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Zyra e Kryeministrit-Ured Premijera-Office of the Prime Minister

Zyra Ligjore - Zakonodavna Kancelarija - Legal Office

**Report on Permit and License Simplification and Harmonization in the
Independent Commission for Mines and Minerals¹**

¹ This legal analysis has been approved in the 254th Meeting of the Government of the Republic of Kosovo, with the decision No. 04/254 dated 26.03.2025.

Abbreviations:

GIZ – Gesellschaft für Internationale Zusammenarbeit

LGAP – Law No. 05/L-031 on General Administrative Procedure

LMM – No. 03/L-163 on Mines and Minerals

LPLS – Law No. 04/L-202 on Permit and License System

LCUE - Law No. 04/L-022 on Civil Use of Explosives

SPC – Single Points of Contact

CRPL – Central Registry of Permits and Licenses

OPM – Office of the Prime Minister

LO – Legal Office

ICMM - Independent Commission for Mines and Minerals

1. Introduction

This report, supported by GIZ, aims to reflect the findings and general and specific recommendations for simplifying the procedures for application, review and issuance of permits and licenses in ICMM, as well as to harmonize ICMM's permits and licenses with the requirements and criteria of LPLS. The permit and license simplification has been assessed in the course of several principles and requirements specified in LPLS and LGAP, while harmonization has been assessed in the context of the compatibility of specific laws, especially ICMM with LPLS.

In the context of this report, a methodology has been followed where the following have been drawn out: **1. General recommendations and 2. Specific recommendations**, for the permits and licenses applied by ICMM. Special recommendations are set out in the annex to this report and are provided for each permit or license, specifically according to the findings.

Additionally, besides the recommendations in the report, the main findings as well as specific findings have been described, which follow the purpose of the report, to simplify permits and licenses and harmonize them with LPLS.

The permit and license simplification and harmonization in ICMM, according to this report, particularly takes into account:

1. Facilitation of the application procedure for permits and licenses;
2. Reduction of administrative burden on the applicant during application;
3. Facilitation of the application review process and verification of evidence/testimony (documents submitted);
4. Addressing the licensee's safety issue, in terms of extending the term, based on the specific criteria of licenses or permits, depending on the level of risk;
5. Ensuring the legality of licenses and the specific legal basis, ensuring they are in accordance with the law, as designated by ICMM, based on the Central Registry of Permits and Licenses (RQLL);
6. Addressing the harmonization and compatibility of LPLS requirements with the regulations stipulated in ICMM and bylaws.

To compile this report, several sources have been reviewed, as follows: LPLS; LGAP; LMM; special Laws applied by ICMM; ICMM bylaws regulating the procedure for issuing permits and licenses issued to ICMM; CRPL. Additionally, particular importance has been given to meetings with relevant institutions that have provided additional clarification.

2. Legal analysis regarding the permit and license simplification

In this section, the analysis of the main legislation regulating permissions (permits and licenses) in ICMM is presented. The Law on Permit and License System (LPLS) is a horizontal law which, in Article 1, regulates the principles and rules for improving the business environment by reducing administrative barriers in carrying out economic, commercial or professional activities necessary to protect public health, public safety, the environment, and the use of natural resources in the Republic of Kosovo. Another horizontal law generally governing the exercise of public authority, which most frequently applies to

permissions, is the Law on General Administrative Procedure (LGAP), the purpose of which is to ensure the effective exercise of public authority with a view to the public interest, guaranteeing at the same time under Article 1 the protection of the rights and legal interests of persons.

Below, we will analyze some of the key principles and rules provided in these laws and regulations as well as the specific criteria outlined in Law No. 03/L-163 on Mines and Minerals (LMM) and other laws regarding permits and licenses in ICMM.

Furthermore, achieving the goal of simplifying permits and licenses issued by ICMM requires an analysis of specific laws, particularly LMM and subsidiary legislation and bylaws issued by ICMM, regarding permits and licenses granted for certain activities. The system of permits and licenses, procedures, ways of granting them, criteria, etc., are regulated by the Law on Mines and Minerals and bylaws (administrative instructions) issued by ICMM, such as: Administrative Instruction (ICMM. AI No. 04/2018) on Agreement, Deferments and Exemption of the Royalty; This AI has already been amended and has the following number Administrative Instruction (ICMM. AI. No. 01/2022) on Administrative Fees, then there are other bylaws such as: Administrative Instruction (ICMM. AI. No. 03/2022) on Merger and Expansion of Licenses; Administrative Instruction (ICMM. AI. No. 01/2020) on Issuance of Permits for the use of Explosives for Mining Purposes; Administrative Instruction (ICMM. AI. No. 06/2019) on Standard Forms of Mines Signalling; Administrative Instruction (ICMM. AI. No. 05/2019) on Minimum Exploration Expenditures re-application decision (Independent Commission for Mines and Minerals); Administrative Instruction (ICMM. AI. No. 04/2018) on Agreement, Deferments and Exemption of the Royalty; Administrative Instruction No. 002/2018 on the Procedures and Criteria for Issuance of the Special Operations Permits permits; Administrative Instructions No. 001/2017 (Commission for Mines and Minerals, Rules and Procedures for receiving and processing requests, applications for licenses and permits); Administrative Instruction (ICMM No. 002/2014) Bank Guarantees and “All Risks Third Party Liability” Insurances; Administrative Instruction (ICMM. AI. No. 02/2022) for Personal Protective Equipment at Work, etc.

