commercial entity or other legal entity, entrepreneur a mandatory fine amounting to RSD 5,000 on the spot.

**Article 161**

A fine amounting to between RSD 5,000 and 30,000 shall be imposed for the offence if an individual is extracting precious metals from the river sediments without permission or if the extracted amounts of precious metals are not given to the National Bank of Serbia, contrary to Article 62 Paragraph 1 of this Law.

When the mining inspector determines that an offence referred to in paragraph 1 of this Article is committed, he or she shall impose the individual a mandatory fine amounting to RSD 5,000 on the spot.

**Article 162**

A fine amounting to RSD 5,000 shall be imposed on an individual on the spot if they do not implement occupational health and safety measures with regard to the provisions of Article 115 of this Law.

When the mining or geological inspector determines that an offence under paragraph 1 of this Article is committed, he or she shall impose the individual a mandatory fine amounting to RSD 5,000 on the spot.

**Article 163**

When the mining or geological inspector imposes mandatory fines on the spot under Articles 159, 160, 161 and 162 of this Law, they shall issue the order to pay the mandatory fine, which the controlled entity must pay within three days of sentencing.

If the controlled entity fails to provide proof of payment to the inspector for the paid mandatory fine within the period specified in paragraph 1 of this Article, the inspector shall submit a request for initiating criminal proceedings.

**XIV TRANSITIONAL AND FINAL PROVISIONS**

**Article 164**

Companies and other legal entities, entrepreneurs and natural entities performing geological researches and exploitation of mineral deposits until the day when this Law enters into force, shall harmonize their business activities with the provisions of this Law within a year from the entrance into force of the present Law.

Approvals and consents issued based on the Law on Mining (Official Gazette of RS, no. 44/95, 101/05 – other law, 85/05 – other law, 36/07 and 104/09) and Law on Geological Researches (Official Gazette of RS, no. 44/95) until the entrance of this Law into force, shall apply until the expiry of deadline stated in the documents.

**Article 165**

Persons who passed professional exam testing their competence for work within the scope of activities stipulated in this Law and regulations in place at the time when the exam was taken, as well as persons who were approved to perform certain activities without testing of their competences based on the same regulations, shall be entitled to perform those
activities compliant with the provisions of this Law, if they fulfill other prescribed requirements.

Article 166

Proceedings initiated by the day when this Law enters into force shall continue according to regulations based on which they were initiated.

Competent authority of local self-government unit shall take from the Ministry the files and archive for the activities for which they are appointed as competent by this Law.

Article 167

Within three months from the entrance of this Law into force, the Bureau shall take over from the Institute for Geology of Serbia d.o.o. Belgrade the employees, rights and duties, files, archive and other geological documentation, business premises, equipment, operational means, funds and other assets with the balance sheet on the day of taking over.

Geological Institute of Serbia d.o.o. Belgrade shall not employ new people, sell the equipment, operational means and other assets between the day when this Law enters into force and the day of taking over referred to in paragraph 1 of this Article.

Article 168

Bylaws for the implementation of this Law shall be adopted within two years from the entrance of this Law into force.

Article 169

Until the adoption of respective bylaws, the following shall be in application:

1) Regulation on the amount of the fee for use of non-metallic raw materials for production of construction materials for 2011 (Official Gazette of RS, no. 97/10);
2) Rulebook on classification and categorization of solid mineral deposits and maintenance of records about them (Official Gazette of RS, no. 53/79);
3) Rulebook on criteria based on which potential of the area is determined in terms of mineral deposits (Official Gazette of RS, no. 51/96);
4) Rulebook on the manner of mining measurements (Official Gazette of RS, no. 40/97);
5) Rulebook on the contents of long-term programme for exploitation of deposits and annual plans for mining activities (Official Gazette of RS, no. 27/97);
6) Rulebook on the contents of geological research designs and studies on the results of geological researches (Official Gazette of RS, no. 51/96);
7) Rulebook on the contents of mining designs (Official Gazette of RS, no. 27/97);
8) Rulebook on the requirements for certain professional activities in exploitation of mineral deposits (Official Gazette of RS, no. 40/97 and 32/98);
9) Rulebook on the requirements and criteria for concession of certain geological researches and granting of funds for such activities (Official Gazette of RS, no. 51/96);
10) Rulebook on the requirements and manner of technical check of mining facilities (Official Gazette of RS, no. 40/97);
11) Rulebook on the requirements for checks of technical documentation, checks and inspection of operational tools, installations and working environment and training of staff for safe work (Official Gazette of RS, no. 13/00);
12) Rulebook on the requirements, manner and programme for professional exams for professional activities in exploitation of mineral deposits (Official Gazette of RS, no. 21/96 and 47/96);
13) Rulebook on the contents of feasibility study in exploitation of mineral deposits (Official Gazette of RS, no. 108/06);
14) Rulebook on the requirements, manner and programme for professional exam for the activities of designing and development of the study, and geological researches (Official Gazette of RS, no. 21/96);
15) Rulebook on the manner of payment of the fee for use of mineral deposits (Official Gazette of RS, no. 102/06 and 46/10);
16) Rulebook on the contents of annual reports about business activities of a company performing exploitation of mineral deposits for previous calendar year (Official Gazette of RS, no. 7/11);
17) Rulebook on classification and categorization of ground water reserves and maintenance of records about them (Official Gazette of SFY, no. 34/79);
18) Rulebook on classification and categorization of oil reserves, condensate and natural gases and maintenance of records about them (Official Gazette of SFY, no. 80/87).

Article 170

On the day when this Law enters into force, the following shall cease to be valid:

1) Law on Mining (Official Gazette of RS, no. 44/95, 101/05 – other law, 85/05 – other law, 36/07 and 104/09);
2) Law on Geological Researches (Official Gazette of RS, no. 44/95), except for Article 38, paragraph 3, which shall cease to be valid on 31 December 2013;
3) Law on determination and classification of mineral reserves and presentation of data from geological researches (Official Gazette of RS, no. 12/98 and 13/98).

Article 171

Provisions referred to in Articles 48-51 of this Law shall apply from the day when the Republic of Serbia becomes an EU member state.

Article 172

This Law shall enter into force on the eighth day of its publication in the Official Gazette of the Republic of Serbia.