

Pertaining to Article IV B 7 a) (IV) of the Constitution of the Federation of Bosnia and Herzegovina, I hereby pass the

**DECREE**  
**ON ISSUING THE LAW ON GEOLOGICAL EXPLORATIONS OF THE**  
**FEDERATION OF BOSNIA AND HERZEGOVINA**

The Law on Geological Explorations of the Federation of Bosnia and Herzegovina is hereby issued, passed by the Parliament of the Federation of BiH at the session of the House of Representatives on April 21, 2009 and the House of Peoples on January 28, 2010.

No. 01-02-88/10  
February 18, 2010  
Sarajevo

President  
**Borjana Krišto**

**LAW**  
**ON GEOLOGICAL EXPLORATIONS OF THE FEDERATION OF**  
**BOSNIA AND HERZEGOVINA**

**I. GENERAL PROVISIONS**

Article 1

(Subject matter of the Law)

This Law shall regulate: geological explorations, phases of execution of geological explorations, geological explorations of interest for the Federation of Bosnia and Herzegovina (hereinafter: Federation), activities which use the results of geological explorations, the creation and distribution of geological maps, the prospecting area, maintaining the cadastre, the creation and revision of geological documentation, approval for conducting a registered activity in the field of geology, the procedure of approval and what is specified by the approval of conducting geological explorations, conducting geological explorations, reports on geological explorations, issuing a decision on acknowledging mineral raw material reserves, procedure following the completion of exploration, collecting and creating a geological data base, financing geological explorations of interest for the Federation, revoking the approval for geological explorations, taking the professional exam, founding the trade chamber, validation of geological documentation and international treaties, inspection of the implementation of the Law on Geological Explorations of the Federation of Bosnia and Herzegovina, administrative supervision, penal provisions and other issues regarding geological explorations.

Article 2

(Definitions)

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

- "business entity – investor" shall mean a business entity approved in accordance with the Law to secure geological explorations on the exploration or exploitation site by investing their own funds;
- "business entity or public institution" shall mean an expert institution which operates in geological explorations and is registered for conducting activities in the field of geological explorations in accordance with this and other laws;
- "inspector" shall mean a geological inspector who monitors the implementation of the present law;

- "prospecting area" shall mean a part of the terrain where projected geological explorations are conducted, which is defined on the topographic map by closed polygonal lines with precisely defined coordinates and reaches to the depth between vertical sheets laid through the marked sides of the prospecting area for which the approval was issued in accordance with this Law;
- "exploitation field" is defined by natural or artificial borders reaching a specific depth between vertical sheets laid through these borders where exploitation work can be performed based on the issued approval for exploitation;
- "mineral raw materials" shall be all mineral matters of organic and inorganic origin in solid, liquid or gaseous state, in their primary form (deposit) or in sediments, tailings, dross and natural solutions;
- "geological documentation" shall mean programs and projects of geological explorations, reports and studies on the conducted geological explorations;
- "approval for conducting geological explorations" shall mean a decision by which the competent governing authority in accordance with this Law approves the business entity – investor to conduct geological exploration activities on a specified prospecting area under the conditions determined by the decision;
- "decision on confirming the amount and quality of the mineral raw material" shall mean a decision issued by the competent governing authority upon the request of the business entity – investor, in accordance with this Law and based on the results of conducted geological explorations and ascertained amounts and quality of the mineral raw material;
- "approval for conducting activities in the area of geological explorations" shall mean a decision – licence by which the competent authority confirms that the business entity or public institution fulfils legally set conditions for conducting activities in the area of geology – creating geological documentation and using laboratories, facilities and equipment for geological explorations;
- "GDS" shall mean the geological documentation system which is a part of a general geo-information system based on contemporary geo-information technology.

### Article 3

(Mineral raw materials within the meaning of this Law)

Within the meaning of this Law, mineral raw materials are:

- a) energy mineral raw materials – all types of fossil fuels, hydrocarbons in solid, liquid or gaseous state, all types of asphalt and oil rocks, other gases in the soil and radioactive mineral raw materials;
- b) mineral raw materials which can be used for the production of metals and their usable compounds;
- c) all types of salts and underground waters;
- d) non-metallic mineral raw materials: abrasives, asbestos, barite, bentonite, white bauxite, cement mari, diatomite, dolomite, feldspar, fluorite, gypsum, graphite, chalk, limestone, silicate mineral raw materials, ceramic and refractory clay, keramzit, slate, mica, magnesite, brick clay, pyrophyllites, sulphur, tuff, talc, technical construction stone, architectural construction stone, decorative and semi-precious stones, gravel and sand for construction outside of waterways;
- e) all secondary mineral raw materials which appear as unused remains in the process of creation, enrichment and processing of primary mineral raw materials; and
- f) all the unlisted mineral raw materials of natural origin.

## II. GEOLOGICAL EXPLORATIONS

### Article 4

(Geological explorations within the meaning of this Law)

- (1) Within the meaning of this Law, geological explorations shall be explorations and trials conducted with the following aim: to look into the development of composition and structure of the Earth's crust; to create geological maps; to prospect, find and determine the deposits of mineral raw materials i.e. the amount, the quality and the geological-economic effects of exploiting solid, liquid and gaseous mineral raw materials and geothermal energy; to determine geological and geomechanical properties of rocks and soil; to determine geological conditions for spatial planning and design of construction and mining facilities; protecting the terrain from erosion, floods and other natural disasters and geological explorations and trials with the aim of protecting the environment on the territory of the Federation.
- (2) The geological explorations from paragraph (1) of this Article shall encompass the execution of the following specialist exploration activities: general geological, palaeontological, stratigraphic, sedimentological, mineral-petrographic, geochemical, geophysical, metallogenic, economic-geological, structural-geological, engineering-geological, hydrogeological, seismic, geomorphologic, geodynamic, geobotanic, photo-geologic, geostatic, chemical-technological and other types of geological exploration activities and trials.

### Article 5

(Phases of geological explorations)

The main phases of geological explorations are:

- a) basic geological explorations;
- b) regional geological explorations;
- c) detailed geological explorations, and
- d) exploitative geological explorations.

### Article 6

(Basic geological explorations)

- (1) Basic geological explorations are conducted with the aim of obtaining basic geological data on the development, composition and structure of the Earth's crust, the regularities of geological creations and their properties, development of appropriate geological maps, ascertaining potential areas regarding mineral raw material reserves, as well as ascertaining geological conditions for regional geological explorations.
- (2) Basic geological explorations are conducted with the aim of finding out the basic geological, tectonic, metallogenic, hydrogeological, geothermal, engineering-geological, geophysical, seismic, mechanic and other geological rock and soil properties in a wider area and lower level of understanding the geological structure of the area, in which general geological maps are made, as well as the basis for spatial and urban planning, environmental protection and the drafting of the development strategy for the Federation and the cantons.

### Article 7

(Regional geological explorations)

- (1) Regional geological explorations follow the phase of basic explorations and are conducted with the aim of testing potential mineral raw material to the C<sub>1</sub> category level with important indicators for the phase of detailed geological explorations and for the

study of hydrogeological and engineering-geological properties of a specific wider area.

- (2) The data obtained from the explorations referred to in paragraph (1) of this Article and Article 6 of this Law make a foundation for programming and designing detailed geological explorations.

## Article 8

### (Detailed geological explorations)

- (1) Detailed geological explorations of mineral raw material are conducted in the area where the presence or the possibility of potential mineral raw material was ascertained by the means of basic and regional explorations. Detailed geological explorations ascertain the location, amount, quality and exploitation possibility of the explored mineral raw material.
- (2) Detailed geological explorations are conducted with the aim of studying and testing detailed geological, tectonic, metallogenic, hydrogeological, geothermal, engineering-geological, geophysical, seismic, mechanical and other geological properties of rocks and soil in a narrower area and higher level of understanding the geological structure of the area.
- (3) A special form of detailed geological exploration is forming collections of minerals, ores, rocks and fossils with the aim of scientific and expert professional development, education, exhibition or safe-keeping in verified (authoritative) institutions such as museums, institutes and faculties.
- (4) Detailed geological explorations of soil and rock are mandatory prior to creating technical documentation for the construction of the following:
  - 1) facilities of basic and chemical industry, ferrous and non-ferrous metallurgy, facilities for the production of paper and cellulose;
  - 2) facilities for the processing of fur and leather, facilities used for the storage of dangerous substances and similar facilities and plants which can endanger the environment;
  - 3) the railways and accompanying facilities;
  - 4) facilities running on liquid and petroleum gas;
  - 5) freeways, highways and regional roads and accompanying facilities (supporting structures, ducts etc.);
  - 6) tunnels;
  - 7) ports with accompanying facilities (docks, wave breakers, bulkheads, crane paths etc.);
  - 8) airports and accompanying facilities;
  - 9) hydroelectric and thermal power plants and accompanying facilities;
  - 10) tall dams and accumulations filled with water, tailings or ash;
  - 11) powerlines of the voltage 110kV and higher, substations and switchyards of the voltage of 35kV and higher;
  - 12) highway pipelines (gas and petroleum);
  - 13) interregional and regional facilities for water supply;
  - 14) facilities for the treatment of waste water for urban settlements;
  - 15) interregional and regional sewage systems;
  - 16) transit and main telephone-telegraph centres and accompanying facilities and connections between those centres;
  - 17) facilities of special interest for the defence of the country;
  - 18) facilities of broadcasting stations and radio-relay systems;