In terms of designation, LPLS in Article 1 (1.3) uses the term *“The licensee - the natural person to whom a professional license has been issued”*, on the other hand, Law No. 03/L-163 on Mines and Minerals (LMM) and Law No. 04/I-158 on Amending and Supplementing the Law No. 03/L-163 on Mines and Minerals, refers to Article 3 (1.3) stipulates **“Artisanal Mining License** - a License issued by the ICMM...”; also in the same Article (1.14), **“Public Interest License** - shall mean a License that is issued to a publicly owned enterprise...”, while in Article 3 (1.20) “Exploration Research - shall mean the official written authorization issued by the ICMM...” and (1.39) 1.39. **“Mining License** - a License issued by the ICMM ...”. While in Article 3 (1.28) the types of licenses are defined, namely **“License** - Exploration License, a Retention License, a Mining License or an Artisanal Mining License”, whereas Article 3 (1.46), stipulates that: **“Person** - shall mean a natural person or an Undertaking”. Unlike LPLS, as indicated in the special Law No. 03/L-163 on Mines and Minerals (LMM), the “licensee” refers to a natural person or an undertaking. On the other hand, the same Law in Article 5 stipulates that: ICMM shall issue the following Licenses and Permits subject to fulfillment of the requirements for the issuance of such Licenses and Permits as set out in this Law: 1.1. an Exploration License..., 1.2. a Retention License..., 1.3. a Mining License..., 1.4. a Permit to conduct Special Operations..., 1.5. an Artisanal Mining License...; and 1.6. a Public Interest License or Permit...”.

The criteria for permits and licenses in this institution are primarily focused and based on this Law, namely Article 56 (2.1): “The ICMM shall have the competence and responsibility to perform the following

functions in accordance with the present law: 2.1. the issuance, transfer, extension, suspension and revocation of Licenses and Permits”.

While LPLS in Article 5 has defined the types of permits, such as: *notification, registration, professional permit and license*, on the other hand, ICMM recognizes and applies two types of permits and licenses named: *license and permit (including permits for special operations)*.

Within the system of permits and licenses issued by ICMM, based on Law the Mines and Minerals and other applicable bylaws, the issue of simplifying permits and licenses in this sector as mentioned will be examined based on several principles recognized by LPLS and LGAP. These principles aim to result in specific recommendations for simplifying ICMM permits and licenses as well as harmonizing them with the requirements and criteria of LPLS.

License duration period. This principle is determined in Article 6 of LGAP and as such should also be applied by ICMM. Depending on the type of permits and licenses, the Law on Mines and Minerals has defined the duration from 1 year to a maximum of 30 years. Also, for the extension of the license or permit by ICMM depending on the type, it is based on qualification criteria, granting criteria, and other criteria. The deadline for the extension of the license is important to be related principle of efficiency, according to Article 10 of LGAP.

The principle of non-discrimination. This principle is determined in Article 6 of LGAP and as such should also be applied by ICMM, concerning the issuance of licenses and other permits it grants. Especially, this principle should be strictly determined when it comes to the extension of the license, which ICMM evaluates and decides upon, based on the discretion criteria, relying on the minimum and maximum duration criteria of the extension period.

The right to appeal. This constitutes a constitutional obligation. The license review system in ICMM as well as the procedures thereof, provide for the right of appeal in case of refusal, under Article 84 Administrative and Judicial Review and Appeal. Any decision or action of ICMM, the Ministry, or any other Public Authority made based on the authorization of this Law is subject to administrative and judicial review as well as appeal, in accordance with the conditions and procedures provided in the Law on Administrative Procedure. The right to appeal is provided for under the Law on Mines and Minerals. The ICMM should look at the possibility of defining a non-licensing appeal procedure by means of a bylaw. The right to reject a license or permit is also defined in LPLS, specifically in Article 27. The ICMM should establish a legal mechanism through regulations to address appeals for non-licensing. To fulfill this recommendation, ICMM should establish an appeals commission that addresses the aspect of non-licensing and where parties have the right to appeal only when non-licensing occurs.

Payment of fees. The LPLS determines a proportional tax, as far as necessary to cover the expenses incurred by the competent authority for administering the permit. On the other hand, LGAP determines the non-payment of the procedure, and according to this, this fee can only be made in cases where it is otherwise determined by law. In the case of ICMM, Article 54 of the Law on Mines and Minerals stipulates that: “The ICMM may assess such fees as the ICMM may prescribe in a reasonable manner for the filing of a License or Permit application, or for providing any requested geo-scientific data or information or any requested service. The ICMM shall ensure that any fees so established are in: 1.1. an amount that is reasonably calculated to compensate the ICMM for the costs of processing such an application or fulfilling such a request and 1.2. otherwise in accordance with best practices”.

Article 65.1 of the Law on Mines and Minerals stipulates: “With the exception of royalties, revenue collected by the ICMM in the form of license fees and other charges levied pursuant to the present law shall be the “dedicated revenue” of the ICMM. Donor funds specifically provided to support the ICMM shall also be deemed the “dedicated revenue” of the ICMM. All such items shall be deposited into the budget of the Republic of Kosovo and appropriated for the authorized purposes of ICMM under the relevant budgetary category and in accordance with the budgetary process established by the Law on Public Financial Management and Accountability”. This implies that ICMM is obliged to calculate these fees, especially those of the application, in proportion to administrative expenses. IMC calculates the annual fees as license maintenance fees, aiming to ensure ICMM’s financial stability, as licensed enterprises generate revenue from activities licensed by ICMM. Fees are paid from the time of application as a fixed fee, but also while holding the license or permit.

The principle of one shop stop (Single Points of Contact) is a legal obligation defined both in LPLS, respectively Article 16, as well as in LGAP, Article 33. According to this principle, all formalities and procedures for issuing a permit and license must be carried out through SPCs (one stop shop). Both laws provide for SPCs to be established physically, electronically or combined. The main prerequisite for establishing SPCs are the points we mentioned above, especially the approach oriented towards the principle of administrative review ex officio. Within ICMM, there is no type of SPC, allocation by each public body, meaning that the party itself performs all the formalities and procedures that, if an SPC was in place, could be carried out through it by the public body itself. So far, ICMM lacks a Single Point of Contact, which would facilitate the administrative burden for applicants.

The principle of applying administrative assistance. Article 34 of LGAP stipulates that a public authority may request assistance from another public authority, among other things, to become acquainted/certified with facts, documents, or other means of evidence in the possession of the other authority. This principle can be used to facilitate the verification procedure of necessary documents. In the case of reviewing the procedures for licenses and permits, ICMM does not apply the principle of legal assistance at all. The ICMM is obliged to use the principle of administrative assistance more in the application and licensing process, seeking assistance from other bodies to provide information and verify certain specified documents, without requiring them to be requested by the party.

Consideration of conducting the procedure ex officio. This principle is allowed by Article 86 of LGAP. In fact, this principle, in light of easing the procedures for issuing licenses at ICMM, should be combined with the principle of applying administrative assistance, based on how the licensing procedure is regulated at ICMM. ICMM does not apply at all the principle of conducting the procedure ex officio. Article 86.3 of LGAP, regarding this principle, stipulates: ***Except when provided otherwise by a legal provision, documents that certify acts, facts, qualities or subjective situations, necessary to conduct an administrative investigation, shall be obtained ex officio by the public organ conducting administrative proceeding, whenever they are in its possession or in the possession of other organs. The public organ may request from parties only the necessary elements for the identification of documents.*** This implies that in some cases, when the documents and conditions of documentation for a license are not determined by law, then ICMM in the specific case may request the party to only demonstrate that some documents exist and to verify them if they exist in public bodies.

Conducting the electronic screening procedure. Article 14.2 of LPLS stipulates: “Each competent authority shall make it possible for a person to submit an application for a permission electronically”. This creates the opportunity for ICMM to develop an electronic review procedure based on internal acts issued

by ICMM for licensing. This is possible because Article 17.2 of LPLS allows licensing application procedures to be conducted through bylaws, which in the case of ICMM implies that there is no need for legislative amendments regarding the conduct of an electronic procedure.

Specific conditions and criteria for granting licenses. In the case of ICMM, the documents required for a license are quite specific because they are also related to public health and safety. Considering the specifics of ICMM licenses, documentation is sometimes specific. Therefore, based on the analysis, the reduction of documentation has been sought on a case-by-case basis, based on two alternatives: 1. Verification of some facts through a statement under oath and 2. Identification by the party of some documents as well as the action of ICMM, according to the principle of administrative assistance and conducting the procedure *ex officio*.

Submission of original documentation. In the context of permits approved by ICMM, there is a phenomenon based on the Central Registry of Permits and Licenses (CRPL), and this phenomenon concerns the submission of some documents in original, including those documents that constitute notary and even undisputed facts, such as the business registration certificate or other evidence of the establishment of the association or consortium (depending on the type of permit) or its statute, etc. Therefore, the establishment of this principle has been made with the aim of concretizing such a thing in specific recommendations, specified in the annex to this analysis.

3. Legal analysis regarding the permit and license harmonization with the LPLS criteria

Part of the legal analysis this report is also the harmonization which implies a process of adapting the LPLS in the specific case and the LICMM, with the aim of determining the permits and licenses issued by ICMM, based on the LPLS. Regarding the aspect of harmonization, it is important to note the following issues:

Categorizing permits and licenses by risk: ICMM should define a system for categorizing permits and licenses by risk, as stipulated in Article 19 of the Law on Electronic Communications. Therefore, an article should be amended or a new article should be introduced in LICMM.

4. Findings

1. Licenses and permits issued by ICMM are in LICMM (except for one).
2. All ICMM licenses are time-limited by categories, while LPLS does not regulate the issue of new licensing or license renewal.
3. There is no Single Point of Contact in ICMM regarding the application for licenses and other permits.
4. The principle of administrative assistance to facilitate the verification procedure of necessary documents submitted for licensing is not applied.
5. The principle of conducting the procedure *ex officio* for verifying documents identified by parties, held by public institutions, is not applied.
6. No electronic procedure is defined as a rule.
7. Some documents that are notary and easily verifiable, in the case of applying for a license, are required to be submitted in original.
8. A number of documents required for general requirements category seem to increase the administrative burden on how they are requested.

5. Key recommendations

1. Extend the deadline for license issuance by ICMM, respectively determine a minimum deadline for license categories;
2. Establish a SPC (Single Point of Contact) in ICMM;
3. Develop an electronic procedure for application and review of licenses, so that it is not necessary to solely rely on hard copies for application;
4. Apply the principle of administrative assistance and conduct of the procedure ex officio, in terms of verifying some documents held by public institutions;
5. Renewal of licenses should be done ex officio;
6. Verify some necessary documents according to the statement under oath;
7. The initial review fees should be paid after the application is approved and the license review fee should be reviewed upon ICMM's request;
8. Exemption from fees should be granted in case of license modification initiated by ICMM;
9. Harmonize LMM and LPLS according to the specified principles.
10. Issue a relevant regulation governing the application and review procedures for permits and licenses, according to the principles of LGAP and LPLS.
11. The fee height should be proportional to the necessary administrative expenses during the licensing process.
12. Apply a 45-day decision deadline for permit and license applications, according to LGAP.

6. Justification of the key recommendations

1. Extend the deadline for issuing licenses by ICMM, namely establish a minimum deadline for license categories. Considering the principle of efficiency, it should be extended, where possible, for short-term permits and licenses. This should be done considering security, public health protection, and other criteria set by ICMM.

2. Establish a SPC in ICMM. A one shop stop or Single Point of Contact should be established within ICMM, regarding the application and review procedures of licenses and other permits issued by ICMM. This Single Point of Contact will facilitate the procedure and concentrate reviewing capacities at this point. Such an approach will help applicants efficiently initiate and conclude the procedure, and also facilitate the reviewing process for the authority. SPC should also operate in cases of license or permit changes, as well as in appeal procedures during the review process, etc.

3. Develop an electronic procedure for application and review of licenses, so that it is not necessary to solely rely on hard copies for application. The electronic procedure for reviewing permits and licenses greatly facilitates the application and review of licenses and permits at ICMM. With the establishment of Single Points of Contact, a database or electronic application form could also be created. The ICMM should apply the possibility that only the documents that are absolutely necessary for verification are sent by the party as in physical or original form. The electronic procedure can be determined by the ICMM internal rules.