- 19) facilities where a larger number of individuals meet (theatres, cinemas, sports halls, exhibition halls, etc.), universities, institutes, schools, pre-schools, hospitals, stadiums, hotels, business and residential buildings covering a surface larger than 1,000m<sup>2</sup> and facilities with four or more overground floors, bus and railway stations;
- 20) religious facilities;
- 21) silos and water towers of all kinds;
- 22) halls of all types (industrial, business, sports etc.);
- 23) road, railway and pedestrian bridges;
- 24) sanitary landfills and facilities for the treatment of solid and hazardous waste;
- 25) all types of industrial facilities;
- 26) stations and facilities for the storage and decanting of fuel for motor vehicles;
- 27) all types of residential and business facilities of a surface larger than 1000m<sup>2</sup> and facilities with four or more overground floors, industrial and infrastructural facilities in the IX<sup>o</sup> zone and higher seismicity according to the MCS scale (Mercalli-Cancani-Seiberg scale), as well as for all types of permanent facilities in conditionally safe areas according to general engineering-geological criteria;
- 28) melioration systems;
- 29) for spatial and urban planning, for levels with a necessary basis of the scale 1:10,000, 1:5,000, 1:1,000 etc.

#### Article 9

##### (Exploitative geological explorations)

- (1) Exploitative geological explorations shall include geological-mining exploration activities for the purpose of rational exploitation of mineral raw material, the protection and security of work environment, employees, equipment and facilities in the exploitation area.
- (2) Exploration activities from paragraph (1) of this Article are conducted with the following aim:
  - a) monitoring the composition and checking the quality of the mineral raw material projected for exploitation;
  - b) additional exploration of new quantities of mineral raw material and categorisation from lower into higher categories with the aim of replenishing reserves of A+B category in the deposit;
  - c) monitoring the continuity of the spread of mineral raw material in the geological middle, in addition to recording of all tectonic structures;
  - d) recording and gathering data on hydrogeological conditions for the purpose of undertaking protective measures against the breach of underground water into the pit spaces or drainage of the surface quarries, and
  - e) permanent recording and monitoring of the geological environmental state with the advancement of mining works in the facilities in the pits and surface quarries with the aim of protecting the work environment and undisturbed exploitation activities in the deposit.
- (3) Business entities – investor conducting the exploitation of the mineral raw material shall be obliged to conduct explorations referred to in paragraphs (1) and (2) of this Article and create, based on the above exploration activities, geological plans and detailed geological maps of the exploitation field.

#### Article 10

##### (Geological explorations of interest for the Federation)

- (1) Geological explorations of interest for the Federation are:
  - a) basic geological explorations;
  - b) regional, detailed and exploitative geological explorations of soil, rocks and mineral raw material which has been ascertained as material of interest for the Federation by a decision of the Government of the Federation of Bosnia and Herzegovina (hereinafter: the Government of the Federation);
  - c) development of geological maps;
  - d) development of geological documents determined by the Government of the Federation;
  - e) creation and control of the geological cadastre;
  - f) geological explorations for the purpose of protecting the environment and
  - g) keeping and storing records important for the geological information system.
- (2) The decision on exploration from paragraph (1) of this Article is passed by the Government of the Federation upon proposal of the Federal Ministry of Energy, Mining and Industry (hereinafter: the Federal Ministry).
- (3) The procedure of awarding the approval for exploration from paragraph (2) of this Article is conducted in accordance with the Law on Public Procurement of Bosnia and Herzegovina ("Official Gazette BiH", no. 49/04, 19/05, 52/05, 92/05, 8/06, 24/06, 70/06 and 12/09). The manner and conditions for awarding the approval for geological explorations from paragraph (1) of this Article shall be prescribed by a rulebook passed by the Federal Minister for Energy, Mining and Industry (hereinafter: the Federal Minister).

#### Article 11

(Activities which use the results of geological explorations)

- (1) Geological explorations represent the obligatory basis in the following activities:
  - a) spatial planning – development of spatial planning documentation and environmental protection;
  - b) ascertaining planning bases for managing water (water business bases) for underground waters;
  - c) managing and developing agricultural land, land for growing forests and protecting land against erosion and preventing floods;
  - d) ascertaining the conditions for building over ground and underground facilities (energy, water, traffic and infrastructure) on the building site, and
  - e) urbanisation and ascertaining the usage and protection of natural resources and the protection of the environment connected to the Earth's crust.
- (2) The usage of geological data as the basis for the creation of projects, plans and other documents for the activities of businesses from paragraph (1) of this Article is conducted based on previously acquired expert opinion of the Federal Institute for Geology (hereinafter: the Federal Institute).

#### Article 12

(Development of geological maps)

Geological maps of different scale are made with the aim of creating the fundamental scientific basis for understanding the geological composition and structure of a specific terrain, the succession of rock creation and the level of their shifting through the evolution of the Earth's crust, and the rules of distribution and concentration of the mineral raw material, the study and management of underground water with the aim of solving scientific and expert problems in the area of egzodynamic processes and mechanical features of rocks and other scientific bases.

### Article 13

(The categorisation of geological maps based on content)

Based on content, the geological maps referred to in Article 12 of this Law are categorised as follows:

- a) general geological maps which present general geological data: composition, age and structural build of the terrain;
- b) special or purpose-specific geological maps which, in addition to general geological data, also present elements relevant for some geological discipline, such as: structural, paleo-geographical, neo-tectonic, geophysical, seismic, hydrogeological, engineering-geological, geothermal, metallogenic, geochemical, maps of mineral raw material, maps of geological fundamentals of environmental protection and other maps and their oleates which present specific geological features.

### Article 14

(The categorization of geological maps based on scale)

- (1) Based on scale, the geological maps referred to in Article 13 of this Law are categorised as follows:
  - a) detailed geological maps and geological plans – scale larger than 1:10000;
  - b) basic geological maps – scale from 1:100000 to 1:10000 and
  - c) overview geological maps – scale smaller than 1:100000.
- (2) Geological maps are developed at an appropriate scale depending on the need and purpose for usage with a final presentation in the GIS (geographic information system) information technology and the creation of the geological information system consisting of graphic foundations and geological data bases.
- (3) The instructions for the development of geological maps and subsequent documentation shall be issued by the Federal Minister.
- (4) Expert associations, institutions, public institutions and business entities registered for conducting registered activities take part in the procedure of setting the proposal for the instructions from paragraph (3) of this Article.

## III. PROSPECTING AREA

### Article 15

(Prospecting area)

- (1) The prospecting area defined in the program or project of geological explorations is limited by the endpoint coordinates on the topographic basis at a scale of 1:25000 and can be the area for explorations of:
  - a) solid mineral raw materials;
  - b) soil and rocks;
  - c) all types of underground water;
  - d) geothermal energy;
  - e) oil, bituminous and oil rocks and gases.
- (2) The approval for explorations on a specific prospecting area is awarded to a business entity – investor in accordance with this Law and the cantonal law on geological explorations.
- (3) Geological explorations of mineral raw materials are allowed only within the approved prospecting area.

#### Article 16

(Areas where geological explorations of mineral raw material are not allowed)  
Geological explorations with the aim of exploiting mineral raw material shall not be allowed in areas with water management facilities and water supply machines, facilities and areas important for defence, cultural monuments, natural rarities, cemeteries and areas protected according to other laws.

### IV. KEEPING THE CADASTRE

#### Article 17

(Cadastré of approved prospecting area, mineral raw material deposits and geological occurrences)

- (1) The Cantonal Ministry shall keep a register and cadastre of approved prospecting area for approvals issued on the territory of the Canton.
- (2) The Federal Ministry shall keep a register and cadastre of approved prospecting area for the territory of the entire Federation.
- (3) The competent Cantonal Ministry shall, after issuing the decision, submit to the Federal Ministry the decision on approved prospecting area from paragraph (2) of this Article for the purpose of entering into the cadastre of prospecting areas from paragraph (1) of this Article.
- (4) The register and cadastre of mineral raw material deposits and geological occurrences for the entire Federation shall be kept by the Institute.
- (5) The manner of keeping the register and cadastre of approved prospecting areas, mineral raw material deposits and the cadastre of geological occurrences on the territory of the Federation shall be prescribed by a rulebook issued by the Federal Minister.
- (6) The manner of keeping the register and cadastre of approved prospecting areas, mineral raw material deposits and the cadastre of geological occurrences on the territory of the Canton shall be prescribed by a rulebook issued by the Cantonal Minister.