4. Apply the principle of administrative assistance and conduct of procedure ex officio in terms of verifying some documents held by public institutions. The ICMM should apply the principle of administrative assistance throughout the procedure, combining it with the principle of conducting the procedure ex officio. Through the application of this principle, ICMM will verify a number of evidence

needed to be submitted by the party when submitting the application. By applying these principles, ICMM will avoid the submission of some documents, in the case of applications for permits and licenses.

5. Renewal of licenses should be done ex officio. In the case of license renewal, especially when requested by ICMM, the verification procedure shall commence and be completed while complying the implementation of procedures ex officio. This principle would also apply to the renewal of the license as well as its modification.

6. Verify some necessary documents according to the statement under oath. Some necessary documents for applying for licenses and permits at ICMM are recommended to be reduced to ease the administrative burden. The reduction of these documents can be done in a way that certain issues that should be part of the application are verified through a statement under oath, considering the fact that according to the Law on ICMM, the license may be withdrawn if the applicant provides false information.

7. Payment of initial review fees shall be made after the approval of the application. Considering the payment of fees and the fact that these fees are calculated based on the principle of calculation in accordance with specific reasonable administrative expenses incurred in the processing of acts to which such taxes refer. To ease the administrative burden, the initial fee should be paid electronically and only after the applicant's request has been approved.

8. Exemption from fees should be granted in case of license modification initiated by ICMM. In the case of license modification requested by ICMM, it is an administrative burden for the party to pay a fee for the modification. Therefore, it should be stipulated that the regulation be amended in accordance with the principle of proportionality, so that the party is not burdened with tax payments in the event of modification initiated by ICMM.

9. Harmonize LMM and LPLS according to specified principles. In order to harmonize permits and licenses, based on findings and recommendations regarding harmonization, ICMM should be harmonized with LPLS, amending and supplementing, as necessary, the specific article of LMM, regardless of the fact that with this law, the types of permits and licenses are provided.

10. Issue a relevant regulation governing the application and review procedures for permits and licenses, according to the principles of LGAP and LPLS. With the aim of regulating a unified procedure that ensures the implementation of the principles of LGAP and LPLS, a regulation should be issued that addresses the processing and review procedure for permits and licenses within RAEPC, based on the principles of LGAP and the provisions of LPLS.

11. The fee height should be proportional to the necessary administrative expenses during the licensing process. LPLS in Article 18 determines a proportional tax, as far as necessary to cover the expenses incurred by the competent authority for administering the permit. The fee height should also be in accordance with this principle. Furthermore, it is necessary for the fee to be fixed and not determined through secondary elements that may allow for fee setting. Such an approach has the potential to present discrimination or legal uncertainty. ICMM should therefore establish fixed fees.

12. A 45-day decision-making period for permit and license requests, as per LGAP - With the aim of simplifying the procedure and administrative burden, ICMM should apply the decision-making period for permit and license requests of 45 days, in accordance with LGAP requirements. The application of a 45-

day period would reduce the decision-making time and increase efficiency while easing the administrative burden on the parties.

7. Implementation of general and specific recommendations

Within the report, as mentioned, general and specific recommendations have been given, presented in the annex for each license. It should be noted that due to the fact that LMM recognizes two categories of permits, respectively licenses and permits, the specific recommendations in the annex for licenses and permits have turned out to be similar and in similar cases.

The implementation of general and specific recommendations, according to the annex, can be done in two ways: 1. Through amendments and supplementations of LMM, and 2. Through amendments and supplementations of ICMM's internal regulations for regulating the procedures for issuing licenses and authorizations by ICMM.

ANNEX

The annex includes the permits and licenses issued by ICMM, according to the CRPL order

1. LICENSE FOR PUBLIC INTEREST

1. Legal basis for issuing the permit/license:

This license is based on Law No. 03/L-163 on Mines and Minerals. Article 49 of Law No. 03/L-163 on Mines and Minerals, defines, among other things: “paragraph 1. This part VIII may only be used to issue a Public Interest License or a Public Interest Permit to: 1.1. a “publicly owned enterprise...1.2. a “socially owned enterprise..., if 2.2. The ICMM requests and obtains a decision of the Government’s affirming that there are strong and objectively valid reasons to conclude that the overall public interest of Kosovo would be substantially served by issuing a Public Interest License or Public Interest Permit; 2.3. then the ICMM may issue a Public Interest License and/or Public Interest Permit to such enterprise, but only after the ICMM and the Government have complied with paragraphs 3, 4 and 5 of this Article.” As well as paragraph 4. The ICMM and the Government shall both specify in detail and in writing the reasons supporting their conclusion that the overall public interest of Kosovo would be substantially served by issuing such Public Interest License and/or Public Interest Permit to the concerned enterprise. And paragraph 5. The terms and conditions of any such Public Interest License or Public Interest Permit shall comply with the present law; provided, however, that a Public Interest License or Public Interest Permit shall: 5.1. contain whatever additional limitations, restrictions and requirements the ICMM may determine to be reasonable and in the public interest under the circumstances; 5.2. not be transferable or made subject to a pledge under any circumstances, and therefore Article 10 of this law shall not be applicable thereto, 5.3. have a maximum term of two (2) years; and 5.4. exempt the enterprise from any performance bond requirement established by this law.

1.2 The activity for which the permit/license is issued:

The purpose of this procedure is to issue a license only to public enterprises and socially owned enterprises that have great interest for the country. This license is issued, for example, to Trepca, Kosovo Energy Corporation for research and exploitation purposes.

1.3 Validity period of the permit/license:

Up to two years

1.4. Necessary payment fee

2000 EUR.

1.5 Documents required for application:

1. Application form [Original]
2. Decision by the Government confirming that the issuance of this permit or license is in the public interest.
3. Business Registration Certificate[Original]
4. CV of the technical person - engineer [Original]
5. TAK certificate

6. Certificate from the Commercial Court - on behalf of the company
7. The applicant's certificate from the competent court
8. Agreement on surface rights
9. Map of the area for which the defined application is submitted with coordinates (in printed and electronic format)
10. Possession list, copy of the plan with the boundary of the applying license.
11. The factual situation of the terrain (site plan) with measurement notes in printed and electronic format
12. Consent from the owner if the culture is mountain also from the KFA.
13. Environmental consent
14. Environmental Permit - in case the enterprise applies for extension
15. Exploration license
16. Geological elaboration
17. Exploitation program
18. Mine closure plan and rehabilitation program

2. Recommendations:

1. Extend the validity period of the license, from 5-10 years.
2. Some necessary documents for applying for this authorization need to be verified according to the principle of administrative assistance and ex officio action or prior statement under oath submitted by the party.
3. The authorization fee is paid in case of approval of the application and issuance of the decision for approval.
4. Establish a SPC in ICMM
5. Proposal for removal (elimination) of the document during the application.

3. Justification of recommendations

1. Extend the term of granting the license. The extension of the term for this license is important due to the principle of legal certainty for the applicant, in terms of stability and duration. Therefore, objective and measurable criteria should be set in the regulations regarding the duration of the license. Realizing that the duration of these types of authorizations is of importance to the party, the possibility that the duration of these authorizations up to ten (10) years should be considered. Such a thing can be determined by a rule issued by ICMM or the amendment of the regulation/administrative instruction, to determine a longer period of validity of the authorizations, in order to have a more flexible and facilitating approach to the parties regarding this type of authorization.
2. Regarding the respective documents that the party must submit, upon application, some of them can be verified according to the principle of legal assistance between authorities as well as the principle of ex officio conduct of the procedure or through a statement under oath, as follows: Business Registration Certificate [Original]. This document can be verified either according to the principle of conducting an ex officio procedure by ICMM or the principle of legal assistance from competent authorities, by KBRA. The party only needs to identify that the same exist according to the statement under oath. Biographies (CVs), this document should also be eliminated, because their experience can be verified through the statement under oath. Other documents remain to be submitted upon request from ICMM, as they constitute specific documents, regarding the need to identify specific aspects, regarding this license.

3. Regarding the tax, ICMM should make an effort to enable the parties to pay the initial fee, after the procedure is completed and after the application is approved. This would ease the administrative burden of the parties and implement the principle recognized by LGAP, for conducting a procedure without financial burdens for the party.
4. Establish a SPC in ICMM. A one shop stop or Single Point of Contact should be established within ICMM, regarding the application and review procedures of licenses and other permits issued by ICMM. This Single Point of Contact will facilitate the procedure and concentrate reviewing capacities at this point. Such an approach will help applicants efficiently initiate and conclude the procedure, and also facilitate the reviewing process for the authority. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS.
5. To facilitate the application process, it is proposed that these documents be removed/eliminated: Exploration license and mine closure plan and rehabilitation program.

2. LICENSE FOR ARTISANAL MINING

1. Legal basis for issuing the permit/license:

This license is based on Law No. 03/L-163 on Mines and Minerals and Law No. 04/L-158 on Amending and Supplementing Law No. 03/L-163 on Mines and Minerals, Article 43 providing that the Artisanal Mining License is subject to the same provisions regarding scope and duration as the license for the exploitation of construction minerals. As well as Article 44 (1) providing that the Artisanal Mining License may only be issued to a Municipality. This law also defines the requirements and criteria for issuing this license.

1.2 The activity for which the permit/license is issued:

The purpose of this procedure is the undertaking of mining activities for mineral resources in Kosovo for exploitation with a production capacity of less than 12,000 m³/year.

1.3 Validity period of the permit/license:

According to reserves and annual production, but not exceeding 2 years.

1.4. Payment of fees

2000 Euro

1.5 Documents required for application:

1. Application form [Original]
2. Business Registration Certificate
3. CV of the technical person - engineer
4. Agreement on surface rights
5. Map of the area for which the defined application is submitted with coordinates (in printed and CD)
6. The factual situation of the terrain (site plan) with measurement notes in printed and electronic format
7. Consent from the owner if the culture is mountain also from the KFA.
8. Environmental consent
9. Geological elaboration

10. Exploitation program

2. Recommendations:

1. Certain documents shall be avoided, and those shall be verified according to the principle of the conducting the procedure ex officio, or the principle of legal assistance of the authorities or through a statement under oath;
2. Reapplication for a license shall be made by an action of the ICMM ex officio;
3. The application fee shall be paid upon approval of the application, and the license review fee shall be waived when requested by the V.
4. Establish a SPC in ICMM

3. Justification of recommendations

1. With the aim of facilitating and reducing the administrative burden for the party, regarding the respective documents that the party must submit, upon application, some of them can be verified according to the principle of legal assistance between authorities as well as the principle of ex officio conduct of the procedure or through a statement under oath, as follows: Biographies (CVs): This information may be provided by a notarized statement under oath, where the applicant takes responsibility for the information presented as requested by the ICMM. This evidence must be submitted after the confirmation of the decision (approval), and the party must be exempted from the fee in the case of license review. This fee should not be paid in the event of the refusal of the application.
2. In the case of license renewal, the ICMM should act ex officio and inform the party as well as request the provision of information from the party, as needed for the renewal of the license. This can be done by amending the rules established by bylaws regulating the license review procedure by the ICMM.
3. With the aim of reducing the administrative burden for the parties, the application fee should be paid at the end, upon approval of the decision. While the modification fee for the license requested by the ICMM should be waived. To achieve this, internal regulations governing the license review procedure and the respective regulations for fees need to be amended.
4. Establish a SPC in ICMM. A one shop stop or Single Point of Contact should be established within ICMM, regarding the application and review procedures of licenses and other permits issued by ICMM. This Single Point of Contact will facilitate the procedure and concentrate reviewing capacities at this point. Such an approach will help applicants efficiently initiate and conclude the procedure, and also facilitate the reviewing process for the authority. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS.