### V. DEVELOPING AND REVIEWING GEOLOGICAL DOCUMENTATION, APPROVAL TO CONDUCT A REGISTERED ACTIVITY IN THE AREA OF GEOLOGY

#### Article 18

(Technical documentation for conducting geological explorations)

- (1) Basic and regional geological explorations are conducted based on the program for exploration and testing of the business entity or public institution which meets the requirements prescribed by Article 21 of this Law.
- (2) Detailed and exploitative geological explorations are conducted based on the project for exploration and testing of the business entity or public institution which meets the requirements prescribed by Article 21 of this Law.
- (3) The content and manner of creating the program and project of geological explorations shall be prescribed by a rulebook issued by the Federal Minister.

#### Article 19

(Documentation for geological explorations necessary for the construction of residential and other buildings)



- (1) Detailed geological explorations of soil for the construction of residential and other buildings requiring obligatory geological explorations of soil are conducted based on the project of exploration, the results of which are presented in a study of conducted exploration works.
- (2) Individual and detached buildings and standard geomechanical testing do not require prior exploration projects.
- (3) Explorations referred to in paragraph (1) of this Article shall be conducted based on the approval of the competent Cantonal Ministry.

#### Article 20

(Expert entities that can pursue development and review of geological documentation and manage geological exploration works)

- (1) Engineers of geology who passed the professional exam and have at least five years of experience working in this field can pursue development of programs and projects for basic and regional geological explorations, review and manage those exploration works.
- (2) Engineers of geology who passed the professional exam and have at least three years of experience working in this field can pursue development of detailed geological exploration projects, studies on classification, categorization and estimate of mineral raw material reserve, underground water, review of project and other technical documentation and manage exploration works.
- (3) Engineers of geology who passed the professional exam and have three years of experience working in this field can pursue development and review of project, technical and other documentation for exploitative geological explorations and manage exploration works.
- (4) During the development of project, technical and other documentation for geological explorations, the activities of specialist testing prescribed by project documentation (mineral, geomechanical, geophysical etc.) can be conducted by expert entities of construction, mining, chemical, technological or other field in accordance with this Law.

#### Article 21

(Business entity or public institution which can conduct geological exploration works)

- (1) Geological exploration works, development and review of project, technical and other documentation for geological explorations can be conducted by a business entity or public institution registered for this activity at the competent court, which has the decision by the Federal Ministry on meeting the requirements for conducting a registered activity in the field of geology, in accordance with this Law and the Law on business entities ("Official Gazette FBiH", no. 23/99, 45/00, 2/02, 6/02, 29/03, 68/05, 91/07, 84/08, 88/08 and 7/09).
- (2) The business entity or public institution from paragraph (1) of this Article must have at least two employees with higher education degrees in geology and a passed professional exam referred to in Article 54 of this Law and the prescribed requirements for the relevant phase of geological explorations referred to in Article 20 of this Law.
- (3) The business entity or public institution shall submit a request to the Federal Ministry to issue a decision on conducting a registered activity in the field of geological explorations. The following shall be submitted to support the request:
  - a) decision on the registration of a business entity or public institution at the competent court;

- b) a list of employees who meet the requirements regarding qualifications and work experience referred to in Article 20 of this Law and the passed professional exam referred to in Article 54 of this Law;
  - c) a list of equipment for geological explorations;
  - d) a list of geological equipment and instruments subject to attestation and the evidence of conducted attestation;
  - e) a list of laboratories and evidence of conducted accreditation referred to in Article 23 of this Law and a list of work space necessary for the activities listed in the request;
  - f) a statement from the general acts of the business entity which regulate the activities of conducting geological explorations.
- (4) Based on the request by the business entity or the public institution, the Federal Minister passes the decision on forming an expert commission for reviewing the applicant in terms of meeting the requirements for conducting the activities in the field of geological explorations. The expert commission shall consist of experts in the field of geology, an expert in the field of law from the Federal Ministry and one member of the commission in the field of geology from the Cantonal Ministry on whose territory the business entity or public institution is located.
- (5) The commission shall receive remuneration for their work which is paid for by the applicant.
- (6) The decision on meeting the requirements of the business entity or the public institution from paragraphs (1) and (2) of this Article and Article 23 of this Law shall be passed by the Federal Minister, after the expert commission conducts the review.
- (7) The business entity or public institution from paragraph (6) of this Article which does not have employees specialised for a specific type of geological explorations must ensure expert individuals by concluding contracts with physical and legal entities authorized for this type of geological explorations.

## Article 22

### (Review of geological documentation)

- (1) Programs and projects of geological explorations must be subject to review in terms of quality, justification of exploration works, measures and norms of protection at work while conducting geological explorations, impact on and protection of the environment, the influence of projected exploration work on the safety of underground and surface facilities and people, as well as in terms of the application of contemporary methods and achievements in the science of geology and the compatibility with technical regulations, norms and standards.
- (2) The review of the program, project, report or study on geological explorations can only be conducted by a business entity or public institution registered for creating geological documentation in accordance with Article 21 of this Law, which did not participate in the creation of the program, project or report on geological explorations.
- (3) The business entity or public institution which conducts the review of the program, project or study, as well as the expert entity that conducted the review takes on the responsibility regarding the completed review.
- (4) The content and manner of developing the program and project for explorations and reports and studies on conducted geological explorations, as well as the conditions and procedure of conducting review are prescribed by the rulebook which is passed by the Federal Minister.
- (5) Reports and studies on conducted geological explorations are subject to obligatory review with the aim of reviewing the quality and reliability of the exploration data and

results. The review of the report and the study is conducted by a business entity or public institution registered for the creation of geological documentation in accordance with this Law.

- (6) The review of reports and studies on conducted geological explorations from Article 10 of this Law is done by an expert commission appointed by the Federal Minister, i.e. the Cantonal Minister. The expert commission consists of experts in the field of geology who meet the requirements prescribed by Article 20 paragraphs (1), (2) and (3) of this Law. For the review of the part of the report and study regarding the specialist explorations prescribed in Article 20 paragraph (4) of this Law, experts of the appropriate field are appointed to the expert commission. Experts in the field of geology from the Federal Ministry, i.e. the Cantonal Ministry are also appointed as members of the expert commission.
- (7) The expert commission is entitled to remuneration for their work. The appointment, work and remuneration for the work of the expert commission from Article 21; Article 22 paragraph (6); Article 42 and Article 55 of this Law, shall be prescribed by a rulebook passed by the Federal Minister within the jurisdiction of Article 26 of this Law.

#### Article 23

(Accreditation of the laboratory for explorations, starting the process of work with the facilities, laboratories and equipment for conducting activities in the area of geological explorations)

- (1) Prior to starting work in the geomechanical and other laboratories for testing in the field of geological explorations, a business entity or public institution must complete the accreditation process at the competent institute for accreditation.
- (2) The business entity or public institution must, prior to starting the process of work, i.e. after the reconstruction of the facility, laboratory and equipment for geological explorations attain from the Federal Ministry the approval of meeting the requirements for using the facility, laboratory and equipment for conducting activities in the area of geologic explorations, in accordance with Article 21 of this Law and the Law on business entities.

#### Article 24

(Validation of geological documentation)

- (1) Ascertaining the compatibility of geological documentation developed according to foreign regulations with this Law, special laws, regulations and norms passed based on laws and rules of the trade (hereinafter: validation) must be conducted for all phases of geological explorations.
- (2) The validation of geological documentation is conducted by a business entity or public institution on the territory of the Federation registered for the creation of project documentation according to this Law. The business entity or public institution conducts the review of the project program and studies according to Article 22 of this Law.
- (3) The business entity or public institution from the previous paragraph must conduct the translation of the project documentation into the Bosnian, Croatian or Serbian language.
- (4) After the attestation of the documentation from paragraph (1) of this Article, the business entity or public institution is responsible for the conducted validation, i.e. the compatibility of the project documentation with this Law, cantonal laws, regulations and norms passed according to laws and rules of the trade.

## VI. THE PROCEDURE OF APPROVING GEOLOGICAL EXPLORATIONS

### Article 25

(Conditions for conducting geological explorations)

- (1) The business entity – the investor can secure the conducting of geological explorations only according to the attained approval for conducting geological explorations by the competent authority from Article 26 of this Law.
- (2) The creation of geological documentation and conducting geological explorative works can only be conducted by a business entity or public institution which meets the requirements from Articles 21 and 23 of this Law.