3. LICENSE FOR SPECIFIC ACTIVITIES

1. Legal basis for issuing the permit/license:

The legal basis of this permit is defined in Law No. 03/L-163 on Mines and Minerals, namely Article 34 and Articles 37 - 42 as well as Article 28 of Law No. 04/L-158 on Amending and Supplementing the Law No. 03/L-163 on Mines and Minerals. As such, the legal basis for the licensing of this activity is clear and concrete under LMM.

1.2 The activity for which the permit/license is issued:

The purpose of this procedure is to issue licenses/permits to legal entities involved in: flotation, separation, quarry, asphalt or concrete base”.

1.3 Validity period of the permit/license:

The duration and scope of each permit will be reasonably and directly determined by the ICMM in connection with the exercise of the specific activities authorized by the permit.

- Up to five years

1.4. Payment of fees

200 Euro

500 Euro

1.5 Documents required for application:

1. Application form
2. Business Registration Certificate
3. CV of the technical person - engineer
4. TAK certificate
5. Certificate from the Commercial Court - on behalf of the company
6. The applicant's certificate from the competent court
7. Agreement on surface rights
8. Agreement for the supply of mineral materials if the processor does not possess an exploitation license
9. Map of the area for which the defined application is submitted with coordinates (in printed and electronic form)
10. Consent from the owner if the culture is mountain also from the KFA.
11. Environmental consent
12. Environmental Permit - in case the enterprise applies for extension
13. Geological program related to processed resource
14. The technical-technological program
15. The electrical program
16. Plant closure plan and rehabilitation program

2. Recommendations:

1. The reapplication for a license shall be made ex officio by the ICMM;
2. The application fee shall be paid upon approval of the application, and the license review fee shall be waived when requested by the V.
3. Establish a SPC in ICMM
4. Proposal for removal (elimination) of the document during the application.

2. Justification of recommendations

1. In the case of license renewal, the ICMM should act ex officio and inform the party as well as request the provision of information from the party, as needed for the renewal of the license. This can be done by amending the rules established by bylaws regulating the license review procedure by the ICMM.
2. With the aim of reducing the administrative burden for the parties, the application fee should be paid at the end, upon approval of the decision. While the modification fee for the license requested by the ICMM should be waived. To achieve this, internal regulations governing the license review procedure and the respective regulations for fees need to be amended.
3. Establish a SPC in ICMM. A one shop stop or Single Point of Contact should be established within ICMM, regarding the application and review procedures of licenses and other permits issued by ICMM. This Single Point of Contact will facilitate the procedure and concentrate reviewing capacities at this point. Such an approach will help applicants efficiently initiate and conclude the procedure, and also facilitate the reviewing process for the authority. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS.
4. To facilitate the application process, it is proposed that these documents be removed/eliminated: the Technical-Technological Program, the Mine Closure Plan and the Rehabilitation Program.

4. LICENSE FOR EXPLOITATION FOR ALL MINERALS EXCEPT ENERGY MINERALS

1. Legal basis for issuing the permit/license:

The legal basis of this license is defined in Article 30, paragraph 1 and Articles 31-36 of Law No. 03/L-163 on Mining and Minerals and Articles 23-26 of Law No. 04/L-158 on Amending and Supplementing the Law No. 03/L-163 on Mining and Minerals. As such, the legal basis for the licensing of this activity is clear and concrete under LMM.

1.2 The activity for which the permit/license is issued:

The purpose of this procedure is to undertake mineral resource exploitation activities in Kosovo.

1.3 Validity period of the permit/license:

25 (twenty-five) years

1.4. Payment of fees

2000 Euro

1.5 Documents required for application:

1. Application form [Original]
2. Business Registration Certificate
3. CV of the technical person - engineer
4. TAK certificate
5. Certificate from the Commercial Court - on behalf of the company
6. The applicant's certificate from the competent court
7. Agreement on surface rights
8. Map of the area for which the defined application is submitted with coordinates (in printed and electronic form)

9. Possession list, copy of the plan with the boundary of the applying license.
10. The factual situation of the terrain (site plan) with measurement notes in printed and electronic format
11. Consent from the owner if the culture is mountain also from the KFA.
12. Environmental consent
13. Environmental Permit - in case the enterprise applies for extension
14. Exploration license
15. Geological elaboration
16. Exploitation program
17. Mine closure plan and rehabilitation program

2. Recommendations:

1. Certain documents shall be avoided, and those shall be verified according to the principle of the conducting the procedure ex officio, or the principle of legal assistance of the authorities or through a statement under oath;
2. The reapplication for a license shall be made ex officio by the ICMM;
3. The application fee shall be paid upon approval of the application, and the license review fee shall be waived when requested by the V.
4. Establish a SPC in ICMM
5. Proposal for removal (elimination) of the document during the application.

3. Justification of recommendations

1. With the aim of facilitating and reducing the administrative burden for the party, regarding the respective documents that the party must submit, upon application, some of them can be verified according to the principle of legal assistance between authorities as well as the principle of ex officio conduct of the procedure or through a statement under oath, as follows: Biographies (CVs): This information may be provided by a notarized statement under oath, where the applicant takes responsibility for the information presented as requested by the ICMM. This evidence must be submitted after the confirmation of the decision (approval), and the party must be exempted from the fee in the case of license review. This fee should not be paid in the event of the refusal of the application.
2. In the case of license renewal, the ICMM should act ex officio and inform the party as well as request the provision of information from the party, as needed for the renewal of the license. This can be done by amending the rules established by bylaws regulating the license review procedure by the ICMM.
3. With the aim of reducing the administrative burden for the parties, the application fee should be paid at the end, upon approval of the decision. While the modification fee for the license requested by the ICMM should be waived. To achieve this, internal regulations governing the license review procedure and the respective regulations for fees need to be amended.
4. Establish a SPC in ICMM. A one shop stop or Single Point of Contact should be established within ICMM, regarding the application and review procedures of licenses and other permits issued by ICMM. This Single Point of Contact will facilitate the procedure and concentrate reviewing capacities at this point. Such an approach will help applicants efficiently initiate and conclude the procedure, and also facilitate the reviewing process for the authority. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS.

5. To facilitate the application process, it is proposed that these documents be removed/eliminated: Exploration license and mine closure plan and rehabilitation program.

5. LICENSE FOR EXPLOITATION OF ENERGY MINERALS

1 Legal basis for issuing the permit/license:

The legal basis of this license is defined in Article 30, paragraph 2 and Articles 31-36 of Law No. 03/L-163 on Mining and Minerals and Articles 23-26 of Law No. 04/L-158 on Amending and Supplementing the Law No. 03/L-163 on Mining and Minerals. As such, the legal basis for the licensing of this activity is clear and concrete under LMM.

1.2 The activity for which the permit/license is issued:

The purpose of this procedure is to undertake mineral energy resource exploitation and exploration activities in Kosovo.

1.3 Validity period of the permit/license:

The exploitation license for energy minerals has a maximum duration of thirty (30) years

1.4. Necessary payment fee

2000 EUR.

1.5 Documents required for application:

1. Application form
2. Business Registration Certificate
3. CV of the technical person - engineer
4. TAK certificate
5. Certificate from the Commercial Court - on behalf of the company
6. The applicant's certificate from the competent court
7. Agreement on surface rights
8. Map of the area for which the defined application is submitted with coordinates (in printed and electronic form)
9. Possession list, copy of the plan with the boundary of the applying license
10. The factual situation of the terrain (site plan) with measurement notes in printed and electronic format
11. Consent from the owner if the culture is mountain also from the KFA.
12. Environmental consent
13. Environmental Permit - in case the enterprise applies for extension
14. Exploration license
15. Geological elaboration
16. Exploitation program
17. Mine closure plan and rehabilitation program

2. Recommendations:

1. Certain documents shall be avoided, and those shall be verified according to the principle of the conducting the procedure ex officio, or the principle of legal assistance of the authorities or through a statement under oath;
2. The reapplication for a license shall be made ex officio by the ICMM;
3. The application fee shall be paid upon approval of the application, and the license review fee shall be waived when requested by the V.
4. Establish a SPC in ICMM

3. Justification of recommendations

1. With the aim of facilitating and reducing the administrative burden for the party, regarding the respective documents that the party must submit, upon application, some of them can be verified according to the principle of legal assistance between authorities as well as the principle of ex officio conduct of the procedure or through a statement under oath, as follows: Biographies (CVs): This information may be provided by a notarized statement under oath, where the applicant takes responsibility for the information presented as requested by the ICMM. This evidence must be submitted after the confirmation of the decision (approval), and the party must be exempted from the fee in the case of license review. This fee should not be paid in the event of the refusal of the application.
2. In the case of license renewal, the ICMM should act ex officio and inform the party as well as request the provision of information from the party, as needed for the renewal of the license. This can be done by amending the rules established by bylaws regulating the license review procedure by the ICMM.
3. With the aim of reducing the administrative burden for the parties, the application fee should be paid at the end, upon approval of the decision. While the modification fee for the license requested by the ICMM should be waived. To achieve this, internal regulations governing the license review procedure and the respective regulations for fees need to be amended.
4. Establish a SPC in ICMM. A one shop stop or Single Point of Contact should be established within ICMM, regarding the application and review procedures of licenses and other permits issued by ICMM. This Single Point of Contact will facilitate the procedure and concentrate reviewing capacities at this point. Such an approach will help applicants efficiently initiate and conclude the procedure, and also facilitate the reviewing process for the authority. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS.

6. RETENTION LICENSE

1. Legal basis for issuing the permit/license:

The legal basis of this license is defined in Articles 26 - 29 of Law No. 03/L-163 on Mines and Minerals. As such, the legal basis for the licensing of this activity is clear and concrete under LMM.

1.2 The activity for which the permit/license is issued:

The purpose of this procedure is to preserve the duration of a Exploration License.

1.3 Validity period of the permit/license:

The Retention License for Exploration License for construction minerals for a duration of 1 year, and for Exploration License for any other mineral for a duration of 3 years

1.4. Payment of fees

1000 Euro

1.5 Documents required for application:

1. Request for Application (filed by the applicant) [Original]
2. Exploration License [Original]

2. Recommendations:

1. The reapplication for a license shall be made ex officio by the ICMM;
2. The application fee shall be paid upon approval of the application, and the license review fee shall be waived when requested by the V.
3. Establish a SPC in ICMM

3. Justification of recommendations

1. In the case of license renewal, the ICMM should act ex officio and inform the party as well as request the provision of information from the party, as needed for the renewal of the license. This can be done by amending the rules established by bylaws regulating the license review procedure by the ICMM.
2. With the aim of reducing the administrative burden for the parties, the application fee should be paid at the end, upon approval of the decision. While the modification fee for the license requested by the ICMM should be waived. Internal regulations should be amended for this.
3. Establish a SPC in ICMM. A one shop stop or Single Point of Contact should be established within ICMM, regarding the application and review procedures of licenses and other permits issued by ICMM. This Single Point of Contact will facilitate the procedure and concentrate reviewing capacities at this point. Such an approach will help applicants efficiently initiate and conclude the procedure, and also facilitate the reviewing process for the authority. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS.

7. EXPLORATION LICENSE FOR ALL OTHER MINERALS

1. Legal basis for issuing the permit/license:

The legal basis of this license is defined in Article 21, paragraph 2 as and Articles 21 - 25 Law No. 03/L-163 on Mining and Minerals and Articles 16-19 of Law No. 04/L-158 on Amending and Supplementing the Law No. 03/L-163 on Mining and Minerals. As such, the legal basis for the licensing of this activity is clear and concrete under LMM.

1.2 The activity for which the permit/license is issued:

The purpose of this procedure is exploration of minerals in the Republic of Kosovo, supervision of persons in the mineral industry, facilitation and supporting broader participation and competition in the private sector mining industry.