### Article 26

(Competence for issuing approvals for conducting geological explorations)

- (1) Geological explorations are conducted according to the approval by a competent authority.
- (2) The approval for conducting basic geological explorations shall be issued by the Federal Ministry.
- (3) The approval for conducting regional and detailed geological explorations for mineral raw material from Article 3 items a), b) and c) of this Law shall be issued by the Federal Ministry.
- (4) The approval for conducting regional and detailed geological explorations for mineral raw material from Article 3 items d), e) and f) of this Law shall be issued by the competent Cantonal Ministry.
- (5) The procedure of awarding approvals for explorations from paragraphs (2), (3), (4) and (5) of this Article which is conducted based on the decision of the Government of the Federation from Article 10 paragraph (2) of this Law, shall be prescribed by a special rulebook passed by the Federal Minister.

### Article 27

(Request for conducting regional and detailed geological explorations)

- (1) A request for approval of conducting geological explorations is submitted by the business entity – investor to the competent Federal Ministry, i.e. Cantonal Ministry according to Article 26 of this Law.
- (2) The Request for conducting regional and detailed geological explorations consists of:
  - a) name of the applicant;
  - b) subject of exploration (type of mineral raw material);
  - c) type and scope of explorations;
  - d) space for exploration (description of the size of the space, surface area, shape, morphology etc.) and
  - e) the start date and end date of explorations.
- (3) With the request from paragraph (1) of this Article, the following is attached:
  - a) topographic foundation (sheet, section 9 in the entire format, scale up to 1:25000, for detailed geological explorations or scale up to 1:100000 for regional geological explorations, with drawn borders of the prospecting area, set by endpoint coordinates);
  - b) urban planning permit for exploration defined by the program or project of the exploration, issued by the competent ministry for urban planning;
  - c) program of regional explorations or project of detailed geological explorations of a specific mineral raw material, underground water and detailed geological explorations for other purposes;

- d) the report on the conducted program review, i.e. the project of exploration;
- e) evidence of business entity registration with codes of activities pertaining to the exploitation of mineral raw material for which the request is submitted;
- f) evidence of entry into the registry of business entities and approval of the competent ministry for conducting the registered activity for a business entity or public institution which created and reviewed the project of geological explorations;
- g) approval for conducting exploration work from the owner of the land on which the exploration is to be conducted.

#### Article 28

(Conducting the procedure for granting approvals for geological explorations)

- (1) A competent authority must ascertain during the procedure of granting approval for geological explorations whether the program or project of geological explorations is created in accordance with the rulebook on the content of the program and project of geological explorations and in accordance with this Law.
- (2) In the procedure of granting approval for explorations of mineral raw material, the competent Federal Ministry, i.e. the cantonal Ministry sets an oral hearing by invoking an oral hearing in which the parties in the procedure are given the possibility of insight into the project documentation is mentioned.
- (3) The parties in the procedure from paragraph (2) of this Article shall be a legal entity who requested the procedure for approval granting, a business entity – investor that conducts exploration or exploitation, and whose exploration or exploitation field borders the exploration field for which the procedure of approval is being conducted, units of local self-government and the municipality to which the prospecting area territorially belongs.
- (4) The call for an oral hearing is delivered to the parties in procedure and the notice board of the municipality to which the prospecting area territorially belongs, at least eight days before the date of the oral hearing as stated in the call.
- (5) The competent Cantonal, i.e. Federal Ministry from Article 26 of this Law must invite the applicant to correct the request no later than 15 days from the day of submittal if the request does not meet the prescribed requirements for granting approval for geological explorations, i.e. notify the applicant about the necessary addition with the wanted documents.
- (6) The applicant must complete the request by the given deadline, no later than 15 days upon receiving the written notice.
- (7) The approval for geological explorations is an administrative act issued by the competent body in accordance with Article 26 of this Law, if it ascertains that the conditions prescribed by this La have been fulfilled.

#### Article 29

(Denial of the request for regional and detailed geological explorations)

- (1) The request for approval for geological explorations shall be denied by a decision:
  - a) if the business entity – investor does not complete the request in the period of 15 days after the addition from Article 28 paragraph (5) of this Law was required.
  - b) if the business entity – investor is not registered at the competent court and does not fulfil the prescribed conditions for being granted the approval for geological explorations;

- c) if during the procedure of approval granting it is ascertained that exploration works might endanger the safety and health of people and property or if the exploration works would hinder the conduct of other activities.
  - d) if another business entity – investor has already been approved for the same prospecting area and the same type of mineral raw material;
  - e) if the conducted review of the program or project shows that it is not justified to conduct the exploration.
- (2) In the procedure of granting approval for geological explorations the regulations for administrative procedure are used, unless stated differently by the provisions of this Law.

## VII. APPROVAL FOR GEOLOGICAL EXPLORATIONS

### Article 30

#### (Approval for geological explorations)

- (1) The approval for geological explorations determines the following:
- a) the subject of exploration;
  - b) the name of the business entity – investor who is granted the approval for exploring mineral raw material;
  - c) the name of the prospecting area defined by the endpoint coordinates where the projected scope will be conducted and the type of exploration works;
  - d) the size of the prospecting area;
  - e) the smallest scope and type of exploration works which must be conducted;
  - f) the largest amount of mineral raw material which can be exploited with the aim of testing the quality and chemical and technological features;
  - g) conditions and restrictions which must to be respected by the business entity which was given the approval for exploration during testing activities;
  - h) the deadline for the start of exploration;
  - i) deadline for submitting the report on the conducted exploration;
  - j) the obligation to revert the soil to the original state after exploration.
- (2) The time period of conducting the approved geological exploration is set in accordance with the dynamics prescribed by the program and project of geological explorations.
- (3) The validity of the approval for geological explorations can, at the request of the business entity – investor, be extended by one period listed in the approval, if the conditions in accordance with which did not change and if more than 50% of the project exploration works were completed.

### Article 31

#### (Approval for geological explorations for extending the exploitation field)

- (1) For the purpose of conducting geological explorations for the mineral raw material on an already approved prospecting area with the aim of extending the exploitation field and transferring the reserves from one category to another, the business entity – investor that is the beneficiary of the area submits a request in accordance with Article 27 of this Law to the competent ministry which issued the approval for exploration.
- (2) The competent ministry conducts the procedure and issues the decision with limited prospecting area in accordance with Articles 28, 29 and 30 of this Law with the aim of securing newly explored reserved of an appropriate category and class for current production.

#### Article 32

(Approval for exploring different mineral raw material)

Several exploration approvals can be issued for the same prospecting area if they refer to different types of exploration or different mineral raw material and if exploration activities can be conducted unimpededly.

### VIII. CONDUCTING GEOLOGICAL EXPLORATIONS

#### Article 33

(Registration of the start of exploration activities)

The business entity or public institution which conducts geological explorations or the investor of such works must report the start of exploration activities to the competent ministry no later than 15 days before the start of exploration.

#### Article 34

(Conducting exploration activities and the creation of the study about classification, categorisation and the estimate of mineral raw material reserves)

- (1) The business entity – investor must secure the conduction of exploration works and the creation of the study about classification, categorisation and the estimate of mineral raw material reserves in accordance with the program i.e. project of explorations.
- (2) The content and manner of creating the study about classification, categorisation and the estimate of mineral raw material reserves shall be prescribed by the rulebook passed by the Federal Minister.

#### Article 35

(Applying the regulations for conducting geological explorations)

The business entity or public institution which conducts geological explorations of mineral raw material must conduct activities according to the approved program, i.e. the project of geological explorations, this Law, technical regulations, norms and standards applicable for conducting these activities, conduct the prescribed security measures for safety at work, duly conduct measures for protecting citizens and property, conduct prescribed measures for protecting the environment and conduct exploration activities in accordance with the conditions of urban planning, water management, construction and environment.

#### Article 36

(Register kept for conducting geological explorations)

- (1) During the activity of exploration mineral raw material can be extracted in the amount required by exploration works and technological testing and which are prescribed by the approval for geological explorations in Article 30 of this Law.
- (2) The business entity – investor must, during the exploration, keep a register on the exploited amounts of mineral raw material, the place of deposit and sale or use for different purposes.
- (3) The business entity or public institution must ascertain and keep records on the set basic characteristics of other mineral raw material discovered during the exploration on the approved prospecting area, as well as about special features of the prospecting area (landslides, water, gas, decomposition crust and the content of useful raw mineral material)

- (4) The business entity or public institution must, if it encounters specific fossils, minerals, ores or rocks during the exploration, notify the institution authorised for their collection and storage.
- (5) The extraction of mineral raw material during exploration must be conducted according to appropriate regulations which are applied in the area of mining.

#### Article 37

(Geological explorations in the approved exploitation field)

- (1) The business entity – investor that conducts the exploitation of the mineral raw material must monitor the exploitation via a geological service, in their own exploitation field, and derive detailed and exploitative geological explorations based on exploration projects with the aim of comprehensive study of geological features of the deposit, recategorisation of the reserves and monitoring the quality of the mineral raw material.
- (2) The business entity – investor must create a project of geological exploration and study on the reserves and quality of the mineral raw material in their exploitation field based on the plan of geological explorations.
- (3) It is the obligation of the business entity – investor that is conducting the exploitation of the mineral raw material to start and keep a register on the mineral raw material reserves and submit a report on the state and quality of the mineral raw material to the competent ministry by 15 March of the current year.
- (4) The business entity – investor that conducts the exploitation of the mineral raw material, unless they have their own geological service, must entrust the geological activities to a business entity or public institution which meets the requirements for conducting these activities during the exploitation.
- (5) An approval by the competent ministry is not needed for the exploration of mineral raw material on the exploitation field. Exploitative geological explorations in the approved exploitation field are conducted by business entities in accordance with the annual plan of exploration and based on the reviewed exploration project approved by the business entity manager.

#### Article 38

(Geological exploration of unapproved mineral raw material in the approved exploitation field)

For the exploration of newly discovered mineral raw material in the approved exploitation field, the exploitation of which was not approved, the business entity – investor conducting the exploitation must acquire the approval by the Federal Ministry, i.e. Cantonal Ministry in accordance with Article 26 of this Law.

#### Article 39

(Cession of results from conducted geological explorations of mineral raw material deposits)

The business entity – investor that conducted exploration of one or more mineral raw material deposits using their own funds can cede the results of the exploration, with remuneration set by contract, to another business entity-investor, with previously acquired approval by the competent Federal Ministry, i.e. Cantonal Ministry.

### IX. REPORTS ON GEOLOGICAL EXPLORATIONS

#### Article 40



(Study and report on conducted geological explorations)

- (1) The business entity – investor must, during the period of exploration and according to set deadlines by the approval for exploration, submit periodical reports on conducted exploration activities, results of the exploration of raw mineral material and other data which a register is kept of according to Article 36 of this Law and about planned explorations for other purposes to the competent Ministry which issued the approval.
- (2) The business entity – investor must submit an annual report to the competent Ministry on the results of the exploration by 15 March of the current year for the previous year.
- (3) After the completion or permanent discontinuation of exploration, the business entity – investor must submit to the competent Ministry a study with document on the scope of conducted exploration activities, possible deviations from the exploration project, exploration results and technological testing for the period in which the exploration activities were conducted, with the data form paragraph (1) of this Article and Article 36 of this Law.
- (4) The study on completed exploration of soil and rocks for the construction of facilities contains especially the data on engineering-geological and hydrogeological features and data on geomechanical and geotechnical features of soil and rocks.

## X. ISSUANCE OF DECISIONS ON ACKNOWLEDGING MINERAL RAW MATERIAL RESERVES

### Article 41

(Creating a study on the classification, categorization and estimate of mineral raw material reserves)

- (1) Upon the completion of detailed geological explorations, the business entity – investor must create a study on the classification, categorization and estimate of mineral raw material reserves with a geological and economic assessment and the application domain of the mineral raw material.
- (2) The competent Federal Ministry, i.e. Cantonal Ministry, the jurisdiction of which is prescribed by Article 26 of this Law issues a decision – an administrative act on acknowledged amounts and quality of the raw mineral material.
- (3) The reserves of raw mineral material are sorted into classes and categories in accordance with the rulebook on classification, categorization and estimate of solid raw mineral material reserves and underground water issued by the Federal Minister.

### Article 42

(The procedure for the issuance of the decision which acknowledges the amount and quality of the mineral raw material)

- (1) The business entity – investor must submit a request for the review of the study to the competent Federal Ministry, i.e. cantonal ministry which issued the approval for the exploration of mineral raw material, 15 days after the study was made.
- (2) The study on the classification, categorization and estimate of mineral raw material reserves (hereinafter: study) is subject to obligatory review by an expert committee which is on demand appointed by the Federal Ministry, i.e. the Cantonal Ministry.
- (3) Pertaining to the study review request of the business entity – investor, the competent Federal Ministry, i.e. Cantonal Ministry shall issue a decision on the appointment of an expert committee for the review of the study. The expert committee consists of expert individuals in the area of Geology who meet the requirements in Article 20 paragraphs (1), (2) and (3) of this Law. The committee also consists of members in the area of

Geology from the Federal Ministry, i.e. the Cantonal Ministry. The expert committee shall be remunerated for their work. The appointment, activities and remuneration for the work of the expert committee in this Article shall be prescribed by a rulebook passed by the competent Minister.

- (4) The expenses of the expert committee for the study review will be covered by the business entity – investor who submitted the request for study review.
- (5) A competent administrative body shall organize the review and invite the expert committee, the applicant and the business entity or public institution that is the holder of the study. The competent body shall make minutes during the review.
- (6) After the expert committee accepts the study, the competent Federal Ministry, i.e. Cantonal Ministry, shall issue a decision on acknowledging the amount and quality of the mineral raw material in a specific prospecting area.
- (7) The Federal Ministry, i.e. Cantonal Ministry, shall submit a copy of the study on the classification, categorization and estimate of mineral raw material reserves to the Federal Institute for the Fund of expert documentation.
- (8) Cantonal Ministry shall submit one copy of the decision on acknowledged amount and quality of the mineral raw material to the Federal Ministry for the purpose of registering and data collection on the mineral raw material reserves and the balance of reserves.

#### Article 43

(The decision on acknowledging the amount and quality of the mineral raw material)  
The decision on acknowledging the amount and quality of the mineral raw material determines the following:

- a) the name of the business entity – investor who was granted approval for mineral raw material exploration;
- b) the name of the prospecting area and type of mineral raw material;
- c) the acknowledged amount of balance reserves of mineral raw material;
- d) the acknowledged amount of off-balance reserves (not obligatory);
- e) the acknowledged quality of the mineral raw material;
  - chemical composition of the mineral raw material,
  - physical and mechanical characteristics of the mineral raw material,
- f) application possibility;
- g) coordinates of the prospecting area.

#### Article 44

(Compensating the exploited amounts of the mineral raw material)

- (1) The business entity – investor conducting the exploitation of the mineral raw material must compensate the exploited amounts of mineral raw material with newly explored reserves of the appropriate category and class for current production.
- (2) The business entity – investor from paragraph (1) of this Article must create and submit for review to the Federal Ministry, i.e. Cantonal Ministry, a study on the classification, categorization and estimate of mineral raw material reserves in the exploration, i.e. exploitation field every five years for deposits whose reserves ensure the current production for a period of ten years, and every seven years for deposits whose reserves ensure production for a period longer than ten years.

## XI. PROCEDURE AFTER THE COMPLETION OF EXPORATION

#### Article 45

(The protection of the prospecting area after the completion of exploration)  
After the completion or permanent discontinuation of exploration, the business entity – investor must conduct all protective measures on the prospecting area which disable possible danger for people and property, and the soil damaged by exploration must be enabled for use in accordance with the approval in Article 30 of this Law.

#### Article 46

(Obligations following the completion or permanent discontinuation of geological explorations)

- (1) Following the completion or permanent discontinuation of exploration activities, the business entity – investor must notify the competent ministry which granted the approval for exploration about the conducted safety measures and the measures of restoring the prospecting area.
- (2) The competent ministry from paragraph (1) of this Article must check whether the conducted safety measures are satisfactory and whether they exclude the possibility of danger for people and property.
- (3) If the competent ministry from paragraph (1) of this Article ascertains that the conducted security measures are satisfactory, it shall notify the business entity which was approved for the explorations.
- (4) If the competent ministry which granted the approval for explorations, ascertains that the conducted safety measures are not satisfactory, it shall instruct the business entity – investor to remove the stated issues, i.e. to conduct additional safety measures.
- (5) If the business entity – investor does not act according to the instruction in paragraph (4) of this Article, the body which issued the instruction shall conduct necessary safety measures at the cost of the business entity which was granted the exploration.

## XII. COLLECTING DATA AND CREATING A GEOLOGICAL DATA BASE

#### Article 47

(Delivering data to the Federal Institute)

Business entities – investors that conduct explorations, finance and organise geological explorations, especially for construction, mining, water management, forestry and agriculture, must submit data on the type and scope of exploration activities and the amount of financial investment into these activities to the Federal Institute in accordance with Article 40 of this Law and with the aim of creating a data base on geological explorations.

#### Article 48

(Geological documentation system (GDS))

- (1) Geological documentation system (GDS) is part of a general geoinformation system based on contemporary geoinformation technology managed by the Federal Institute.
- (2) The manner of collection, recording, processing, using and exchanging data important for the database and forming the Fund for expert documentation on geologic explorations and organizations of the geoinformation system shall be prescribed by the rulebook passed by the Federal Minister.
- (3) The foundation for creating the rulebook from paragraph (2) of this Article is the project of the geological database and geological documentation system.
- (4) The project task of the geological data base and geological documentation system project is established by the Federal Ministry at the proposal of the Federal Institute.

#### Article 49

(Fund for expert documentation)

The Fund for expert documentation of the Federal Institute shall be used for storing programs and projects based on which approvals were granted for geological explorations, studies on mineral raw material reserves verified by the Federal Ministry, i.e. Cantonal Ministries and studies on other geological explorations.

### XIII. FINANCING GEOLOGICAL EXPLORATIONS OF INTEREST FOR THE FEDERATION

#### Article 50

(Creating plans and programs for geological explorations of interest for the Federation)

- (1) The Federal Institute conducts the creation of plans and programs of geological explorations from Article 10. of this Law.
- (2) The Federal Ministry proposes programs and plans from paragraph (1) of this Article.

#### Article 51

(Funds and criteria for financing geological explorations of interest for the Federation)

- (1) The funds for financing geological explorations of interest for the Federation from Article 10 of this Law are ensured by the budget of the Federation of Bosnia and Herzegovina.
- (2) The funds for geological explorations are used based on the criteria for financing geological explorations of interest for the Federation, which will be prescribed by the Federal Minister.
- (3) Business entities, public institutions and specialised institutions for geological explorations compete over budget funds for the exploration according to the criteria for financing geological explorations of interest for the Federation from paragraph (1) of this Article, in accordance with the Law on public procurement of Bosnia and Herzegovina.

#### Article 52

(The jurisdiction for making decisions on programs and plans of geological explorations of interest for the Federation)

The Government of the Federation shall make decisions on the programs and plans of geological explorations from Article 50 of this Law, at the proposal of the Federal Ministry, which shall be financed out of the budget of the Federation of Bosnia and Herzegovina.

### XIV. REVOKING APPROVALS FOR GEOLOGICAL EXPLORATIONS

#### Article 53

(Revoking approvals for geological explorations)

- (1) The approval granted to the business entity – investor shall be revoked:
  - a) if after the instruction by the competent geological inspector the measures for protecting the environment, occupational security, necessary measures for the safety of people and property were not conducted nor are the prescribed urban planning, water management and environmental requirements met;
  - b) if the exploration activities disturb or endanger other activities in the same or adjacent area;

- c) if the exploration is conducted in an irrational manner and thus endangers future exploitation of the mineral raw material in this or other prospecting area;
  - d) if the damage incurred on private property during exploration is not compensated duly;
  - e) if by exploration exploitation of the mineral raw material is conducted and
  - f) if the exploration is not conducted in accordance with the approved program or project of geological exploration and conditions set in the issued approval for exploration.
- (2) In the cases from paragraph (1) of this Article, the business entity shall not be compensated for the funds invested into the exploration.
- (3) The approval shall be revoked by the decision issued by the body which granted the approval for geological explorations, if there are any reasons from paragraph (1) of this Article.

## XV. TAKING THE PROFESSIONAL EXAM

### Article 54

(Professional exam for the employees in the field of geology)

Employees in the field of geology take the professional exam in order to meet the requirements and acquire professional status in order to conduct and manage activities in the field of geological explorations independently in exploration teams and geological services; to create and review programs, projects, reports and studies and other documentation.

### Article 55

(Taking the professional exam)

- (1) The professional exam from Article 54 of this Law is taken before an expert committee formed by the Federal Minister. The expenses for taking the professional exam are covered by the business entity with which the candidate has a contract or the candidates themselves if they do not have a signed contract. Members of the committee shall be remunerated for their work in the committee.
- (2) The program and manner of taking the professional exam for employees in the field of geology shall be prescribed by the rulebook passed by the Federal Minister.

## XVI. TRADE CHAMBER, VALIDATION OF GEOLOGICAL DOCUMENTATION AND INTERNATIONAL AGREEMENTS

### Article 56

(The establishment of the trade chamber)

With the aim of ensuring expert and scientific approach to projecting, conducting geological exploration activities and monitoring the exploration, educating and advancing the staff, exchanging experience, following and applying global movements in the area of project making and geological exploration and the application of set criteria, expert entities in the field of geology who conduct the listed activities can establish a trade chamber. The establishment and the work of the chamber is set by a special regulation.

### Article 57

(International agreements)

The provisions of this Law which regulate the rights and obligations of business entities, universities, faculties, institutes and other business subjects registered in the Federation for the field of Geology, including individuals, under the condition of reciprocity, apply to business entities, universities, faculties, institutes and other business subjects and individuals of the states with which Bosnia and Herzegovina has ratified international agreements which binds to an equal treatment of those subjects with domestic legal and physical entities.

## XVII. INSPECTION SUPERVISION

### Article 58

(Supervising the implementation of this Law)

- (1) The supervision of the implementation of this Law and regulations passed according to this Law is conducted by the competent federal, i.e. cantonal geological inspector.
- (2) Inspection supervision from Article 26 paragraphs (1), (2) and (4) of this Law is conducted by the federal geological inspector based on this Law and the Law on Inspections in the Federation of Bosnia and Herzegovina ("Official Gazette FBiH", no. 69/05).
- (3) Inspection supervision from Article 26 paragraph (3) of this Law is conducted by the cantonal geological inspector based on the cantonal law on geological exploration and the Law on Inspections in the Federation of Bosnia and Herzegovina.

### Article 59

(Geological inspector)

The activities of the geological inspector (hereinafter: inspector) can be conducted by a graduate Geology engineer with working experience in the field of at least five years, a passed professional exam who also meets other requirements by the Law of organizing administrative bodies in the Federation of Bosnia and Herzegovina ("Official Gazette FBiH", no. 35/05).

### Article 60

(The jurisdiction of the inspection)

During the process of supervision, the inspector controls whether:

- a) the business entity – investor has acquired all the approvals necessary for conducting geological explorations in accordance with Articles 25, 26 and 28 of this Law and whether activities are conducted in accordance with the approved project documentation;
- b) the business entity or public institution conducting geological explorations respects the laws and technical regulations, norms and standards which apply to these activities and whether it conducts the prescribed measures for protecting citizens, property and environment from Article 35 of this Law;
- c) the business entity or public institution conducting exploration meets the requirements prescribed by the provisions of Articles 21 and 23 of this Law;
- d) the entities who create and review the documentation for geological explorations meet the requirements prescribed by Article 20 of this Law;
- e) the business entity – investor conducting the exploitation regularly adds to the geological plans – maps and other documentation necessary for the correct technical and rational conduct of mining activities and whether it does other prescribed activities in accordance with Articles 9, 36, 40 and 44 of this Law;
- f) the business entity – investor conducts the exploitation of mineral raw material during exploration activities in accordance with Article 40 of this Law.

- g) the business entity – investor during exploration activities submits the report in accordance with Article 40 of this Law.

#### Article 61

##### (The rights and obligations of the inspector)

- (1) By conducting the inspection supervision, the inspector is entitled to:
  - a) conduct the inspection undisturbed and enter areas where exploration activities are conducted, ask for data, documents and report necessary for the inspection,
  - b) inspect technical and other documentation,
  - c) determine the identity of people conducting exploration activities,
  - d) temporarily confiscate technical documentation or make copies of it,
  - e) take photographs of locations he forbade work on,
  - f) ask for necessary data or basic samples of mineral raw material or other material,
  - g) ask for help of an expert organization or expert individuals,
  - h) temporarily ban the conduct of geological and mining activities.
- (2) The inspector can, up to eight days, exclude the documentation necessary for ascertaining the factual state on the subject at hand, if he is of the opinion that the provisions of this law were obviously violated, as well as technical regulations and regulations in the field of health and safety protection at work and other regulation passed pertaining to this Law, or if he doubts that an offense was committed.
- (3) Regarding the exclusion of documentation from paragraph (2) of this Article, the inspector issues a receipt to the business entity with the list of excluded documentation.
- (4) In his work, the inspector applies the rights confirmed by Articles 67 and 68 of this Law about the inspections in the Federation of Bosnia and Herzegovina.

#### Article 62

##### (Obligations of the business entity – investor and the business entity or the public institution conducting geological exploration activities)

- (1) The business entity – investor and the business entity or public institution conducting geological exploration activities must enable the inspector to conduct inspection supervision.
- (2) The business entity – investor and the business entity or public institution conducting geological exploration activities must enable an insight into all the documentation of the entity, and upon the request of the inspector, select a person or several people who will participate in ascertaining the factual state during the inspection.

#### Article 63

##### (Minutes on the inspection supervision)

- (1) The inspector must make minutes on the conducted inspection. The inspector must state the identified defects and irregularities in the minutes on the conducted inspection supervision.
- (2) The minutes are put together by the inspector who conducted the inspection. If the inspection supervision was conducted by several inspectors simultaneously according to the same order (a collective inspection supervision), they make one minutes together.
- (3) Apart from the entries prescribed by the Law on administrative procedure (“Official Gazette FBiH” no. 2/98 and 48/99) minutes also consist of entries necessarily stated during the inspection.
- (4) The minutes on inspection supervision is a public document except the parts of the minutes in which the supervisory subject issued a complaint that it was not created correctly.

#### Article 64

(The procedure for the issuance of the decision)

- (1) Pertaining to the minutes from Article 63 of this Law, the provisions of this Law, technical regulations and other regulations in the field of geological explorations, the inspector has the right and obligation to issue the decision to the business entity – investor, i.e. business entity or public institution, which orders them to remove defects and irregularities, and sets new deadlines for that.
- (2) Pertaining to the minutes from paragraph (1) of Article 63 of this Law, the inspector has the right and obligation:
  - a) to order the removal of identified defects and irregularities by means of decision;
  - b) order a temporary ban on the conduct of activities by means of decision;
  - c) file a claim for a commercial offence.
- (3) The decision from paragraph (2) of this Article shall be reported orally in the case of imminent danger for life and health of people, traffic, adjacent facilities and environment. The content of the oral decision shall be written down in the book of mining supervision in addition to the measures that he ordered to be taken.
- (4) The inspector must issue in the decisions from paragraphs (2) and (3) of this Article in written form to the business entity – investor, i.e. business entity or public institution no later than eight days from the day of the conducted inspection.
- (5) The business entity – investor, i.e. the business entity or the public institution must act in accordance with the ordered in the decision of the inspector at the deadline set by the decision.

#### Article 65

(Administrative measures required by the decision)

If the inspector determines that the business entity – investor, i.e. the business entity or the public institution does not act, or incompletely acts in accordance with the set obligations, he must order appropriate administrative measures according to the determined factual state in the minutes on the conducted inspection supervision, which are:

- a) order the removal of identified defects and irregularities in a manner and timeline as set by this Law and regulations passed according to it;
- b) order a temporary ban on exploration activities;
- c) order a ban on exploration activities;
- d) order appropriate administrative actions which the business entity and the other legal entity, the institutions with public authorisation, i.e. administrative body must take;
- e) forcefully implement a specific administrative measure when it is not implemented by a business entity – investor, i.e. the business entity or the public institution;
- f) file a report against the business entity – investor, i.e. the business entity or the public institution and the person responsible for the committed minor offence;
- g) determine other measures and conduct actions determined by this Law and regulations;
- h) ban the conduct of activities.

#### Article 66

(Temporary ban on conducting geological exploration activities)



The inspector can, by means of decision, ban the business entity – investor from conducting activities until the removal of defects, if during the inspection supervision it is determined that:

- a) the business entity or public institution which conducts geological explorations did not ensure complete accuracy of the means of work, work space and the work process as is defined by the approved project and technical documentation according to the provisions of this Law.
- b) the business entity or public institution which conducts geological explorations does not entirely apply the provisions of this Law, technical regulations, regulations in the field of protection at work and health protection of workers and other regulations and acts, i.e. the activities are not conducted in accordance with the approved technical documentation;
- c) during the use of means of work, the application of work procedures, use of work space which is not protected, there is danger of injury, endangering the health of employees of the business entity or the public institution which conducts exploration activities and if employees do not respect appropriate instructions for work;
- d) the business entity – investor, i.e. the business entity or public institution did not act in accordance with the orally expressed order by the inspector and
- e) the business entity – investor, i.e. the business entity or public institution prevents the conduction of the inspection supervision.

#### Article 67

(The ban on conducting geological exploration activities)

The inspector has to ban the conduct of geological exploration activities by means of decision, if he determines the following during the inspection supervision:

- a) the business entity or the public institution conducting the exploration conducts exploration activities without the approval for exploration or without the approval for conducting a registered activity or while conducting exploration activities it does not apply the provisions of this Law, technical regulations, regulations about health and safety protection at work, which can endanger the lives and health of employees, the safety of traffic and adjacent facilities, environmental protection and the possibility of creating larger material damage, i.e. the activities are not conducted in accordance with the approved technical documentation;
- b) the business entity – investor, i.e. the business entity or the public institution employ people who fail to meet the requirements of expert qualifications according to the provisions of this Law;
- c) the business entity – investor, i.e. the business entity or the public institution or their responsible person, in addition to oral order by the inspector, repeatedly break the provisions of the technical regulations, regulations about health and safety at work and other regulations about mining operations, and general acts of this Law;
- d) during exploration, the business entity – investor, i.e. the business entity or the public institution uses facilities and geological equipment without a use permit, which directly endangers the safety of facilities and devices, the lives and health of people, traffic, adjacent buildings and the environment and presents a direct danger for the lives and health of the employees and
- e) during their activities, the business entity – investor, i.e. the business entity or the public institution reach out of the area specified by the approval for exploration as prescribed in accordance with this Law.

#### Article 68

(Ban on the conduct of activities)

- (1) The inspector must, by means of decision, ban the conduct of activities for the business entity – investor, i.e. the business entity or the public institution, if he determines the following during the inspection supervision:
  - a) it does not meet the requirements prescribed by this Law for the conduct of activities;
  - b) regulations and standards are not applied during the conduct of activities;
  - c) the creation and review of technical documentation is conducted by entities who fail to meet the requirements according to this Law.
- (2) For third parties (legal and physical entities), the inspector shall determine an administrative measure if they conduct an activity contrary to the provisions of this Law.

Article 69

(Oral determination of administrative measure)

- (1) During the inspection, the inspector shall orally determine an administrative measure to be executed immediately by the business entity – investor, i.e. the business entity or the public institution:
  - a) when obliged by this Law and
  - b) when in the current situation it is necessary, according to the inspector, to undertake measures for removing immediate dangers for the lives and health of the employees and citizens or the incurrence of greater material damage.
- (2) The content of the oral administrative measure is written down into the book of mining supervision and the minutes of inspection supervision.

Article 70

(Deadline for the issuance of the decision)

- (1) The administrative measure is determined in the decision by the inspector.
- (2) The inspector must issue the decision on specific administrative measures before the legal deadline, and the decision on the orally determined administrative measure in written form three days after the administrative measure was pronounced.

Article 71

(Implementation of the decision)

- (1) The implementation of the decision is monitored by the inspector and determines ex officio.
- (2) The inspector checks the implementation of the decision through a control inspection or other written proof.
- (3) The inspector can extend the implementation of the decision up to 30 days, except for the decisions for which the administrative measures were determined orally.

Article 72

(Complaint against the decision)

- (1) A complaint against the decision on an orally determined administrative measure is not allowed.
- (2) A complaint against the decision on determined administrative measures from Articles 65, 66, 67 and 68 of this Law, can be stated within eight days after receiving the decision.
- (3) The Federal Ministry resolves the complaint.

- (4) The complaint against the decision of the inspector on specific administrative measures does not delay the implementation of the decision.
- (5) An administrative dispute can be started against the decision of the inspector on orally determined administrative measure and the decision of the Federal Ministry issued on the complaint.

#### Article 73

(Deadline for resolving the complaint)

The competent appellate court must resolve the complaint against the decision of the inspector on the determined administrative measure within eight days since the complaint was received.

### XVIII. ADMINISTRATIVE SUPERVISION

#### Article 74

(Implementing administrative supervision)

- (1) Administrative supervision over the implementation of this law and regulations passed based on this law and the rules of work and conduct of competent administrative bodies and entities with public authority in the administrative and other activities entrusted to them regarding the area of geological explorations, is conducted by the Federal Ministry, i.e. cantonal ministry.
- (2) Administrative supervision is conducted by an employee of the Federal Ministry, i.e. cantonal Ministry authorised by the Minister.

#### Article 75

(Cancellation and abolition by right of supervision)

- (1) If during the administrative supervision, i.e. the supervision conducted by the inspector it be determined that by means of the decision of the supervised body or legal entity from Article 74 of this Law, which is final in the administrative procedure, material provisions of the law or laws passed based on the law which regulates the area of geological explorations are broken, the competent Federal Ministry, i.e. cantonal ministry shall cancel such a decision by right of supervision.
- (2) If during the administrative supervision, i.e. the supervision conducted by the inspector it is determined that by means of approval for the conduct of exploration activities, the decision on acknowledging the amount and quality of the mineral raw material, the approval of conducting a registered activity in the area of geological explorations and the approval of using labs, facilities and equipment for geological explorations, which are final in the administrative procedure, that the material provisions of this Law were broken, the competent ministry shall cancel such an approval or decision by right of supervision.
- (3) If during the process of supervision, it is determined that by means of inspection decision, which is final in the administrative procedure, the provisions of this Law were broken, the competent ministry shall cancel such a decision by right of supervision.
- (4) The decision on revoking, i.e. cancellation by right of supervision can be issued within a year of the date of the final act which is revoked, i.e. cancelled.

### XIX. PENAL PROVISIONS

#### Article 76

(Business entity – investor minor offences)

- (1) A fine of 10,000KM to 15,000KM shall be imposed for a minor offence on a legal entity in the capacity of investor if:
- a) they conduct geological explorations without previously acquired approval for explorations from the competent ministry (Articles 25 and 31);
  - b) they extract a larger amount of mineral raw material during exploration activities and conduct exploitation of mineral raw material as exploration (Article 36 paragraph (1));
  - c) they fail to conduct geological explorations in accordance with the provisions listed in the approval for geological explorations (Article 30);
  - d) they fail to keep a register on exploration of mineral raw material (Article 36 paragraphs (2), (3), (4) and (5));
  - e) they conduct explorations outside of the prospecting area (Article 15);
  - f) they fail to acquire the approval of the owner of the land prior to entering the approved prospecting area (Article 27 paragraph (3) item g));
  - g) they conduct geological explorations in the area where geological explorations are not allowed or if they conduct the explorations of special social interest contrary to the conditions and manner from the decision by the competent body (Articles 16 and 10 paragraph (2));
  - h) they fail to report the start of exploration activities within the prescribed deadline to the competent ministry (Article 33);
  - i) they fail to ensure the conduct of exploration activities and the creation of a study on the classification, categorisation and estimate of the mineral raw material reserves in accordance with the program, i.e. the project of exploration and the rulebook on classification, categorisation and estimate of the mineral raw material reserves (Article 34.);
  - j) they fail to submit periodical reports on conducted exploration activities and results of the exploration of mineral raw material within prescribed deadlines, and the planned long-term explorations for other purposes within the deadlines determined in the approval for exploration (Article 40);
  - k) they conduct exploitation and fail to conduct regular geological explorations, create geological plans and detailed geological maps, keep a register or fail to submit an annual report to the competent ministry (Articles 9 and 37);
  - l) following the completion of permanent discontinuation of exploration activities, they fail to conduct measures for ensuring people and property, fail to restore the land to the state prior to the conduct of exploration activities or fail to prepare for use for other purposes in accordance with the approval for exploration (Article 45);
  - m) following the completion of permanent discontinuation of exploration activities, they fail to notify the competent body about the conducted safety measures and the reconstruction of the prospecting area (Article 46);
  - n) they fail to compensate for the exploited amount of mineral raw material with newly explored reserves of the appropriate category and class or fail to create a study on the mineral raw material reserves within the prescribed deadlines (Article 44);
  - o) they fail to submit to the competent ministry, within the prescribed deadline, the study on classification, categorisation and estimate of mineral raw material reserves in the prospecting area, i.e. exploitation field, for review and validation (Article 41 paragraph (1) and Article 42 paragraph (1));
  - p) they fail to submit to the Federal Institute data on conducted geological explorations (Article 47).

- (2) A fine of 2,000 KM to 3,000 KM shall be imposed on the person responsible in the legal entity for the minor offence from paragraph (1) of this Article.
- (3) For the minor offences from paragraph (1) items from a) to c) of this Article, in addition to a fine, the following shall be imposed:
  - a) a safety measure of confiscating items which were used or were intended for committing a minor offence, or were created by committing a minor offence or if there is danger that such items could be used again to commit a minor offence, regardless of the fact whether they are owned by the offender;
  - b) a measure of confiscating property gains acquired by committing a minor offence.
- (4) Property gains from paragraph (3) item b) of this Article is considered to be the market value of mineral raw material acquired through illegal exploitation.
- (5) For minor offences from Article 76, the person responsible can be banned from conducting certain duties in the duration of one to six months.

#### Article 77

(Minor offences by business entities or public institution registered for the conduct of activities in the area of geological explorations)

- (1) A fine 5,000KM to 15,000KM shall be imposed on a legal entity for a minor offence if:
  - a) they conduct the creation and revision of geological documentation and the conduct of geological exploration activities without the approval for conducting activities and the approval for the use of exploration equipment (Articles 22 and 25);
  - b) they entrust the activities of creating project, technical and other documentation for geological explorations to people who fail to meet the prescribed requirements (Article 20);
  - c) they fail to create the geological documentation in accordance with this law (Articles 18 and 19);
  - d) the geological documentation or part of geological documentation for which control was conducted with a positive report, does not meet the requirements of this Law (Article 22 paragraph (3));
  - e) they use the laboratory, facilities and geological equipment without the prior accreditation of the lab for testing and acquiring of the approval on using the laboratory, facilities or equipment for geological explorations (Article 23);
  - f) they fail to conduct geological explorations in accordance with this Law (Article 35).
- (2) A fine of 1,000 KM to 3,000 KM shall be imposed on the person responsible in the legal entity for the minor offence from paragraph (1) of this Article.

#### Article 78

(Minor offences by reviewers)

- (1) A fine of 2,000 KM to 3,000 KM shall be imposed on the reviewer for a minor offense if:
  - a) they conduct review of geological documentation which does not meet the requirements of this Law (Article 20, paragraph (3)),
  - b) they conduct the review of geological documentation in whose creation he participated or if the geological documentation was created or validated by the business entity or public institution they are employed at (Article 22 paragraph (2)),
  - c) the geological documentation or part of the geological documentation which he controlled and issued a positive report does not meet the requirements of this Law (Article 22 paragraph (3)).

- (2) In addition to the fine for the minor offence from paragraph (1) of this Article, the person conducting the control of geological documentation, i.e. the reviewer can also be issued a safety measure of depriving him of the right to create or control geological documentation in the duration of three to six months, and for a repeated minor offence, in addition to the fine, the mentioned measure shall be issued in the duration of six months to a year.
- (3) The person who conducted the control of geological documentation (reviewer) in the case from paragraph (1) of this Article must compensate the damage to the investor in accordance with the special law.

#### Article 79

(Minor offences by business entities or public institutions conducting the validation)

A fine 5,000KM to 15,000KM shall be imposed on a legal entity for a minor offence if:

- a) they conduct the validation of geological documentation without the approval (Article 24 paragraph (2));
- b) the geological documentation or part of the geological documentation that was validated and certified does not meet the requirements of this Law (Article 24 paragraph (4)).

## XX. TRANSITIONAL AND FINAL PROVISIONS

#### Article 80

(Procedures initiated before the entry into force of this Law)

Administrative procedures initiated before the entry into force of this Law shall be finalized according to the regulations based on which they were initiated.

#### Article 81

(The regulations of the Federal Minister)

The regulations for the implementation of this Law referred to in Articles 10, 14, 17, 18, 22, 26, 34, 41, 48, 51 and 55 shall be passed within one year of the entry into force of this Law.

#### Article 82

(Application of existing regulations)

Pending the adoption of regulation from Article 81 of this Law, the following regulation will be applied until the day of entry into force of his Law, if not in contrast to the provisions of this Law:

- a) The Law on the Single Manner of Determining, Registering and Collecting Data on Mineral Raw Material Reserves and Underground Water and the Balance of the Reserves (“Official Gazette RBiH”, no. 8/93 and 13/94);
- b) The Rulebook on Classification and Categorisation of Reserves of Particular Mineral Raw Material and Keeping Records thereon (“Official Gazette SFRY”, no. 53/79);
- c) The Rulebook on Classification and Categorisation of Underground Water and the Relevant Register (“Official Gazette SFRY”, no. 34/79);
- d) The Rulebook on Classification and Categorisation of the Reserves of Oil, Condensates and Natural Gas and the Relevant Register (“Official Gazette SFRY”, no. 80/87);
- e) The Rulebook on the Manner and Program of the Professional Exam for the Employees in the Field of Geology (“Official Gazette RBiH”, no. 16/93 and 13/94);

- f) The Rulebook on the Content of Programs, Projects and Studies of Geological Explorations (“Official Gazette RBiH”, no. 16/93 and 13/94) and
- g) The Rulebook on Keeping a Collection of Documents and Cadastre of Prospecting Areas and Exploitation Fields (“Official Gazette RBiH”, no. 16/93 and 13/94).

Article 83

(Harmonization of law)

The legislative bodies of cantons must harmonize their laws on geological explorations to the provisions of this Law within six months of the entry into force of this Law.

Article 84

(Harmonizing the registration of business entities and public institutions)

Business entities or public institutions registered for geological explorations, projecting, conducting exploration and reviewing project documentation must harmonize their registration with the provisions of this Law within 12 months of the day this Law enters into force.

Article 85

(Cease of effect)

On the day of entry into force of this Law, the Law on Geological Explorations (“Official Gazette RBiH”, no. 3/93 and 13/94) shall cease to have effect.

Article 86

(Entry into force)

This Law shall enter into force on the eighth day after the day of its publication in the “Official Gazette of the Federation of BiH”.

Chairman  
House of Peoples  
Parliament of Federation BiH  
**Stjepan Krešić**, m.p.

Chairman  
House of Representatives  
Parliament of Federation BiH  
**Safet Softić**, m.p.