1.3 Validity period of the permit/license:

3 (three) years

1.4. Payment of fees

500 Euro

1.5 Documents required for application:

1. Application
2. Description of the technical, professional and managerial capacities of the personnel mainly responsible for the implementation of the Exploration Program, including copies of their CVs (biographies), and, if required by the ICMM, all relevant diplomas, licenses and certificates
3. One or more maps showing: 1. the area for which the application is made, defined by coordinates, 2. the location of each building, infrastructure, agricultural activity, or any significant artificial or surface improvement in that area, or within a one-kilometer distance from its borders, 3. the entrance to this proposed area by the applicant, 4. the boundaries of each respective Municipality
4. A detailed description of the exploration program proposed by the applicant, including: 1. a description of the Mineral resource group to be covered by the License, along with all geological reports or other evidence, 2. a technical description of the exploration method and equipment to be used
5. Other documents or information requested by the IMCC for valid reasons

2. Recommendations:

1. Certain documents shall be avoided, and those shall be verified according to the principle of the conducting the procedure ex officio, or the principle of legal assistance of the authorities or through a statement under oath;
2. The reapplication for a license shall be made ex officio by the ICMM;
3. The application fee shall be paid upon approval of the application, and the license review fee shall be waived when requested by the V.
4. Establish a SPC in ICMM

3. Justification of recommendations

1. With the aim of facilitating and reducing the administrative burden for the party, regarding the respective documents that the party must submit, upon application, some of them can be verified according to the principle of legal assistance between authorities as well as the principle of ex officio conduct of the procedure or through a statement under oath, as follows: Biographies (CVs): This information may be provided by a notarized statement under oath, where the applicant takes responsibility for the information presented as requested by the ICMM. This evidence must be submitted after the confirmation of the decision (approval), and the party must be exempted from the fee in the case of license review. This fee should not be paid in the event of the refusal of the application.
2. In the case of license renewal, the ICMM should act ex officio and inform the party as well as request the provision of information from the party, as needed for the renewal of the license. This can be done by amending the rules established by bylaws regulating the license review procedure by the ICMM.

3. With the aim of reducing the administrative burden for the parties, the application fee should be paid at the end, upon approval of the decision. While the modification fee for the license requested by the ICMM should be waived. Internal regulations should be amended for this.
4. Establish a SPC in ICMM. A one shop stop or Single Point of Contact should be established within ICMM, regarding the application and review procedures of licenses and other permits issued by ICMM. This Single Point of Contact will facilitate the procedure and concentrate reviewing capacities at this point. Such an approach will help applicants efficiently initiate and conclude the procedure, and also facilitate the reviewing process for the authority. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS.

8. EXPLORATION LICENSE FOR CONSTRUCTION MINERALS

1. Legal basis for issuing the permit/license:

The legal basis of this license is defined in Article 21, paragraph 1 as and Articles 21 - 25 Law No. 03/L-163 on Mining and Minerals as well as Articles 16-19 of Law No. 04/L-158 on Amending and Supplementing the Law No. 03/L-163 on Mining and Minerals. As such, the legal basis for the licensing of this activity is clear and concrete under LMM.

1.2 The activity for which the permit/license is issued:

The purpose of this procedure is exploration of minerals in the Republic of Kosovo, supervision of persons in the mineral industry, facilitation and supporting broader participation and competition in the private sector mining industry.

1.3 Validity period of the permit/license:

Two (2) years

1.4. Payment of fees

500 Euro

1.5 Documents required for application:

1. Application
2. Description of the technical, professional and managerial capacities of the personnel mainly responsible for the implementation of the Exploration Program, including copies of their CVs (biographies), and, if required by the ICMM, all relevant diplomas, licenses and certificates
3. One or more maps showing: 1. the area for which the application is made, defined by coordinates, 2. the location of each building, infrastructure, agricultural activity, or any significant artificial or surface improvement in that area, or within a one-kilometer distance from its borders, 3. the entrance to this proposed area by the applicant, 4. the boundaries of each respective Municipality
4. A detailed description of the exploration program proposed by the applicant, including: 1. a description of the Mineral resource group to be covered by the License, along with all geological reports or other evidence, 2. a technical description of the exploration method and equipment to be used
5. Other documents or information requested by the IMCC for valid reasons

2. Recommendations:

1. Certain documents shall be avoided, and those shall be verified according to the principle of the conducting the procedure ex officio, or the principle of legal assistance of the authorities or through a statement under oath;
2. The reapplication for a license shall be made ex officio by the ICMM;
3. The application fee shall be paid upon approval of the application, and the license review fee shall be waived when requested by the V.
4. Establish a SPC in ICMM

3. Justification of recommendations

1. With the aim of facilitating and reducing the administrative burden for the party, regarding the respective documents that the party must submit, upon application, some of them can be verified according to the principle of legal assistance between authorities as well as the principle of ex officio conduct of the procedure or through a statement under oath, as follows: Biographies (CVs): This information may be provided by a notarized statement under oath, where the applicant takes responsibility for the information presented as requested by the ICMM. This evidence must be submitted after the confirmation of the decision (approval), and the party must be exempted from the fee in the case of license review. This fee should not be paid in the event of the refusal of the application.
2. In the case of license renewal, the ICMM should act ex officio and inform the party as well as request the provision of information from the party, as needed for the renewal of the license. This can be done by amending the rules established by bylaws regulating the license review procedure by the ICMM.
3. With the aim of reducing the administrative burden for the parties, the application fee should be paid at the end, upon approval of the decision. While the modification fee for the license requested by the ICMM should be waived. Internal regulations should be amended for this.
4. Establish a SPC in ICMM. A one shop stop or Single Point of Contact should be established within ICMM, regarding the application and review procedures of licenses and other permits issued by ICMM. This Single Point of Contact will facilitate the procedure and concentrate reviewing capacities at this point. Such an approach will help applicants efficiently initiate and conclude the procedure, and also facilitate the reviewing process for the authority. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS.