

LAW
ON THE MINING INDUSTRY OF THE FEDERATION OF BOSNIA AND
HERZEGOVINA

1. GENERAL PROVISIONS

Article 1

Scope of the Law

This Law defines the following: legal status of mineral wealth or mineral raw materials; method and conditions of management of mineral raw materials; protection; execution of mining operations; health and safety measures; suspension and permanent termination of mining operations; technical documentation and design activities; mining measurements and mining plans; inspection; protection and landscaping of areas; penal provisions and any other issues related to the management of mineral raw materials in the Federation of Bosnia and Herzegovina (hereinafter: the Federation).

Mineral wealth is the wealth of common interest and is under special protection.

Article 2

Definitions

Terms used in this Law have the following meanings:

1. mineral raw materials are non-renewable and renewable natural resources that can be applied to direct or indirect commercial use;
2. management of mineral raw materials includes all procedures and actions necessary for (optimal) exploitation and use of mineral raw materials;
3. a mine is a restricted land area where mineral raw materials are exploited, including any equipment, machinery, buildings, construction infrastructure, stockpiles, landfills, storehouses and any other facilities necessary for mining operations;
4. a mine, in legal terms, is a company whose core business activity is exploitation of mineral raw materials;
5. a mining facility is a facility in an exploitation field above ground and/or below ground, intended for exploitation of mineral raw materials and other mining operations that are not directly related to the exploitation of mineral raw materials;
6. mining infrastructure consists of mining facilities necessary for exploitation of mineral raw materials from the commencement to the completion of exploitation works (access roads, electric equipment and facilities, water supply facilities, staff and equipment buildings, etc.);
7. mining area is an area above ground and/or below ground, consisting of access land and land intended for exploitation of mineral raw materials, marked by boundary lines between particular geographic coordinates linked to the geodetic network;
8. mine area plan - map is a cadastral map at a prescribed scale with marked plot boundaries and numbers, which may not be older than six months at the beginning of exploitation and which must be updated at least once a year;
9. exploitation is the extraction of mineral raw materials from the deposit and their processing or refining;
10. extraction includes all activities necessary to reach mineral raw materials in the deposit - opening, preparation for mining, mining and transporting for refining and/or storing;

11. downhole exploitation includes all activities necessary to prepare the deposit for pumping, to carry out the pumping and to include the mineral raw material in the processing;
12. for the purposes of this Law, processing or refining of mineral raw materials means selection, sorting, crushing, grinding and drying of mineral raw materials, separation of useful material and the accompanying gangue, and separation of individual mineral components, as well as removal of dirt and water from petroleum and natural gas when these activities are technologically related to exploitation;
13. storing includes all actions necessary for storing of mineral raw materials in solid, bulk, liquid and gaseous state;
14. reclamation of abandoned areas and exploitation areas includes all actions to be carried out in the mining area for the purposes of final remediation and reclamation of areas degraded by mining operations, in accordance with a mining design;
15. exploitation field is a part of the land delineated by straight lines or natural or artificial boundaries which reach a certain depth underground between vertical planes that pass through those boundaries, with marked points and defined coordinates;
16. geological environment for storing of hydrocarbons is a special form of storage that is made in a compact and non-cracked rock massif;
17. geothermal energy source is a source of heat caused by earth's heat that is reflected in thermal fluids and thermal effects of rocks;
18. protective pillar is a protective area where no mining of mineral raw materials is permitted in order to protect underground and surface structures and facilities of general interest;
19. mining method is a series of technical procedures, measures, processes and sequence of actions when mining mineral raw materials by mining operations within structurally determined elements of a mining field or a mining worksite;
20. underground pit is a mining facility for underground method of exploitation;
21. plant is a set of devices and fittings connected into a functional whole whose common function serves the same common goal;
22. mining field is a restricted area for mining including separate entry and exit paths and paths for airflow with specific structurally determined elements, which may be divided into blocks, floors, horizons and individual worksites;
23. mining worksite is a part of the mining field where the works are carried out. Worksites have their own names;
24. classification and categorisation of mineral raw materials is a procedure whereby mineral raw materials are grouped into classes and categories according to their properties, possibilities of application, yields, degree of exploration and economic viability;
25. mineral raw material reserves are quantities of mineral raw materials identified in a deposit;
26. mineral raw material occurrences are mineral raw materials that are not sufficiently explored and do not have sufficient yield for cost-effective exploitation;
27. mining wealth means all mineral raw materials referred to under Article 7 of this Law that are exploited under the conditions and in the manner defined under this Law;
28. access land is the land which allows access to the exploitation area;
29. occurrence of hazard is any occurrence in the process of exploitation of mineral raw materials and other works that threatens the health and safety of people, property and the environment;

30. mining method and installation of a main support system when constructing underground mining rooms is a method that allows stability and self-supporting of the space secured by the main support system;
31. mining operations are works that are carried out for the purpose of exploration and exploitation of mineral raw materials;
32. mining work method is a method that applies technology determined by mining technical regulations and health and safety regulations;
33. unit of measurement of a mineral raw material in the solid state is a cubic metre of the mineral raw material in its deposit;
34. solid state of a mineral raw material means the primary state of the mineral raw material in its deposit;
35. open-pit mine is a mining facility featuring the surface method of exploitation of mineral raw materials;
36. underground storage is a prepared space for underground storage of gases, liquids (excluding water) and solids;
37. contractor is a company that holds a permit issued by a competent authority for the execution of mining operations or individual technological units;
38. contractor for mining operations and other operations is a company that is registered with the court registry and that has submitted to the competent inspection authority a notification of commencement of operation and meeting of requirements regarding technical equipment, health and safety, protection and improvement of the environment, and any other requirements prescribed for such operation;
39. pit water is water located in the area where mineral raw materials are being extracted or have been extracted, and in excavated soil landfills and tailings, which drains into adjacent waterbodies including surface watercourses, groundwater, lakes, swamps and the sea.

Article 3

Purpose of the Law

The purpose of this Law is the management of mineral raw materials with the following objectives:

1. to achieve judicious and sustainable exploitation of mineral raw materials;
2. to achieve social and economic development;
3. to protect the mineral wealth;
4. to ensure participation of the general public in decisions relating to mineral wealth; and
5. management of mineral raw materials includes all procedures and actions necessary for (optimal) exploitation and use of mineral raw materials, which shall be performed by Federal or Cantonal authorities.

Article 4

Management of Mineral Raw Materials

The management of mineral raw materials is the responsibility of the Federation and the Cantons, which shall, in accordance with this Law, programme, plan and oversee the exploitation of mineral raw materials while ensuring their judicious utilisation in compliance with regulations on safety of mining facilities and employees and on the protection of the environment and the nature.

Article 5

Application of the Law

This Law does not apply to business activities related to the transportation of mineral raw materials (freight) by the following means: railway transportation on public transport railways; road transportation on public roads; maritime and inland waterway transportation; air transportation; pipeline transportation from the transfer station, or from the introduction into the gathering pipeline or from the last measuring exit station in the event such pipeline serves for direct and exclusive delivery to third parties or other plants whose business activities do not include exploitation and preparation of mineral raw materials.

Water management is carried out under a separate law.

Article 6 Mining Business

For the purposes of this Law, mining business includes the following: mining exploration works; exploitation of mineral raw materials including opening, preparation, mining, transporting, depositing, delivery, processing and storage of mineral raw materials; development and review of technical documentation for this business activity (reports, general and detailed studies, plans and designs); remediation and technical reclamation of the land impacted by mining operations.

Article 7 Mineral Raw Materials

For the purposes of this Law, mineral raw materials include all organic and inorganic mineral raw materials found in solid, liquid and gaseous state, in their primary form (deposit) or in drifts, tailings, smelting slags and natural solutions, as follows:

1. energy mineral raw materials - all types of fossil fuels, hydrocarbons in solid, liquid and gaseous state, all types of bituminous and oil rocks, other gases found in soil and radioactive mineral raw materials;
2. mineral raw materials which can be used to produce metals and their compounds;
3. all types of salt and saltwater, and gases occurring with them;
4. non-metallic mineral raw materials: abrasives, asbestos, barite, bentonite, white bauxite, cement marls, diatomite, dolomite, feldspar, fluorite, gypsum, graphite, chalk, limestone, quartz, quartz sand, quartzite, ceramic and refractory clay, keramzite, shale, mica, magnesite, brick clay, pyrophyllite, sulphur, tuff, talk, talk shale, technical-construction stone, architectural-building stone, ornamental and semi-precious stone, gravel and sand for construction outside of watercourses;
5. all secondary mineral raw materials occurring as unused residue from the process of obtaining, enriching and processing of primary mineral raw materials; and
6. any other unlisted mineral raw materials of natural origin.

The management of mineral raw materials defined under Article 7, Paragraph 1, Items 1, 2 and 3 of this Law shall be performed by the Federal Ministry of Energy, Mining and Industry (hereinafter: the Federal Ministry).

The management of mineral raw materials defined under Article 7, Paragraph 1, Items 4, 5 and 6 of this Law shall be performed by the Cantonal Ministries responsible for the mining industry.

The Government of the Federation of Bosnia and Herzegovina (hereinafter: the Federation Government) shall have the right to issue a decision for the exploitation of mineral raw materials of special interest for the Federation.

Article 8 Mining Operations

For the purposes of this Law, mining operations include:

1. mining exploration works and works on exploration of mineral raw materials above ground and/or below ground, in running and standing water, in coastal sea, in seabed, in primary deposit, in debris, in excavated material and in tailings;
2. preparation, opening, exploitation, landscaping during exploitation, pumping, enriching, storing and remediation and reclamation of mined areas;
3. testing of new explosives in order to verify their safety and usability in the mining industry;
4. all types of blasting above ground and/or below ground, primary and secondary blasting and all mass blasting in mining and other mine operations;
5. disposal of overburden and other materials resulting from the execution of mining exploration works and the exploitation of mineral raw materials;
6. development of underground pit maps and maps of floors on open-pit mines;
7. development of plans for drainage of open-pit mines and underground mining rooms, and their protection from surface water and groundwater;
8. development of plans for rehabilitation of underground rooms and installation of the main support system;
9. development of plans for ventilation, injection and anchoring;
10. construction of tunnels, galleries and other underground rooms, embankments, cuttings, stockpiles, landfills, haul roads, drainage canals and buildings by mining methods above ground and/or below ground, underground pit excavations as well as construction of support during the execution of mining exploration works and exploitation of mineral raw materials, as well as haul and other roads in the exploitation field;
11. construction and use of the storage of fluids in geological environments;
12. exploitation of geothermal energy sources;
13. reconstruction and maintenance of mining rooms following termination of the exploitation of mineral raw materials;
14. groundwater pumping - downhole exploitation defined under Article 2, Item 11 of this Law, as well as pumping of groundwater and surface water, and regulation of surface watercourses located inside the deposit in order to create conditions for exploitation of the deposit;
15. closing of mining facilities, and remediation and reclamation of land impacted by mining operations;
16. remediation and reclamation of abandoned exploratory areas, open-pit mines and underground mines by mining methods; and
17. assembling, dismantling and maintenance works in the mining industry.

Article 9

Mining Facilities and Plants

For the purposes of this Law, mining facilities and plants include:

1. facilities and plants belonging to the mine, which are directly connected to the technological process of mining exploration works, exploitation, preparation, processing and refining of mineral raw materials, as well as storage areas for explosives located on the surface;
2. industrial railway, ropeway conveyors, roads and motor vehicles for transportation of mineral raw materials in the deposit and from the deposit to processing or refining facilities and stockpiles, if the transportation is not done on public roads, as well as storage areas, mining workshops serving for repair and maintenance of the equipment in the technological process of exploitation of mineral raw materials located within the mine perimeter;

3. hydraulic engineering facilities and plants for drainage and protection of the mine from water;
4. petroleum pipelines, gas pipelines and saltwater pipelines from the pump station to distribution-gathering stations, and from these to the industrial station reservoir;
5. electrical network of the mine including facilities, plant and equipment functioning with it or having a galvanic connection to it, as well as the network and devices for communication, signalling, control and management;
6. lamp rooms, dressing rooms with bathrooms, rescue station rooms and rooms for storage and maintenance of self-contained breathing apparatuses and instruments for controlling of pit gases and microclimate; and
7. facilities and plant that are not directly connected to the works on the exploitation of energy mineral raw materials – local and main pipelines, gas pipelines and other technological pipelines, measuring-reducer stations, as well as facilities and plants for processing or refining of mineral raw materials, and storage facilities for fluids.

Article 10

Right to Exploit Mineral Raw Materials

The right to exploit mineral raw materials shall be acquired on the basis of a permit for exploitation and on the basis of other permits in accordance with this Law.

The right defined under Paragraph 1 of this Article may be transferred to another legal entity with the consent of the issuing authority.

The right to exploit mineral raw materials may be acquired by a domestic or foreign legal entity under the conditions and in the manner defined by this Law.

Article 11

Exploitation Field

Exploitation of mineral raw materials is permitted only within the boundaries of an exploitation field.

An exploitation field is located within the boundaries of an exploration area.

The shape and size of an exploitation field shall be determined depending on the type of the mineral raw material, conditions for its judicious exploitation and the space necessary to place mining infrastructure facilities.

An exploitation field includes an open pit or an underground pit, hauling and access roads, space for processing or refining, stockpiles, water collectors, storage areas for explosives, substations, workshop area, offices and sanitation areas.

Deposits of mineral raw materials may be split into several exploitation fields.

Article 12

Prohibition of Exploitation of Mineral Raw Materials during Construction Works

A company or a contractor performing mining operations that identifies during excavation of foundations for a building an occurrence of any mineral raw material referred to under Article 7 of this Law must notify thereof the Federal Ministry or the Cantonal Ministry responsible for the mining industry, which shall then decide on further activities.

It is prohibited to use a construction permit during excavation of foundations for a building in order to exploit mineral raw materials, except for the pumping of groundwater in order to drain the construction pit.

II. MANAGEMENT OF MINERAL RAW MATERIALS

Article 13

Mineral Raw Material Management Strategy

The Mineral Raw Material Management Strategy shall be prepared by the Federal Ministry.

At the proposal of the Federal Ministry, the Mineral Raw Material Management Strategy shall be adopted by the Federation Government.

The detailed content and method of development of the Mineral Raw Material Management Strategy shall be prescribed by the Federal Minister of Energy, Mining and Industry (hereinafter: the Federal Minister).

Article 14

Mineral Raw Material Management Plan

For the implementation of the Mineral Raw Material Management Strategy, a Mineral Raw Material Management Plan shall be adopted.

The Mineral Raw Material Management Plan shall be developed by the Federal Institute for Geology (hereinafter: the Federal Institute).

At the proposal of the Federal Institute, the Mineral Raw Material Management Plan shall be adopted by the Federation Government.

The detailed content and method of development of the Mineral Raw Material Management Plan shall be prescribed by the Federal Minister.

Article 15

Mineral Raw Material Management Plan and Spatial Planning

The Mineral Raw Material Management Plan shall serve as a technical basis for the development of spatial plans of the Federation and the Cantons.

III. EXECUTION OF MINING OPERATIONS

Article 16

Conditions for the Execution of Operations

A mining business may be operated by a company that is registered with the companies registry and that has submitted to the competent inspection authority a notification of commencement of operation and meeting of requirements regarding technical equipment, health and safety, protection and improvement of the environment, and any other requirements prescribed for such operation.

When a company assigns the execution of operations to another company, it must sign an appropriate contract with such contractor, which must meet the requirements defined under Paragraph 1 of this Article.

The contractors shall comply with the provisions of this Law and any implementing regulations adopted pursuant to this Law.

A regulation defining the requirements for the operation of a mining business shall be adopted by the Federal Ministry.

Article 17

Method of Execution of Mining Operations

In the operation of a mining business the company or the contractor for mining operations must comply with technical regulations and standards in the mining industry (hereinafter: the technical regulations), health and safety regulations, environmental protection regulations, requirements stated in the urban planning permit and any other regulations, and must also provide personal protective gear to the employees and must implement regulations on the protection of people and property.

Article 18

Multiple Contractors for Mining Operations

When operations in the mining area are executed by two or more contractors for mining operations, the company in charge of the operations shall ensure implementation of all health and safety measures for the employees.

Employees of a contractor for mining operations referred to under Paragraph 1 of this Article must be aware of health and safety regulations and measures, as well as of dangers that may arise during operations.

The obligation of the company defined under Paragraph 1 of this Article shall not relieve each individual contractor for mining operations of the responsibility for the implementation of all health and safety measures for the employees.

Before commencement of mining operations, the company in charge of mining operations and the contractor for mining operations shall define their mutual obligations and responsibilities in the implementation of health and safety measures for the employees in the form of a written contract.

Article 19

Regulations Governing the Execution of Mining Operations

For the purpose of implementation of technical measures and health and safety measures in the execution of mining operations, the Federal Minister shall adopt regulations for operations in the following areas:

1. exploitation of mineral raw materials above ground and/or below ground;
2. exploitation of mineral raw materials by deep drilling;
3. electrical plant and installations in mines with surface or underground exploitation of mineral raw materials;
4. operations performed above ground and/or below ground that are not related to the operations of the exploitation of mineral raw materials;
5. operations in the processing of mineral raw materials; and
6. storage and consumption of secondary raw materials or current waste raw materials in the mining industry as well as of usable mineral raw materials obtained through exploration works.

Additional specifics for the execution of operations defined under Paragraph 1 of this Article may be established in a general bylaw of the contractor for mining operations, subject to application of regulations referred to under Paragraph 1 of this Article as well as any other regulations applied in the execution of mining operations.

If mining operations include construction of underground facilities that are not intended for exploitation of mineral raw materials, their construction must be subject, in addition to the regulations referred to under Paragraph 1 of this Article, to the technical and other regulations governing the construction of such facilities.

Following completion of excavation and main support system works referred to under Paragraph 3 of this Article, the completed excavation and the main support system shall be technically inspected and an appropriate permit shall be issued.

Permits for mineral raw materials referred to under Article 7, Paragraph 1, Items 1, 2 and 3 shall be issued by the Federal Ministry, while for mineral raw materials referred to under Article 7, Paragraph 1, Items 4, 5 and 6, permits shall be issued by Cantonal Ministries responsible for the mining industry.

The company or the contractor for mining operations that are performed on an underground facility referred to under Paragraph 3 of this Article shall present to the technical inspection committee the permit referred to under Paragraph 5 of this Article, in addition to any other documentation prescribed by law.

Regulations governing health and safety of employees in the mining industry referred to under Paragraph 1 of this Article shall be adopted by the Federal Minister, with the consent of the Federal Ministers responsible for labour and health.

Article 20

Rescue Service, Fire Service and First Aid Service

A company that executes mining operations in facilities or sites with potential fire and explosive hazards which may result in toxic gases and fumes and breakthroughs of gas, water and mud, must organise a rescue service and must supply it with the necessary equipment. Multiple companies may organise a shared rescue service.

Open-mine pits must organise a rescue service in the event that successful rescue actions cannot be performed with the existing services.

The company shall organise a fire service and a first aid service or shall sign an agreement with appropriate services in the place where the company is located.

The method of organisation, minimum professional qualifications and minimum technical equipment for the rescue service, fire service and first aid service shall be prescribed by the Federal Minister, with the consent of the Federal Minister of Health.

Article 21

Procedure in Cases of Unexpected Dangers

Each employee shall immediately notify his superior of any occurrence of danger, in particular of any occurrence of explosive, suffocating and toxic gases, breakthroughs of water, mud or sludge, outbursts and collapses, occurrence of overhangs, unstable slopes, unexploded mine charges or any other hazards that may endanger the employees, facilities and equipment.

The responsible person in the company shall immediately notify any occurrences of danger referred to under Paragraph 1 of this Article to the competent mining inspection authority.

The company or a contractor for mining operations shall immediately notify the Federal Ministry or the Cantonal Ministry responsible for the mining industry, the competent mining inspector and the administrative authority in charge of internal affairs of any fatality, group injury, severe injury at work or any other mining accident and of the causes of such accident at the company.

In the event of occurrence of any danger threatening the safety of employees, facilities and equipment during the execution of mining operations, the rescue action shall be conducted by a responsible person designated by a general bylaw of the company.

If the mining inspector establishes that the rescue action is not conducted with sufficient professionalism and efficiency, the inspector shall verbally instruct an appropriate administrative action.

In the event of a mining accident in another company, the company shall provide appropriate assistance, and shall also do so at the request of the mining inspector or the affected company.

Article 22

Performance of Professional Tasks in the Field of Health and Safety of Employees

The company or contractors for mining operations must implement and ensure supervision of the implementation of technical regulations and health and safety regulations for employees.

The company or the contractor for mining operations must organise a health and safety service and must ensure that health care tasks are performed by an authorised health care institution.

The company or the contractor for mining operations in open-pit mines shall organise, depending on specific exploitation conditions, a health and safety service or shall specifically

designate a person to supervise the implementation of health and safety technical standards and measures.

The tasks of the health and safety service are:

1. immediate control of the implementation of all prescribed health and safety measures;
2. keeping records of accidents, occupational diseases, injuries at work, outbursts and other unexpected occurrences that threaten the lives of employees and equipment at the company, according to place of occurrence, causes and resulting consequences;
3. studying causes of accidents, occupational diseases, injuries at work, outbursts and other unexpected occurrences that threaten the lives of employees and equipment, and making proposals for measures and methods of work that will ensure successful remedying of such causes;
4. monitoring the health status of employees and proposing measures for improving the health and hygiene conditions at work;
5. making proposals to the company management for improvement of health and safety of employees;
6. giving expert opinions as to whether mining designs have been developed in accordance with the prescribed health and safety measures; and
7. performing any other tasks and duties under the authority granted to the service by a general bylaw of the company.

Health and safety tasks shall be performed by the required number of persons holding a university degree in an appropriate field, with no less than two years of work experience gained after passing the professional examination.

Exceptionally, the tasks of immediate control of the implementation of health and safety measures may also be performed by persons holding a college degree or secondary school diploma in an appropriate vocation, as well as five years of work experience gained after passing the professional examination.

For underground method of exploitation, the head of the health and safety service may be a person with a university degree from a mining faculty or faculty of safety and health, having no less than three years of experience in working on technical management duties in an underground pit.

For underground works that are not related to the exploitation of mineral raw materials, the head of the health and safety service may be a person with a university degree in mining, geology or another appropriate field.

Before commencing the works, the company or the contractor for mining operations must first develop instructions that will include the method of the execution of works and safety measures that must be implemented during the execution of works in order to protect the health and safety of employees. These instructions must be timely updated to reflect any changes in the conditions of work.

Article 23

Managers in the Mining Industry

The tasks and duties of professional management in the execution of mining operations, development and review of mining designs, performance of supervision, independent mining measurements and any other tasks in the exploitation of mineral raw materials may be performed by employees who meet the prescribed requirements for qualifications and work experience and who have passed the professional examination.

The company shall define in its general bylaw the obligation of professional development and the verification of professional qualifications of employees who work on duties that require, under the provisions of this Law, prescribed qualifications and work experience.

In underground pits vulnerable to methane and/or dangerous coal dust, the tasks defined under Paragraph 1 of this Article may be performed only by persons who, in addition to these legally prescribed requirements in terms of qualifications, work experience and the professional examination, have no less than three years of work experience, of which no less than two years of work experience gained after passing the professional examination in such underground pits.

Exceptionally, the tasks defined under Paragraph 1 of this Article may also be performed by employees who have worked for no less than four years in underground pits, of which no less than two years in underground pits vulnerable to methane and dangerous coal dust.

Article 24

General Technical Management in Underground and Open-Pit Exploitation

The tasks of general technical management in a company engaged in underground exploitation of mineral raw materials may be performed by an employee who meets requirements defined under Article 26 of this Law and has no less than three years of experience in working on technical management duties in an underground-pit mine.

The tasks of general technical management in a company engaged in open-pit exploitation of mineral raw materials may be performed by an employee who meets requirements defined under Article 26 of this Law and has no less than three years of experience in working on technical management duties in an open-pit mine.

The tasks of general technical management in a company engaged in underground and open-pit exploitation of mineral raw materials may be performed by an employee who meets requirements defined under Article 26 of this Law and has no less than three years of experience in working on technical management duties in an underground-pit mine or three years of experience in working on technical management duties in an open-pit mine.

Article 25

General Technical Management in the Exploitation of Petroleum and Natural Gas

The tasks of general technical management in a company engaged in exploitation of petroleum and/or gas may be performed by an employee who meets requirements defined under Article 26 of this Law and has no less three years of experience in working on technical management duties in a company engaged in exploitation of petroleum and/or gas.

Article 26

Technical Management

The tasks of technical management in a company operating a mining business may be performed by an employee who holds a university degree in mining with an appropriate major and has no less three years of work experience and has passed the professional examination.

Article 27

Mining Measurements

The tasks of mining measurement in underground-pit and open-pit mines may be performed by an employee who holds a university degree or a secondary school diploma in an appropriate field, has passed the professional examination and has no less than two years of work experience gained after passing the professional examination.

Article 28

Supervisor in Mining Facilities

The tasks of a supervisor in mining facilities may be performed by an employee who holds at least a secondary school diploma in an appropriate field and has two years of work experience gained after passing the professional examination.

Article 29

Foreman in Mining Facilities

The tasks of a foreman in mining facilities may be performed by an employee who has no less than three years of experience in working as a supervisor in an appropriate facility.

Article 30

Independent Handling of Explosives

The tasks of independent handling of explosives may also be performed by employees who hold a university or college degree or a secondary school diploma in mining and who have gained theoretical and practical knowledge of explosives and blasting.

The tasks of independent handling of explosives may be performed by qualified miners who have no less than three years of experience in working as qualified miners and have passed the examination on the regulations, application and practical handling of explosives.

The Federal Minister shall adopt regulations for the taking of examinations for independent handling of explosives.

Article 31

Qualifications

The schools and faculties in an appropriate field for the performance of tasks defined under Articles 24 to 30 of this Law shall include the following:

1. independent handling of explosives - the examination for a qualified miner, technical secondary school of mining or mining faculty;
2. supervision of underground and open-pit exploitation works - technical secondary school of mining;
3. supervision in facilities for refining and enrichment of mineral raw materials - technical secondary school of mining, mechanical engineering or chemistry;
4. supervision of the exploitation of petroleum and gas - technical secondary school of mining or geology;
5. supervision of electrical plant and works - secondary school of electrical engineering;
6. supervision of mechanical plant and works - technical secondary school of mechanical engineering;
7. supervision of construction-assembly works and other specialist works - secondary school of civil engineering, technical secondary school or another appropriate secondary school;
8. technical management of mining operations in underground-pit and open-pit mines, mass blasting, health and safety service, ventilation service and rescue service - mining faculty and faculty of health and safety;
9. technical management of the processing or refining works - faculties of mining, technology, mining-mechanical engineering, mechanical engineering and electrical engineering;
10. technical management of the exploitation of petroleum and gas - faculties of mining, geology or mining-petroleum;
11. technical management of the electrical service - faculty of electrical engineering;
12. technical management of the mechanical service - mining-mechanical engineering faculty or mechanical engineering faculty;
13. technical management of the drainage system - faculties of mining, geology or mechanical engineering;

14. technical management of construction-assembly works and other specialist works - faculty of civil engineering or another appropriate faculty;
15. mining measurement - technical secondary school of geodesy or mining, or faculty of geodesy or mining;
16. technical management of the mining measurement service - faculty of geodesy or mining; and
17. technical management of the geological service in the mine - faculty of geology.

Article 32

Professional Examination

The professional examination for technical management, supervision of mining operations and independent performance of mining measurements shall be taken by candidates who hold qualifications prescribed by this Law and have no less than one year of experience working in the mining industry after acquiring the qualifications.

Article 33

Taking the Professional Examination

The professional examination referred to under Article 32 shall be taken before a board appointed by the Federal Minister.

The programme for the professional examination and the conditions, method and costs of taking the professional examination shall be established in an implementing regulation by the Federal Minister.

The act on the appointment of the examination board shall define the number of board members, the period for which the board is being appointed and the fee payable for the work of board members.

Article 34

Work Experience

Work experience within the meaning of the provisions of Articles 23 to 30 of this Law shall include experience in appropriate duties in the mining industry gained after acquiring the qualifications required for a particular job, or experience gained after passing the professional examination in cases defined by this Law.

Article 35

Execution and Supervision of Mining Operations

The company or the contractor for mining operations must ensure that the operations are executed according to technical documentation, technical regulations and regulations on the health and safety of employees, and in case of construction of other facilities, they must ensure observation of legal provisions applicable to the construction of such facilities.

The company or the contractor for mining operations shall ensure continuous supervision of all mining operations, plant, equipment and installations in all shifts, performed by professionals or by means of devices for management and remote control.

In underground pits vulnerable to methane and dangerous coal dust, the supervision of ventilation must be continuous.

Article 36

Mine Supervision Log

The company shall keep a mine supervision log in which entries shall be made for any orders issued by the mining inspector on the spot during supervision of mining facilities in cases of immediate danger to the health and safety of persons and to property.

Entries in the mine supervision log shall also include orders of the general manager of the company, the person responsible for general technical management and the head of the health and safety service, which relate to health and safety and were issued on the spot during examination of operations.

Article 37

Permits

For the execution of mining operations defined under Article 8 of this Law, which are directly related to the exploitation of mineral raw materials, it is necessary to obtain the following permits from the Federal Ministry or the Cantonal Ministry responsible for the mining industry:

1. exploitation permit;
2. permit for complete and permanent suspension of exploitation;
3. permit for operations according to a mining design;
4. permit for the use of mining facilities, plant, equipment and installations - use permit;
5. permit for periodic inspections, measurement and testing of work tools and devices, and of physical, chemical and biological effects, and for the issuance of appropriate documents in the mining industry;
6. provisional permit for operations; and
7. final permit for operations.

Permits referred to under Paragraph 1 of this Article, Items 1, 2, 3, 4, 6 and 7 for mineral raw materials referred to under Article 7, Paragraph 1, Items 1, 2 and 3 of this Law shall be issued by the Federal Ministry.

Permits referred to under Paragraph 1 of this Article, Items 1, 2, 3, 4, 6 and 7 for mineral raw materials referred to under Article 7, Paragraph 1, Items 4, 5 and 6 of this Law shall be issued by the Cantonal Ministries responsible for the mining industry.

Permits referred to under Paragraph 1 of this Article, Item 5 shall be issued by the Federal Ministry.

Permits referred to under Paragraph 3 of this Article for mineral raw materials whose exploitation field spans more than one Canton shall be issued by the Federal Ministry.

Article 38

Permit Application and Content of the Exploitation Permit

Along with the application for an exploitation permit, the company shall submit the following:

1. concession agreement;
2. documentation on completed exploration works, mineral raw material deposit, established quantities and quality of mineral raw materials (certificate of audited reserves);
3. proof of the right of use or easement for the land designated for exploitation of mineral raw materials;
4. site plan - map showing exploitation field boundaries at a scale that allows it to serve as a basis to determine actual boundaries of the mining area, including public transportation infrastructure and other facilities located in that area, as well as a narrative description of boundaries of the exploitation field and the name of the Municipality in which the exploitation field is located;
5. information on technical equipment of the company or the contractor for mining operations, as well as qualifications of employees for exploitation of mineral raw materials; and

6. environmental permit and urban planning permit.

The exploitation permit shall include the following information:

1. type of mineral raw material(s) that is/are subject to exploitation;
2. method of exploitation (below ground, above ground or combined);
3. position and exact boundaries of the exploitation field;
4. period during which the preparatory works must be completed, including development of the mining design and obtaining permit for operations on the exploitation of mineral raw materials;
5. period of validity of the permit;
6. obligation to implement the concession agreement; and
7. obligation of remediation and reclamation of the area impacted by the exploitation of mineral raw materials.

Article 39

Revoking of Exploitation Permit

The competent Ministry of Mining shall revoke a permit for the exploitation of mineral raw materials if:

1. the company that has been issued the license fails to commence exploitation during the period stated in the permit;
2. the company fails to obtain the permit for operations according to a mining design within the prescribed period;
3. mining operations endanger the health and safety of employees and other citizens as well as property, while other measures defined under this Law are not sufficient to prevent this;
4. the environment is endangered and no re-cultivation is carried out of the area impacted by mining operations in accordance with the approved design; or
5. the concession agreement is terminated.

Article 40

Expiration of the Exploitation Permit

The exploitation permit shall expire:

1. by winding up of the company;
2. when mineral raw materials in the area of the exploitation field are exhausted;
3. when the company abandons the issued exploitation permit; or
4. by expiration of the concession agreement.

Article 41

Application for Renewal of the Exploitation Permit

Along with the application for renewal of the permit, the company shall submit the following:

1. currently valid permit;
2. certificate of recognised reserves of mineral raw materials;
3. site plan - map showing exploitation field boundaries at a scale that allows it to serve as a basis to determine actual boundaries of the mining area including public transportation infrastructure and other facilities located in that area.

Article 42

Permit for Complete and Permanent Suspension of Exploitation

Along with the application for a permit for complete and permanent suspension of exploitation, the company shall submit the following:

1. concession agreement;
2. reviewed mining design for suspension of exploitation;
3. urban planning permit;
4. environmental permit;
5. reasons for the complete and permanent suspension of exploitation and decision of the company regarding the complete and permanent suspension of exploitation.

The permit for complete and permanent suspension of exploitation shall include information on:

1. the existence of a concession agreement;
2. type of mineral raw material that is subject to suspension of exploitation, including information on the quantities of remaining reserves;
3. obligation of the company to keep permanently the technical documentation related to the exploitation of mineral raw materials;
4. obligation of the company to implement health and safety measures that will permanently exclude any possibility of danger to people and property;
5. approval to enter the exploitation field in order to remedy the effects of exploitation;
6. obligation of the company for remediation and reclamation of the exploitation area in accordance with the design for the exploitation field;
7. position and exact boundaries of the exploitation field;
8. up-to-date state of operations completed by the time of suspension; and
9. deadline for suspension.

Article 43

Permit for Operations According to a Mining Design

The permit for mining operations, construction of facilities and plant according to an approved mining design approves works for the construction of facilities and plant referred to under Articles 8 and 9 of this Law.

Along with the application for the permit referred to under Paragraph 1 of this Article, the company or the contractor for mining operations must submit the following:

1. concession agreement;
2. reviewed mining design in two copies;
3. proof that the requirements are met for mining operations;
4. exploitation permit for the specific mineral raw material;
5. proof of the right of use or easement for the land designated for exploitation;
6. environmental permit and urban planning permit;
7. reviewer's report on design review; and
8. water management permit.

The permit for mining operations, construction of facilities and plant according to an approved mining design shall include the following:

1. name of the company or the contractor for mining operations that was issued the permit for operations;
2. name of the design according to which the operations and the construction of facilities and plant are approved;
3. note that the design is certified in two copies;
4. instruction to the applicant that the applicant is required to keep one copy of the certified design as a document of lasting value;
5. names of important documents submitted along with the application, as follows:
 - a. proof of the right of use or easement for the land designated for exploitation;
 - b. urban planning permit; and
 - c. review report including an opinion confirming that the permit may be issued.

In the procedure for issuing a permit for operations and construction of facilities and plant, the competent administrative authority shall establish the following:

- a. where the design was developed;
- b. who managed development of the design;
- c. where the design was reviewed; and
- d. who the reviewer was.

Article 44

Provisional Permit for Mining Operations

For the purposes of introduction of a new mining method in the exploitation of mineral raw materials, the Federal Ministry or the Cantonal Ministry responsible for the mining industry may issue a provisional permit for mining operations valid for no longer than two years.

A temporary permit shall also be issued in cases where the introduction of new technologies and plant requires trial operation.

Along with the application for the permit referred to under Paragraphs 1 and 2 of this Article, the company must submit the following documents:

1. reviewed mining design in two copies; and
2. reviewer's report on design review.

Article 45

Final Permit

The final permit which defines health and safety measures for the use of a mining method, technology or plant referred to under Article 44 of this Law shall be issued to the company by the Federal Ministry or the Cantonal Ministry responsible for the mining industry, following presentation of evidence regarding the soundness of the mining method, technology or plant.

The procedure for testing the soundness of the mining method, technology or plant shall be prescribed by the Federal Minister.

Article 46

Commencement of Mining Operations

The company or the contractor for mining operations that has been issued a permit defined under Article 37, Paragraph 1, Item 3 of this Law must notify, no later than 15 days before commencement of mining operations, the competent mining inspection authority of the commencement of mining operations and of the persons who will perform tasks of technical and general technical management of mining operations, as well as of the persons who will perform tasks of technical supervision in the event any facilities are to be constructed as part of mining operations.

The company or the contractor for mining operations must notify the mining inspection authority of the termination of mining operations, unless the notification of commencement of operations includes indication of the period and termination of works.

Article 47

Permit for the Use of Mining Facilities, Plant, Equipment and Installations

Use Permit

The use of mining facilities, plant, equipment and installations constructed on the basis of an approved main mining design and a supplementary mining design is permitted on the basis of a permit for their use.

The permit for use of mining facilities and plant referred to under Article 37, Item 4 of this Law shall be issued, on a proposal of the technical inspection committee, by the administrative authority that issued the permit for operations.

Technical inspection shall establish whether the completed facility and plant have been constructed in accordance with the approved design; whether they comply with health and safety regulations, measures and norms as well as mandatory standards; whether they are technically correct; and whether they endanger the environment, health and safety of employees and citizens.

Technical inspection of mining facilities and plant constructed on the basis of an approved main and supplementary mining designs shall be carried out and their use approved by the Federal Ministry or the Cantonal Ministry responsible for the mining industry, by appointing an expert commission.

The expert commission shall be composed of representatives of the Federal Ministry or the Cantonal Ministries responsible for the mining industry, and professionals from companies or institutions in the mining sector that meet the requirements of Article 72 of this Law.

The expert commission referred to under Paragraph 5 of this Article shall also include participation of representatives of the authority that issued the urban planning permit and the environmental permit.

During the work of the technical inspection commission, a representative of the mining inspection authority must also be present.

The costs of the technical inspection shall be borne by the company.

Mining facilities and plant constructed on the basis of an approved main and supplementary mining designs may be put into trial operation for no longer than six months following the technical inspection by an expert commission established by the company and tasked with determining whether the works have been executed in accordance with the solutions provided in the mining design. The company shall notify the Federal Ministry or the Cantonal Ministry responsible for the mining industry of putting any mining facilities, plant and installations into trial operation.

The process of technical inspection shall be initiated by an application filed by the company.

Along with the application for technical inspection for the use permit of mining facilities and plant, the company shall submit the following:

1. decision on meeting the requirements for performing the registered business activity;
2. list of facilities and equipment;
3. list of the designs based on which facilities, plant and equipment were constructed, including the number of permit under which they were approved;
4. list of staff;
5. list of documents and codes of completed periodic inspections of work tools and equipment, and working and auxiliary rooms that are subject to mandatory periodic inspections; and
6. water management permit.

The use permit for a mining facility and plant shall include the following:

1. name of the company to which the permit is issued;
2. name of the location of the completed facility and plant;
3. names of facilities and plants with technical characteristics;
4. obligation of the company to record all changes to the design documentation that arise during construction of the facility in the approved design documentation, and to preserve the documentation for the lifespan of the facility; and
5. note to the effect that:
 - a. the facility and the plant have been constructed in accordance with the approved mining design;

- b. the company has complied with all requirements stated in the construction permit; and
- c. the company has complied with all requirements stated in the urban planning permit.

The method of appointment of commission members, performance of the technical inspection, content of the report of the completed technical inspection and the fee payable for the work of the commission members shall be defined in a separate regulation that shall be adopted by the Federal Minister.

Article 48

Permit for Periodic Inspections of Work Tools and Devices and Testing of Physical, Chemical and Biological Effects, and for the Issuance of Appropriate Documents in the Mining Industry

Periodic inspections of work tools and devices and testing of physical, chemical and biological effects, as well as issuance of appropriate documents in the mining industry, may be performed by legal entities which, in addition to meeting the requirements defined under this Law for the operation of a mining business, have the staff with appropriate university degrees, professional examination passed, work experience in the profession of no less than three years, as well as technical equipment and laboratories.

Along with the application of a company or a legal entity for obtaining the permit for periodic inspections, measurement and testing of work tools and devices, and of physical, chemical and biological effects, and for the issuance of appropriate documents in the mining industry, the following needs to be submitted:

1. certificate of business registration with the competent court;
2. list of staff satisfying appropriate requirements in terms of qualifications, work experience and the professional examination passed;
3. list of technical equipment;
4. list of equipment and instruments that are subject to calibration, as well as evidence of completed calibration;
5. list of laboratories and work space required for activities stated in the application; and
6. an excerpt from general bylaws of the company that define the activities of periodic inspections of work tools.

Before issuing the permit for periodic inspections, measurement and testing of work tools and devices, and of physical, chemical and biological effects, and for the issuance of appropriate documents in the mining industry, an on-the-spot inspection shall be performed by an expert commission.

The costs of the on-the-spot inspection shall be borne by the company.

The permit for periodic inspections, measurement and testing of work tools and devices, and of physical, chemical and biological effects, and for the issuance of appropriate documents in the mining industry shall include the following:

1. list of activities of periodic inspections that are being approved;
2. persons or entities that will perform the activities referred to under Item 1 of this Paragraph, which must meet the requirements defined under Articles 72 to 81 of this Law;
3. requirements that must be met by the equipment and instruments in accordance with the Law on Metrology of the Federation of BiH (“Official Gazette of the Federation of BiH” No. 8/05);
4. appropriate space; and
5. defined number of persons for the scope of approved activities.

The procedure for determining the requirements, method of appointing the commission, content of the report and the fee payable for the work of commission members shall be defined in a separate regulation that shall be adopted by the Federal Minister.

Article 49

Environmental Permit and Urban Planning Permit

The environmental permit is an administrative document issued by the competent authority in accordance with the regulation governing environmental protection in the Federation.

The urban planning permit is an administrative document issued by the competent authority in accordance with the regulation governing spatial planning and use of land in the Federation.

IV. HEALTH AND SAFETY MEASURES

Article 50

Obligations in the Implementation of Measures

The general manager of the company shall be responsible for the organisation of the health and safety service.

Direct implementation of health and safety measures is the responsibility of every person employed with the company or the contractor, within the scope of their respective duties in accordance with the regulation on health and safety at work.

The general manager of the company shall review occasionally, but no less than two times per year, the status of health and safety and the operation of the health and safety service.

Any use of underground pit rooms for purposes not authorised under the mining design is prohibited.

Going on strike in facilities where the technological process takes place, in particular in facilities vulnerable to methane and dangerous coal dust, is prohibited for safety reasons.

Article 51

Taking Measures to Protect Citizens and to Secure Property

In the execution of mining operations, the company or the contractor for mining operations shall take measures necessary to protect the health and safety of citizens and to secure property in accordance with applicable regulations.

Owners and users of land and buildings in the exploitation field, as well as any other citizens who move or work there, shall comply with protection measures prescribed by the company or the contractor for mining operations.

Article 52

Knowledge of Regulations

Before being assigned to their respective tasks, every employee hired by the company must become acquainted with health and safety regulations and measures and with fire protection measures, in addition to dangers of the workplace and the organisation and implementation of health and safety at the company.

An employee is entitled to request of the person responsible for introducing employees with regulations to present exhaustive information on the dangers of the workplace, the rights and duties related to health and safety, and the working conditions.

Article 53

Introduction to the Job

An employee assigned to mining operations for the first time must be introduced to the job for no less than 15 days in the shift they are assigned to, under the direct supervision of an

instructor designated by the authorised and responsible person in the company, and such employee cannot be assigned to any permanent jobs or tasks during this period.

An employee who is being assigned to other jobs or tasks must be introduced, before starting the work, with the method of work, regulations, protection measures and dangers that may arise at such jobs or tasks.

During work, an employee shall continuously supplement and improve their knowledge in the field of health and safety.

Introduction of employees to mining jobs must be defined by an internal bylaw of the company.

Article 54

Knowledge of Health and Safety Regulations

The company or the contractor for mining operations shall adopt special programmes for acquiring the knowledge of health and safety according to the type of tasks and the level of expertise of an employee.

The company or the contractor for mining operations shall organise introduction of all employees to the health and safety regulations and measures, as well as measures for implementation of the defence plan and rescue actions in cases of unexpected accidents.

The company or the contractor for mining operations shall establish an expert board and carry out, at least once a year, testing of knowledge of the regulations on technical measures and health and safety, as well as the defence plan and rescue actions in cases of unexpected accidents, intended for supervisory and technical staff, blasters, highly skilled and skilled employees whose work is directly connected to mining operations.

Article 55

Penalties for Lack of Knowledge of Regulations

Employees who do not demonstrate sufficient knowledge of the regulations on technical measures and health and safety measures, in particular regarding the implementation of the defence plan and rescue actions, cannot perform their tasks until a repeated testing establishes that they have mastered this knowledge.

In the event the repeated testing establishes insufficient knowledge of regulations, the employer shall assign such employee to other appropriate tasks, and if there are no such tasks, the employer shall resolve such employee's employment status in the manner defined under the Labour Law.

Article 56

Temporary Suspension of Employees

The general manager of the company or other persons responsible for mining operations who are designated as such by the regulation on health and safety measures, as well as an employee of the health and safety service, shall have the right to suspend an employee who has committed a violation of any of the prescribed measures, threatening thereby personal and collective security.

The rules on health and safety measures of the company shall define the violations of health and safety measures that may be acted upon as defined under Paragraph 1 of this Article.

V. TEMPORARY, COMPLETE AND PERMANENT SUSPENSION OF MINING OPERATIONS

Article 57

Temporary Suspension

Any temporary suspension of mining operations that was unexpectedly effected in the exploitation of mineral raw materials due to mining or commercial reasons must be reported by the company or the contractor for mining operations to the Federal Ministry or the Cantonal Ministry responsible for the mining industry and to the competent mining inspection authority within 24 hours of such suspension of operations.

Any occurrence of danger to the health and safety of employees must be immediately reported by the company or the contractor for mining operations to the Federal Ministry or the Cantonal Ministry responsible for the mining industry and to the competent mining inspection authority.

Any planned temporary suspension of operations must be reported by the company or the contractor for mining operations to the Federal Ministry or the Cantonal Ministry responsible for the mining industry and to the competent mining inspection authority no later than eight days before suspension of operations. The same procedure applies to resumption of operations.

If the suspension referred to under Paragraph 3 of this Article is expected and lasts longer than 30 days, the company or the contractor for mining operations shall:

1. survey the current status and update mining plans - maps;
2. produce a report of reasons for suspension of operations and dangers that caused the suspension; and
3. prepare a plan of measures and activities for prevention of dangers that may appear during resumption of operations.

During a temporary suspension of operations, the company or the contractor for mining operations must ensure regular maintenance of all mining rooms and facilities, prevent any damage and secure movement of employees without any health and safety risks.

Before commissioning of temporarily suspended mining operations, the company or the contractor for mining operations shall perform inspection, via a commission that must include participation of the competent mining inspector, and establish whether operations can be resumed safely.

A temporary cessation of mining operations is a cessation that does not last longer than one year.

Article 58

Complete and Permanent Suspension of Mining Operations

In the event the company decides for any reason to completely and permanently suspend mining operations on the exploitation of mineral raw materials in all facilities or only one facility in which mining operations are executed, it must do so by observing provisions of this Law.

A complete and permanent suspension of mining operations on the exploitation of mineral raw materials must be reported by the company to the Federal Ministry or the Cantonal Ministry responsible for the mining industry and to the competent mining inspection authority within 15 days before commencement of such suspension.

The Federal Ministry or the Cantonal Ministry responsible for the mining industry may appoint a commission to examine on the spot the reasons for suspension of operations. The company must present to the commission the documentation that served as a basis for operations of exploitation of mineral raw materials and for its decision on complete and permanent suspension of operations, as well as the mining design for the closure of the mining facilities in which the exploitation is to be discontinued.

In addition to representatives of the Federal Ministry or the Cantonal Ministry responsible for the mining industry, members of the commission referred to under Paragraph 3 of this Article shall also include representatives of the Federal Ministry of Spatial Planning and the

Federal Ministry of Environment and Tourism, or of Cantonal Ministries responsible for spatial planning and the environment.

Following its inspection, the commission shall produce a report including proposals for further measures, and shall deliver it to the Federal Ministry or the Cantonal Ministry responsible for the mining industry. This report shall serve as a technical basis for issuing a permit for suspension of exploitation referred to under Article 42 of this Law.

Article 59

Remediation and Reclamation of the Effects of Mining Operations on the Environment

Having obtained the permit for suspension of exploitation of mineral raw materials referred to under Article 37, Item 2 of this Law, the company must carry out the final remediation of the land and reclamation of the environment and must remedy any effects of mining operations, based on a remediation and reclamation design.

In accordance with the design of mining operations, the company shall continuously perform remediation of land and technical reclamation of areas ruined due to mining operations.

Before final remediation, the company shall take security measures to permanently exclude any danger to health and safety of people and to property, as well as any potential causes of environmental pollution or damage to buildings or the environment.

The company shall notify all completed activities referred to under Paragraphs 1, 2 and 3 of this Article to the Federal Ministry or the Cantonal Ministry responsible for the mining industry, the competent mining inspection authority and the Federal or Cantonal environmental inspection authority.

Based on the notification referred to under Paragraph 4 of this Article, the Federal Ministry or the Cantonal Ministry responsible for the mining industry shall perform technical inspection to establish whether the remediation and reclamation of the environment were completed in compliance with the mining design and whether measures taken as referred to under Paragraph 3 of this Article are sufficient, on which a certificate shall be issued to the company. In the event the measures taken are not sufficient, the company shall be ordered to remedy any identified defects within a certain period of time.

In the event the company fails to comply with the order referred to under Paragraph 5 of this Article, the Federal Ministry or the Cantonal Ministry responsible for the mining industry shall take necessary security measures at the expense of the company.

The technical inspection referred to under Paragraph 5 of this Article shall be performed with the participation of representatives of the Federal Ministry or the Cantonal Ministries responsible for the mining industry, and competent Ministries responsible for spatial planning, environment and tourism, and agriculture, water management and forestry.

The costs of the technical inspection shall be borne by the company.

Article 60

Termination of Rights and Obligations

The rights and obligations under the permits defined under Article 37, Paragraph 1, Items 1 to 7 of this Law shall terminate by decision issued by the same authority that issued the permits.

Removal of the company from the cadastre of exploitation fields shall be determined by the decision referred to in Paragraph 1 of this Article.

Mining plans, measuring records and any other documentation on the status of mining operations following a decision to suspend exploitation must be deposited in the archives of the Federation or the Canton, and the company must submit a certificate of depositing of documentation with the competent archives to the Federal Ministry or the Cantonal Ministry responsible for the mining industry.

Upon termination of the concession agreement, any rights under the permits defined under Article 37, Paragraph 1, Items 3, 4, 6 and 7 of this Law shall terminate by decision issued by the same authority that issued the permits.

Article 61

Remedying the Effects of Mining Operations

The company shall cover all the costs of remedying the damage that resulted from mining operations.

Article 62

Cadastre of Exploitation Fields

The Federal Ministry or the Cantonal Ministries responsible for the mining industry that issued permits for exploitation of mineral raw materials shall keep a cadastre of approved exploitation fields.

In addition to the cadastre referred to under Paragraph 1 of this Article, the Federal Ministry or the Cantonal Ministries responsible for the mining industry that issued permits shall also keep a collection of documents and a list of companies that were issued permits.

The Federal Minister shall adopt regulations on the cadastre of approved exploitation fields and on the management of the collection of documents and the list of companies that were issued permits for exploitation of mineral raw materials.

VI. TECHNICAL DOCUMENTATION AND DESIGN

Article 63

Technical Documentation

For the purposes of this Law, technical documentation includes:

1. mining designs;
2. preliminary solutions of mining designs;
3. mining plans and maps;
4. long-term and annual programmes for exploitation of mineral raw materials;
5. documentation on reserves and occurrences of mineral raw materials;
6. documentation on the environmental impact of mining operations;
7. documentation on the classification of mines and their parts where mining operations are executed, by the degree of risk of methane and coal dust; and
8. documentation on plant, equipment and devices.

When executing mining operations that are not directly related to the exploitation of mineral raw materials, it is also permitted to use technical documentation prescribed by the separate law governing construction.

Article 64

Compliance of Technical Documentation

The technical documentation referred to under Article 63 of this Law must comply with the following:

1. provisions of this Law and the technical regulations adopted pursuant to this Law; regulations on health and safety of employees in the mining industry; requirements prescribed in the urban planning permit and water management permit; as well as any other regulations that apply to the exploitation of mineral raw materials; and
2. regulations on environmental protection and fire protection, unless regulations referred to under Item 1 of this Article define otherwise.

The technical documentation referred to under Paragraph 1 of this Article shall be kept consistent with the most recent achievements and methods of the mining, geological, geomechanical and other technical sciences.

Article 65

Types of Mining Designs

For the purposes of execution of mining operations, construction of mining facilities and installation of plant, the following designs shall be developed:

1. main mining design;
2. supplementary mining design;
3. simplified mining design.

The content, sequence of development, integral parts and method of development of mining designs shall be prescribed by the Federal Minister.

Article 66

Main Mining Design

A main mining design shall be developed for new underground pits, open pits, plants for preparation and refining of mineral raw materials and for exploitation of liquid and gas deposits, and also for the construction and use of underground rooms that are not connected to the exploitation of mineral raw materials.

The design referred to under Paragraph 1 of this Article shall be developed on the basis of balance reserves of mineral raw materials of A, B and C 1 categories, contained in the area covered by the design.

The portion of category A + B balance reserve must be at least 60%, of which category A reserves cannot be lower than 10%.

Of the total identified category C 1 balance reserves, no more than 50% may be taken as a design basis, provided that they continually rest on category B reserves or that their spatial positioning allows for their mining with the same opening operation.

Article 67

Supplementary Mining Design

A supplementary mining design shall be developed as a supplement to the main mining design for mining operations, for construction of facilities and plant in existing mines, for mining operations on the opening and exploiting of new layers, fields and mining fields or a part of a layer or ore bodies, or parts of liquid and gas deposits, for construction and reconstruction of mining facilities directly related to the exploitation of mineral raw materials, for construction of storage areas for explosives, for a mining method and amendments to the mining method, technology and plant, for additional solutions for mine safety and collective protection, for partial or complete exploitation of protective pillars and for technical reclamation.

Article 68

Simplified Mining Design

A simplified mining design shall be developed for small-scale operations, for simple and standard facilities, for plant and equipment referred to under Articles 8 and 9 of this Law, as well as for insignificant deviations from the main or supplemental mining designs that does not affect core design solutions.

Article 69

Validation of Designs

Assessment of compliance of mining designs developed abroad with this Law, other laws, regulations and standards shall be performed in accordance with an implementing regulation adopted by the Federal Minister.

Article 70

Repeated Exploitation

In mines, mining facilities, underground pits and open pits in which exploitation of mineral raw materials has been completely or permanently suspended, exploitation may be restarted only on the basis of a new main mining design approved by the Federal Ministry or the Cantonal Ministry responsible for the mining industry.

Article 71

Development of Detailed Studies and Categorisation of Underground Pits and Pit Rooms

Development of detailed studies for categorisation of underground pits and pit rooms by the degree of risk of methane and dangerous coal dust shall be done in accordance with Articles 72 and 73 of this Law.

Categorisation of underground pits and pit rooms by the degree of risk of methane and dangerous coal dust shall be performed by an expert commission appointed by the Federal Minister, consisting of representatives of the Federal Ministry and professionals from companies or institutions in the mining industry that meet the requirements of Article 72 of this Law.

The content of the detailed study; the method and procedure for categorisation of coal layers and classification of underground pits by the degree of risk of methane, and for the classification and categorisation of the underground pit and underground pit rooms by the degree of risk of explosive coal dust; the requirements that must be met by companies for developing detailed studies in terms of qualifications and equipment for necessary testing; the method of appointment of commission members and the fee payable for the work of the commission members shall be defined in an implementing regulation by the Federal Minister.

Article 72

Development of Mining Designs

Mining designs may be developed by a company registered for these activities which, in addition to general requirements, meets the requirement of having at least three employees, of which at least one employee specialises in the field for which the particular design is being developed (geology, mining, electrical engineering, geodesy, mining measurement, mechanical engineering and civil engineering).

Notwithstanding Paragraph 1 of this Article, mining designs for mining facilities above ground – including dressing rooms with a bathroom, rescue stations, dispatch centres, watercourse regulation, saltwater pipelines, communications systems for specific works on the construction and rehabilitation of mining facilities – may be developed by companies that meet the requirements for designing and for development of investment-technical documentation in accordance with regulations governing the construction industry.

Article 73

Qualifications for Development of Mining Designs

In the company referred to under Article 72 of this Article, a mining design may be developed by a designer - a graduate engineer of the respective specialisation, who has passed the professional examination and has no less than five years of work experience, of which no less than three years in the company working on duties in the field for which the particular

design is being developed (mining, geology, geodesy, mining measurement, electrical engineering, mechanical engineering, civil engineering, etc.).

When more than one designer participates in the development of a mining design, a lead designer must be appointed.

Designer supervision of the execution of mining operations may be performed by a person who meets the requirements for a designer.

Article 74

Authorised Persons

The authorised person of the company must enclose with a mining design a proof that the designer and lead designer of the mining design meet the requirements of Article 73, Paragraph 1 of this Law.

Article 75

Written Declaration

The designer who has developed a mining design or a part of a mining design and the lead designer of such mining design shall certify by a written declaration that the design complies with requirements of Article 63 of this Law.

A company in which a mining design or a part of a mining design has been developed shall attach the written declaration defined under Paragraph 1 of this Article to the completed mining design or the part of the mining design as a separate document.

Responsibility for all design solutions and the quality of the design rests with the company in which the design was developed, the designer and the lead designer.

Article 76

Review of the Mining Design

Mining designs referred to under Article 65 of this Law shall be subject to review in terms of their compliance with provisions of Articles 64 and 75 of this Law.

Responsibility for the quality of the review of a design rests with the company in which the review was performed and the reviewers who performed the review.

Article 77

Right of Review

Review of a mining design shall be performed by the company for its own needs or by another company that is registered and licensed for review of mining designs.

Review of a mining design shall be performed through a reviewer who has the qualifications and work experience defined under Article 73 of this Law and an open-ended employment contract signed with the company in which the mining design is being reviewed.

A mining design cannot be reviewed by an employee of an administrative authority, a person who participated in the development of the design, or an employee of the company in which the design was developed.

Article 78

Task of the Reviewer

The reviewer of a mining design shall prepare a review report which shall state whether the mining design was developed in compliance with provisions of Article 64 of this Law.

If the reviewer identifies any deficiencies in the mining design, the reviewer shall indicate such deficiencies and request their remedying.

In the review report for a mining design of an underground mining method, the reviewer shall give their opinion as to whether the design mining method can be implemented in the

design mining field and propose the testing and monitoring that needs to be implemented by the mining company in order to obtain elements and data necessary for establishing the conditions under which the design method can be implemented.

Article 79

Review Clause

The company in which a mining design has been reviewed shall certify on the mining design that the design has been reviewed (review clause).

The clause referred to under Paragraph 1 of this Article shall certify that the reviewed design has been developed in compliance with provisions of Article 64 of this Law.

The review clause shall be confirmed by signature and stamp affixed by the authorised person of the company in which the review was performed.

The company referred to under Paragraph 1 of this Article shall enclose with a reviewed design the following: a court registration certificate; a permit for review of mining designs issued by a competent authority; proof that the reviewers of the mining design meet the requirements of Article 72 of this Law; and the reviewer's review report.

Complex designs may be reviewed by a commission, where each reviewer shall be responsible for their part of the review.

The review clause with signatures of all reviewers for designs referred to under Paragraph 5 of this Article shall be certified by signature and stamp affixed by the authorised person of the company in which the review was performed, and it shall be signed by the chair of the review commission and all the reviewers.

Article 80

Changes to Mining Design

If during the implementation of a main mining design there are any deviations from the approved design in terms of general technical solutions, a new main mining design shall be developed.

If during the implementation of a main mining design there are any deviations from the technical designs of individual phases of the technological process that do not affect general technical solutions from the main mining design, new technical designs shall be developed.

New designs referred to under Paragraphs 1 and 2 of this Article shall be approved as defined under Articles 37 and 43 of this Law.

Minor changes to a design for mining works are design changes of technical and technological nature that do not impair health and safety conditions.

Operations may commence after receiving a written consent of the designer, with the consent of the health and safety service. All consents shall state that health and safety conditions specified in the mining design have not been impaired.

Any necessary deviations from approved supplementary mining designs in terms of construction and installation of facilities and fittings, which do not materially deviate from core design solutions, may be performed only subject to prior consent of the technical manager of the contractor for mining works, the health and safety service and the designer.

For exploitation of petroleum, natural gas and mineral, thermal and radioactive water, the contractor may change – due to reasons of geology and shape of the terrain, without the consent of the Federal Ministry and within the scope of the permit – the locations of wells provided in the mining design, but in doing so may not exceed the boundaries of the approved exploitation field.

VII. MINING PLANS AND MINING MEASUREMENTS

Article 81

Plans and Maps

To ensure proper and safe execution of mining operations and judicious exploitation of mineral raw materials and to prevent material damage, the company shall use surveying measurements to develop plans and maps that can serve to assess the status of mining operations, their mutual position and their respective position relative to old mining operations and to structures and water bodies on the surface.

Article 82

Delivery and Development of Plans and Maps

Copies of mining plans and maps referred to under Article 81 of this Law must be delivered to the Federal Ministry or the Cantonal Ministry responsible for the mining industry at its request.

The method and conditions for execution of mining measurements, development of mining plans and maps, their scale, selection of the coordinate system and management of mining-measurement and other documentation used for the development of mining technical documentation shall be prescribed by the Federal Minister.

Article 83

Mandatory Plans and Maps

The company must have the following:

1. site drawing of the exploitation field;
2. geological map of the exploitation field and its surroundings, as well as characteristic geological cross sections;
3. map of the mine with plotted surface site and underground rooms or open pits, including information on soil settling;
4. plans of individual underground pits and open pits;
5. mining and floor plans of all underground pits and open pits for individual mining fields;
6. plans of the power grid (electricity network, compressed air, etc.), water supply network, as well as the underground pit plant with main technical data;
7. plan of the communication system, remote surveillance and alarm;
8. underground pit ventilation plans;
9. tectonic plans; and
10. defence and rescue plan for collective risks and accidents.

For mines with large inflow of water and complex tectonics, the Federal Minister may also require management of hydrogeological plans and a tectonic map.

Management of hydrogeological plans is mandatory in exploitation of rock salt.

The plans referred to under Paragraph 1, Items 4, 5, 6, 7 and 8 of this Article must be updated every month according to the progress of mining operations.

If underground pit operations are executed near old operations or abandoned parts of the pit or toward geological faults, plans shall be updated in shorter intervals, as necessary.

Plans shall also be updated in shorter intervals when underground operations run in an area of pit fires and water reservoirs, as well as public buildings or protected areas.

Notwithstanding provisions of Paragraph 3 of this Article, updating of plans for open pits may be performed in six-month intervals with the consent of the Federal Ministry.

Article 84

Mandatory Plans and Maps in Exploitation of Gas and Liquid Deposits

A company for exploitation of gas and liquid deposits must have the following:

1. site draft of the exploitation field with an indication of all exploratory and exploitation wells and other equipment;
2. geological map of the exploitation field and its surroundings and characteristic geological cross sections;
3. maps regarding edgewater boundaries;
4. data and reports on drilling and electrical borehole log measurements, casing, perforation, identification and measurement of dynamic and static pressure, gas factor and all other physical and chemical analyses of gathering areas and fluids; and
5. plan of the exploitation field including data on soil settling.

Article 85

Linking of Mining Measurements

The site plan of the exploitation field and mining measurements that serve for the execution of mining operations, as well as any developed mining plans and designs, must be linked to the national geodetic grid.

Article 86

Measuring Records

The company shall keep measuring records on all completed measurements, which shall be certified in accordance with regulations on certification of business records.

Article 87

Persons Qualified for Mining Measurements

Mining measurements shall be performed and plans developed and updated only by persons who are professionally qualified for these tasks (mining measurers and surveyors).

During development of new mining plants, all details from previous mining plans must be recorded in them, such as old pit openings, old operations and faults, elevations, etc.

Article 88

Use of Land for Surveying

Users and owners of land shall permit the company or the contractor for mining operations to perform surveying and set geodetic points and markings for the exploitation field.

Article 89

Submission of Plans

Copies of plans referred to under Article 83, Items 1 to 7 of this Law shall be submitted on request by the company to the Federal Ministry or the Cantonal Ministry responsible for the mining industry.

In the event the company fails to update mining plans every six months, the Federal Minister of the Cantonal Minister responsible for the mining industry shall appoint a contractor to carry out updating at the expense of the company.

Article 90

Plan of Exploitation of Mineral Raw Materials

The company shall develop a long-term programme and an annual plan of the exploitation of mineral raw materials and shall submit it to the Federal Ministry or the Cantonal Ministry responsible for the mining industry at its request.

Article 91

Compliance of Mining Designs with Regulations Governing Environmental Protection

The company or the contractor for mining operations shall ensure that the mining designs and the supervision of the impact of its operations on the environment are compliant with the regulations governing environmental protection.

VIII. SUPERVISION

Article 92

Supervision

Supervision of the implementation of this Law and regulations adopted pursuant to this Law (falling under the responsibility of the Federation) shall be performed by the Federal Ministry.

Inspection shall be performed by the Federal Inspection Authority on the basis of this Law and the Law on Inspections in the Federation of BiH (“Official Gazette of the Federation of BiH”, No. 69/05).

Article 93

Mining Inspection Authority

Inspection of the implementation of this Law and regulations adopted pursuant to this Law, technical regulations, regulations on fire protection during execution of mining operations, regulations on technical standards for health and safety of employees and other regulations governing exploitation of mineral raw materials and execution of other operations, shall be performed by the competent mining inspection authority (hereinafter: the inspection authority) according to this Law and the Law on Inspections in the Federation of BiH.

Article 94

Mining Inspector

Tasks of a mining inspector (hereinafter: the inspector) may be performed by a person who has a university degree in mining, mechanical engineering or electrical engineering, who has no less than three years of experience in working on technical management duties in companies engaged in exploitation of mineral raw materials, who has passed the professional examination for technical management in the mining industry and who meets requirements of Article 54 of the Law on Inspections in the Federation of BiH.

An inspector in charge of inspection of underground pit facilities with methane and dangerous coal dust must be a person who, in addition to the requirements defined under Paragraph 1 of this Article, has no less than three years of experience in working on technical management duties in such facilities.

Article 95

Responsibilities of the Inspection Authority

The Inspection Authority shall perform inspection of the implementation of laws and regulations concerning the following:

1. exploitation of mineral raw materials;
2. technical measures during the operation of a mining business;
3. health and safety during exploitation of mineral raw materials;
4. fire and explosion protection during exploitation of mineral raw materials;
5. construction and maintenance of mining facilities, plant and equipment;
6. transportation, storage and handling of explosives;
7. contractors;
8. technical management and supervision; and

9. mining measurements, proper development and regular updating of mining plans - maps, and other documentation necessary for proper technical and judicious execution of mining operations and up-to-date management of measuring records.

An inspector shall also supervise the operation of plants that are directly related to the technological process of the execution of mining operations and electric plants, as well as other devices and installations during the execution of mining operations.

Article 96

Powers of Inspectors

While carrying out inspection, an inspector shall have the following powers:

1. to enter at any time any offices and plant rooms;
2. to inspect mining facilities, plant, equipment and installations;
3. to examine technical and other documentation;
4. to establish identity of persons who execute mining operations;
5. to temporarily take possession of technical documentation or makes photocopies of it;
6. to photograph locations in which the inspector has banned any operations;
7. to take any necessary data or basic samples of mineral raw materials or other material;
8. to seek assistance of a professional organisation or individual professionals; and
9. to temporarily ban any mining operations.

An inspector may, for a period of up to eight days, take possession of the documentation necessary to establish facts of the case if there are violations of provisions of this Law, technical regulations and regulations on health and safety of employees and any other regulations adopted pursuant to this Law, or if an offense is suspected.

In the event documentation is taken out as defined under Paragraph 2 of this Article, the inspector shall issue to the company or the contractor for mining operations a certificate with a list of the documentation taken.

In their activities, inspectors shall also exercise rights defined under Articles 68 and 69 of the Law on Inspections in the Federation of BiH.

If during inspection an inspector is prevented from performing inspection or faces physical resistance or if such resistance is reasonably expected, the inspector may request assistance of the competent police authority.

The competent police authority shall provide the necessary protection and enable the inspector to conduct inspection.

Article 97

Duties of Inspectors

An inspector must immediately and on-the-spot commence an investigation of the circumstances under which fatalities or group accidents have occurred, as well as determine measures and, at the request of a competent authority, issue a written opinion on the causes of the accident.

An inspector must, at least once every six months, conduct inspection of the execution of mining operations in facilities vulnerable to methane, other gases, breakthroughs of water, mud or sludge, dangerous coal dust, silica dust, mercury vapour, as well as of spaces with dangerous radioactive radiation and in cases of increased risk of the occurrence of hazards.

An inspector may supervise any mining operations not covered by Paragraph 2 of this Article at least once a year.

Article 98

Duties of the Company or the Contractor for Mining Operations

The company or the contractor for mining operations shall enable the inspector to conduct inspection.

The company or the contractor for mining operations shall allow examination of all documentation of the company, and at the request of the inspector it shall designate one or more persons to participate in the establishment of facts of the case during the inspection.

Article 99

Inspection Report

The inspector shall draft a report on the completed inspection, listing facts of the case established by the inspection.

The report shall be drafted by the inspector who conducted the inspection. If the inspection was conducted by more than one inspector at the same time and on the same order (collective inspection), the report shall be drafted jointly.

In addition to information defined under the Law on Administrative Procedure, the report shall also include information that needs to be stated in the course of an inspection.

An inspection report is a public document, except for those parts of the report to which the subject of inspection objected as not being properly drafted.

Article 100

Administrative Measures

When an inspector finds that a company or a contractor for mining operations does not comply or incompletely complies with its obligations defined by applicable regulations, the inspectors shall order, based on the facts of the case established in the inspection report, appropriate administrative measures as follows:

1. order remedying of identified deficiencies and irregularities in the manner and within the period defined under this Law and regulations adopted pursuant to this Law;
2. order a temporary ban on mining operations;
3. order a ban on mining operations;
4. order appropriate administrative actions that must be taken by the company or another legal entity, an institution with public authority or an administrative authority;
5. enforce an administrative measure when the company or the contractor for mining operations fails to do so;
6. impose a fine on the spot as defined under this Law;
7. file charges against the company or the contractor for mining operations and the responsible person for an offense or a criminal offense;
8. determine any other measures and take actions defined under this Law and other regulations;
9. impose a ban on an employee's work in a facility or in certain jobs, if the inspector finds deficiencies referred to under Article 95 of this Law;
10. if identified deficiencies and omissions relate to the health and safety measures for employees or for citizens which may give rise to an immediate risk to the health and safety of employees and other citizens, the inspector shall prohibit any work in the facility or in certain jobs until the deficiencies are remedied;
11. ban or temporarily ban the operation of the company or the contractor for mining operations;
12. designate another person to conduct a rescue action.

Article 101

Temporary Ban on Mining Operations

An inspector may issue a decision to temporarily ban execution of mining operations in a company or a contractor for mining operations until deficiencies are remedied, if the inspection establishes the following:

1. the company or the contractor for mining operations has failed to ensure full operational safety of work tools, workspace and work processes as defined in the approved design and technical documentation according to provisions of this Law;
2. the company or the contractor for mining operations does not fully apply provisions of this Law, technical regulations, regulations governing health and safety of employees and any other regulations and general bylaws that concern mining operations, or the operations are not executed in accordance with the approved technical documentation;
3. during the use of work tools, application of work procedures and use of unprotected workspace, there is a risk of injury and threat to the health of employees of the company or the contractor for mining operations, and if employees do not observe appropriate instructions for work;
4. the company or the contractor for mining operations has failed to comply with a verbal order of the inspector;
5. the company or the contractor for mining operations prevents inspection;
6. the company or the contractor for mining operations has failed to comply with a decision ordering remedying of deficiencies.

Article 102

Ban on Mining Operations

An inspector must issue a decision to ban execution of mining operations in a company or a contractor for mining operations, if the inspection establishes the following:

1. the company or the contractor for mining operations executes mining operations without a permit for operations or the mining operations are not executed according to the approved design and technical documentation, or the mining operations are executed in contravention of technical regulations, regulations governing health and safety of employees and any other regulations that concern mining operations and general bylaws of the contractor for mining operations, which may endanger the health and safety of employees, safety of traffic and neighbouring buildings and cause substantial material damage;
2. the company or the contractor for mining operations employ persons who do not meet the professional qualification requirements in accordance with provisions of this Law;
3. the company or the contractor for mining operations or its responsible person, in spite of a verbal order of the inspector, repeatedly violates provisions of technical regulations, regulations governing health and safety of employees and any other regulations that concern mining operations, as well as general bylaws of the contractor for mining operations in accordance with this Law;
4. the company or the contractor for mining operations uses facilities, plant, equipment and installations without a use permit, which directly threatens the security of facilities and equipment, health and safety of people, traffic, neighbouring buildings and the environment, and presents an immediate danger to the health and safety of employees; and
5. the company or the contractor for mining operations, during the execution of operations, occupy any space outside the area specified in the exploitation permit in accordance with this Law.

Article 103

Ban on the Operation of the Company or the Contractor for Mining Operations

An inspector must issue a decision to ban the operation of the company or the contractor for mining operations, if the inspection establishes the following:

1. that the company or the contractor for mining operations does not meet the statutory requirements for operation;
2. that regulations and standards are not applied in their operation; and
3. that technical documentation is developed or reviewed by persons who do not meet the requirements of this Law.

The inspector shall order an administrative measure against third parties (legal or natural persons) if they operate their business in contravention of the provisions of this Law.

Article 104

Verbal Ordering of Administrative Measures

During inspection, the inspector shall order an administrative measure verbally to the company or the contractor for mining operations and instruct its immediate enforcement:

1. when the inspector is required to do so under this Law; and
2. when the situation requires action, in the opinion of the inspector, to eliminate immediate danger to the health and safety of employees and citizens or substantial material damage.

The content of a verbal administrative measure shall be recorded by the inspector in the mine supervision log and in the inspection report.

Article 105

Deadline for Decision

The inspector shall order an administrative measure by issuing a decision.

The inspector shall issue a decision on specific administrative measures within deadlines defined by law, and in urgent cases the inspector shall do so no later than three days after the deadline for objections to the inspection report.

The inspector shall issue a decision on verbally ordered administrative measures within three days of the ordering of such measures.

Article 106

Execution of Decisions

Execution of decisions shall be monitored and established by the inspector *ex officio*.

Execution of a decision shall be established by the inspector by a control inspection or by other written evidence.

The inspector may extend execution of a decision to up to 30 days, with the exception of decisions where administrative measures were ordered verbally.

Article 107

Appeal Against a Decision

No appeal is permitted against a decision on verbally ordered administrative measure.

An appeal against a decision on ordered administrative measures referred to under Articles 100, 101 and 102 may be filed within eight days of the decision being received.

The appeal will be decided by the competent Ministry.

An appeal against a decision of an inspector regarding ordered administrative measures shall not stay the execution of the decision.

A decision of an inspector regarding a verbally ordered administrative measure and a decision of the competent Ministry made on an appeal may be contested by instituting an administrative dispute.

Article 108

Deadline for Deciding on an Appeal

An appeal against a decision of an inspector regarding an ordered administrative measure shall be decided by the competent appellate authority within 15 days of the appeal being received.

IX. PROTECTION AND LANDSCAPING OF AREA

Article 109

Endangering the Environment

The company must ensure execution of mining operations in accordance with the environmental permit and the urban planning permit such that the works do not exceed permitted damage to the surroundings.

During the execution of mining operations, the company must in stages, but no later than by the end of the mining operations, finally remediate and reclaim the area damaged by mining operations in accordance with the design and the permit for suspension of exploitation referred to under Article 42 of this Law.

The company cannot be issued an exploitation permit for a new exploitation field if it fails to complete technical reclamation on an earlier approved exploitation field.

Article 110

Consent for Construction in the Exploitation Field

In order to construct a new building within the boundaries of the exploitation field, before obtaining an urban planning permit it is necessary to obtain a prior opinion of the mining company.

The consent referred to under Paragraph 1 of this Article may also be issued when, in the opinion of the company that performs the exploitation, there is a risk of damage, but only if there is no risk to the health and safety of people and if the investor of the new building waives in writing the right to compensation of damage that may occur as a result of the execution of mining operations.

The waiver of the right to compensation of damage must be recorded in the land-registry records.

Article 111

Construction in the Exploitation Area

If public interests require so, the surface of an exploitation field may be used to construct public roads, railways, canals and other types of roads, high voltage electric power lines, water supply lines, oil pipelines, saltwater pipelines and gas pipelines, provided that protective pillars are secured in order to prevent any danger to the safety of people and structures.

Before design documentation is developed for structures referred to under Paragraph 1 of this Article, the investor must seek an opinion from the company regarding the most appropriate route and positioning of these structures in the exploitation field.

In accordance with applicable regulations, the company shall be entitled to compensation of property damage caused by the construction of structures referred to under Paragraph 1 of this Article.

X. PENAL PROVISIONS

Article 112

Offences

A fine ranging between KM 10,000.00 and KM 15,000.00 shall be imposed for an offense on the company or another legal entity:

- which carries out exploitation of mineral raw materials without a permit of the competent authority (Articles 10 and 39);
- which executes mining operations without a permit for mining operations according to a design (Article 43);
- which puts into regular use any facilities, plant or equipment before obtaining a use permit (Article 47);
- if they carry out exploitation of mineral raw materials outside the approved exploitation field (Article 11, Paragraph 1);
- if they fail to implement the prescribed health and safety measures for employees, citizens and property (Articles 17, 50 and Article 51, Paragraph 1);
- if they do not use surveying measurements to develop or regularly update plans that can serve to assess the status of mining operations, their mutual position and their respective position relative to old mining operations and to structures and water bodies on the surface, or if they do not develop a long-term program and an annual plan of exploitation, or if they fail to submit these plans or copies of plans referred to under Article 83, Items 1 to 7 of this Law to the Ministry responsible for the mining industry at its request, or if they fail to perform mining measurements or do not keep a mine supervision log (Articles 36, 80, 83, 84, 86 and 90);
- if they fail to notify commencement of mining operations to the mining inspector within the specified period, or if they fail to notify the mining inspector of the persons who will perform tasks of technical and general technical management and of technical supervision, or if they fail to report termination of mining operations (Article 46);
- if they perform periodic inspections, measurement and testing without meeting the requirements defined under this Law (Article 48);
- if they perform activities of development of technical documentation, without meeting the requirements defined under this Law (Article 72);
- if in the execution of mining operations and other works and in the installation of plant they deviate from approved designs without the consent of the competent authority (Article 80);
- if after completion or permanent suspension of mining operations on the exploitation of mineral raw materials they fail to notify within the prescribed period the Ministry responsible for the mining industry and the competent mining inspection authority and the environmental inspection authority of the implemented security, remediation and reclamation measures (Article 59, Paragraphs 1 to 4);
- if they commission development of technical documentation or design review or periodic inspections, measurement and testing or execution of mining operations to a company or another legal entity that does not meet the requirements defined under this Law (Articles 48, 72 and 77);
- if after completion or permanent suspension of mining operations they fail to perform final remediation of land and reclamation of areas and the environment ruined by mining operations within the period defined in the design, and if they fail to remedy the effects of mining operations or fail to take the necessary protective measures to ensure health and safety of people and property, or if during the execution of mining operations they continuously fail to perform remediation and reclamation of ruined land (Article 59);
- if they do not have the required technical documentation (Article 63);
- if they fail to organise a health and safety service (Article 22);

- if they fail to organise a rescue service or if they fail to supply it with the necessary equipment, or if they fail to organise a fire service or a first aid service (Article 20);
- if they fail to immediately notify the Ministry responsible for the mining industry, the authority in charge of internal affairs and the competent mining inspector of any fatality, group injury or severe injury at work at the company (Article 21, Paragraph 3);
- if they fail to notify the Ministry responsible for the mining industry and the mining inspection authority within prescribed periods of any temporary suspension of mining operations or of any occurrence of danger to the health and safety of employees, or of a resumption of mining operations (Article 57);
- if they fail to ensure the execution of mining operations in compliance with the approved technical documentation and regulations, as well as continuous supervision of all mining operations, plant and equipment (Article 35);
- if they fail to secure continuous supervision of ventilation in undergrounds pits vulnerable to methane and explosive dust (Article 35, Paragraph 2);
- if they assign the tasks of supervision and technical management of mining operations to a person who does not meet the prescribed requirements (Articles 23 to 30).

In addition, a fine ranging between KM 200.00 and KM 3,000.00 shall be imposed on the responsible person in the legal entity for an offense referred to under Paragraph 1 of this Article.

In addition to a fine, the offenses referred to under Paragraph 1, Items 1 and 4, shall also be subject to the following sanctions:

- a protective measure of confiscation of items used or intended to be used for committing the offense or which resulted from the offense, or when there is a danger that such items may be reused for committing the offense, regardless of whether they are owned by the perpetrator; and
- a measure of confiscation of any material gains obtained by committing the offense.

The material gain referred to under Paragraph 3, Item 2 of this Article is the market value of mineral raw materials obtained by illegal exploitation.

For offenses referred to under Article 111 of this Article [*sic!*], the responsible person may be banned from performing a certain duty for a period of one to six months.

Article 113

Offences

A fine ranging between KM 5,000.00 and KM 10,000.00 shall be imposed for an offense on the company or another legal entity if:

- they fail to notify the Ministry responsible for the mining industry which issued the exploitation permit referred to under Article 38 of this Law and the competent mining inspection authority within a specified period of any suspension of mining operations no later than 15 days before commencement of such suspension (Articles 57 and 58);
- they prevent a mining inspector from acting in accordance with his/her rights or if they interfere or prevent the mining inspector in any way in the conduct of an inspection, or if they fail to comply with a decision of the mining inspector (Article 95 and Article 101, Item 6).

In addition, a fine ranging between KM 500.00 and KM 2,000.00 shall be imposed on the responsible person in the legal entity for an offense referred to under Paragraph 1 of this Article.

Article 114

Offences

A fine ranging between KM 1,000.00 and KM 15,000.00 shall be imposed for an offense on the company or another legal entity in which:

- a design has been developed, if such design does not address all issues of safety of plant and people and of underground, surface and neighbouring structures, or if health and safety regulations, norms and mandatory standards have not been applied or have not been properly applied (Article 64);
- a design has been reviewed without verifying application of Article 64 of this Law in the design, or if the completed review is negligent or of substandard quality (Article 76); and
- a design or a part of a mining design has been developed, if such completed design does not include attached written declaration according to provisions of Article 75 of this Law as a separate document certifying that the design complies with the requirements of Article 64 of this Law, or a proof that the designer and lead designer of the mining design meet the requirements of Article 73 of this Law (Articles 73 and 75).

In addition, a fine ranging between KM 500.00 and KM 3,000.00 shall be imposed on the responsible person in the legal entity for an offense referred to under Paragraph 1 of this Article.

For an offense referred to under Paragraph 1 of this Article, the following persons shall be fined between KM 1,000 and KM 1,500:

- the designer, if during design development he/she fails to apply or improperly applies the prescribed health and safety measures and norms and mandatory standards (Article 64); and
- the reviewer, if he/she reviews the mining design negligently or with substandard quality with respect to the application of the prescribed health and safety measures and norms and mandatory standards (Article 76).

XI. TRANSITIONAL AND FINAL PROVISIONS

Article 115

Existing Employees

Employees who are performing duties of technical management on the day of entry into force of this Law and who have met the requirements defined under the Law on Mining (“Official Gazette of RBiH”, No. 24/93 and 13/94) may continue performing these duties for another two years from the day of entry into force of this Law.

Article 116

Procedures Initiated Before Entry into Force of this Law

Procedures for obtaining permits referred to under Article 37 of this Law, which have not been completed by the day of entry into force of this Law, shall be completed according to regulations in effect on the submission date of the application.

Article 117

Regulations of the Federation Government

Within two years of the entry into force of this Law, the Federation Government shall adopt the strategy referred to under Article 13 of this Law.

Article 118

Regulations of the Federal Minister

The Federal Minister shall adopt regulations referred to under Articles 13, 14, 16, 20, 30, 33, 45, 62, 65, 71 and 82 of this Law within two years, as well as regulations referred to under Article 19 of this Law within five years of the entry into force of this Law.

Article 119

Application of Existing Regulations

Until new regulations and rules are adopted in accordance with provisions of this Law, presently existing regulations shall apply provided they are not in conflict with this Law:

1. Law on a Single Method for Assessing, Recording and Collecting Data on Reserves of Mineral Raw Materials, Groundwater and the Balance of These Reserves (“Official Gazette of RBiH”, No. 8/93 and 13/94);
2. Law on Transportation of Dangerous Substances (“Official Gazette of SFRY”, No. 27/90 and 45/90);
3. Law on Transportation of Explosives and Flammable Liquids and Gases - Consolidated Version (“Official Gazette of SFRY”, No. 39/89 and 36/90);
4. Regulation on the Content of Mining Designs for the Use of Petroleum and Natural Gas (“Official Gazette of SFRY”, No. 21/68);
5. Regulation on the Content of Mining Designs for the Use of Solid Mineral Raw Materials (“Official Gazette of SFRY”, No. 21/68);
6. Instructions Applicable to Enrichment and Refining of Mineral Raw Materials for Exploitation (“Official Gazette of SFRY”, No. 51/59);
7. Regulation on Technical Rules for Mining Measurements, Measuring Records and Mining Plans (“Official Gazette of SFRY”, No. 45/60);
8. Regulation on Classification and Categorization of Individual Reserves of Mineral Raw Materials and Their Records (“Official Gazette of SFRY”, No. 50/66);
9. Regulation on Classification and Categorization of Reserves of Solid Mineral Raw Materials and Their Records (“Official Gazette of SFRY”, No. 53/79);
10. Regulation on Classification and Categorization of Reserves of Groundwater and Their Records (“Official Gazette of SFRY”, No. 34/79);
11. Regulation on Classification and Categorization of Reserves of Petroleum, Condensates and Natural Gas and Their Records (“Official Gazette of SFRY”, No. 80/87);
12. Regulation on Technical Standards for Preparation of Mineral Raw Materials - Ores, Non-Ferrous Metals (“Official Gazette of SFRY”, No. 36/79);
13. Regulation on Technical Standards for Handling of Explosives and Blasting in the Mining Industry (“Official Gazette of SFRY”, No. 26/88 and 63/88);
14. Regulation on Technical Standards for Underground Exploitation of Coal (“Official Gazette of SFRY”, No. 4/89, 45/89, 3/90 and 54/90);
15. Regulation on Technical Standards for Underground Exploitation of Metal and Non-Metal Mineral Raw Materials (“Official Gazette of SFRY”, No. 24/91);
16. Regulation on Technical Standards for Transportation of Manpower and Material in Mine Shafts (“Official Gazette of SFRY”, No. 4/80, 12/85, 35/87 and 51/88);
17. Regulation on Technical Standards for Transportation of Manpower in Mines with Underground Exploitation of Mineral Raw Materials in Horizontal and Sloping Rooms (“Official Gazette of SFRY”, No. 34/89);
18. Regulation on Technical Standards for Transportation on Conveyor Belts in the Mining Industry (“Official Gazette of SFRY”, No. 5/73, 12/74, 4/86 and 4/89), excluding provisions of Articles 23 to 85 and Articles 90 to 112;
19. Regulation on Technical Standards for Construction of Underground Pit Magazines for Explosives in Mines with Underground Exploitation of Mineral Raw Materials (“Official Gazette of SFRY”, No. 12/88);
20. Regulation on Technical Standards for Vehicles with Diesel Engines used in Underground Mining Operations in Non-Methane Pits (“Official Gazette of SFRY”, No. 66/78);
21. Regulation on Technical Standards for Surface Exploitation of Deposits of Mineral Raw Materials (“Official Gazette of SFRY”, No. 4/86 and 62/87);

22. Regulation on Technical Standards for Surface Exploitation of Architectural-Construction Stone (Ornamental Stone), Technical Stone, Gravel and Sand and for Processing of Architectural-Construction Stone (“Official Gazette of SFRY”, No. 11/86);
23. Regulation on Technical Standards for Construction of Facilities for Evaporation of Sea Salt and Production of Seal Salt (“Official Gazette of SFRY”, No. 20/78);
24. Regulation on Technical Standards for Mining Operations in Investigation and Exploration of Deposits of Rock Salt (“Official Gazette of SFRY”, No. 8/79);
25. Regulation on Technical Standards for Exploitation, Extraction and Preparation of Nuclear Mineral Raw Materials (“Official Gazette of SFRY”, No. 39/85 and 40/86);
26. Regulation on Technical Standards for Electrical Plant, Equipment and Installations in Mines with Underground Exploitation (“Official Gazette of SFRY”, No. 21/88 and 90/91);
27. Regulation on Technical Standards for Electrical Equipment and Equipment in Mines with Surface Exploitation of Mineral Raw Materials (“Official Gazette of SFRY”, No. 66/87);
28. Regulation on Technical Measures and Health and Safety in Underground Mining Operations (“Official Gazette of SFRY”, No. 11/67, 35/67, 60/70, 9/71, 3/73 and 5/73);
29. Order regarding Mandatory Attestation of Ropes for Mine Hoisting Plant (“Official Gazette of SFRY”, No. 27/80 and 67/80);
30. Regulation on the Method of Transportation of Dangerous Substances by Road (“Official Gazette of SFRY”, No. 82/90);
31. Regulation on Protection Measures for Handling of Explosives and Blasting in the Mining Industry (“Official Gazette of SFRY”, No. 8/87 and 12/88);
32. Regulation on Technical Standards for Escalators and Conveyor Belts for Human Transportation (“Official Gazette of SFRY”, No. 66/78, 13/82 and 42/88);
33. Regulation on General Measures and Standards for Health and Safety for Operation of Equipment and Devices (“Official Gazette of SFRY”, No. 18/67);
34. Regulation on Technical Standards for Cranes (“Official Gazette of SFRY”, No. 65/91);
35. Regulation on Safety at Work Equipment and Personal Protective Gear (“Official Gazette of SFRY”, No. 35/69);
36. Regulation on Technical Standards for Ski Lifts (“Official Gazette of SFRY”, No. 2/85 and 11/85);
37. Regulation on Technical Standards and Health and Safety in Exploration and Exploitation of Petroleum and Natural Gas in Deep Wells (“Official Gazette of SFRY”, No. 46/60, 37/64, 2/67 and 14/67);
38. Regulation on Labelling of Poisons that are Marketed on the Domestic Market (“Official Gazette of SFRY”, No. 32/86);
39. Regulation on Technical Standards for Shaping of Non-Ferrous Metals (“Official Gazette of SFRY”, No. 25/86);
40. Regulation on Technical Standards for the Protection of Storage Areas against Fire and Explosion (“Official Gazette SFRY”, No. 24/87);
41. Regulation on Technical Standards for Exploration and Exploitation of Petroleum, Natural Gas and Formation Water (“Official Gazette of SFRY”, No. 43/79, 41/81 and 15/82);
42. Regulation on Technical Standards for Fixed Pressure Vessels (“Official Gazette of SFRY”, No. 16/83);
43. Regulation on Technical Standards for Personnel Lifts (“Official Gazette of SFRY”, No. 29/86);

44. Regulation on Technical Standards for Low Voltage Electrical Installations (“Official Gazette of SFRY”, 53/88 and 54/88);
45. Regulation on Technical Standards for the Construction of Overhead Electrical Power Lines with the Nominal Voltage between 1kV and 400 kV (“Official Gazette of SFRY”, No. 65/88);
46. Regulation on Technical Standards for the Construction of Overhead Electrical Power Lines (“Official Gazette of SFRY”, No. 51/73, 69/73, 11/80, 36/86 and 65/88);
47. Regulation on Technical Standards for Electric Powered Elevators for Vertical Transportation of Manpower and Cargo (“Official Gazette of SFRY”, No. 16/86 and 28/89);
48. Regulation on Technical Measures for Elevators (“Official Gazette of SFRY”, No. 51/78, 16/88 and 28/89);
49. Regulation on Mandatory Attestation of Electric Powered Elevators for Vertical Transportation of Manpower and Cargo and the Requirements that Must Be Met by Companies Licensed for their Attestation (“Official Gazette of SFRY”, No. 27/90);
50. Regulation on Technical Standards for Electric Powered Elevators for Vertical Transportation of Cargo with a Cabin Inaccessible to Humans (“Official Gazette of SFRY”, No. 55/87);
51. Regulation on Technical Standards for Fire Protection of Power Facilities and Devices (“Official Gazette of SFRY”, No. 74/90);
52. Regulation on Technical Standards for the Construction of Overhead Low Voltage Lines (“Official Gazette of SFRY”, No. 6/92);
53. Regulation on Technical Rules for Lightning Conductors (“Official Gazette of SFRY”, No. 13/68);
54. Regulation on Technical Measures for Devices with Illuminated Tubes (“Official Gazette of SFRY”, No. 14/67);
55. Regulation on Technical Standards for Surge Protection of Power Facilities (“Official Gazette of SFRY”, No. 7/71 and 47/76);
56. Regulation on Technical Standards for Static Electricity Protection (“Official Gazette of SFRY”, No. 62/73);
57. Regulation on Technical Standards and Requirements for the Design and Installation of Electrical Plant in Rooms where Explosives are Handled (“Official Gazette of SFRY”, No. 17/74);
58. Regulation on Technical Standards for Power Facilities with the Nominal Voltage above 1000 V (“Official Gazette of SFRY”, No. 4/74 and 13/78);
59. Regulation on Technical Standards for the Protection of Low Voltage Facilities and Associated Substations (“Official Gazette of SFRY”, No. 13/78);
60. Regulation on Technical Standards for Devices of Power Facilities with the Nominal Voltage of 10 kV for Operation at the Voltage of 20 kV (“Official Gazette of SFRY”, No. 10/79);
61. Regulation on Technical Standards for Devices for Application and Drying of Coating Materials (“Official Gazette of SFRY”, No. 57/85);
62. Regulation on Technical Measures for Operation and Maintenance of Power Facilities (“Official Gazette of SFRY”, No. 19/68);
63. Order regarding Mandatory Attestation of Portable Tools with Electric Motors (“Official Gazette of SFRY”, No. 21/87);
64. Order regarding Mandatory Attestation (Homologation) of Electric Devices with Anti-Explosive Protection that are Intended for Use in Areas Vulnerable to Explosive Mixtures (“Official Gazette of SFRY”, No. 25/89);
65. Rules for Anti-Explosion Protection (“Official Gazette of SFRY”, No. 18/81);

66. Regulation on Technical Standards for Installation of Overhead Electrical Power Lines and Telecommunication Cable Lines (“Official Gazette of SFRY”, No. 36/86);
67. Regulation on Health and Safety during Preparation of Explosives and Gunpowder and Handling of Explosives and Gunpowder (“Official Gazette of SFRY”, No. 55/69);
68. Regulation on Technical Standards for Electric Powered Facade Elevators (“Official Gazette of SFRY”, No. 19/86);
69. Regulation on Technical Standards for Electric Powered Suspended Working Platforms (“Official Gazette of SFRY”, No. 19/86);
70. Regulation on Technical Standards and Requirements that Must Be Met by Retail Stores of Explosives, Containers and Other Small Storage Areas for Explosives and on the Conditions and Method of Their Use (“Official Gazette of SR BiH”, No. 21/78);
71. Regulation on the Content of Long-Term Programmes and Mining Designs (“Official Gazette of SR BiH”, No. 28/79);
72. Regulation on the Forms of Records on Produced and Procured Explosives (“Official Gazette of SRBiH”, No. 21/78);
73. Regulation on Health and Safety and Technical Measures for Acetylene Generators and Acetylene Stations (“Official Gazette of SRBiH”, No. 32/87);
74. Regulation on the Taking of the Professional Examination for Employees Assigned to Certain Tasks in the Mining Industry (“Official Gazette of SRBiH”, No. 2/82);
75. Regulation on the Method and Programme for Taking the Professional Examination for Geology Professionals (“Official Gazette of RBiH”, No. 16/93);
76. Regulation on the Extraction of Precious Metals from River Sediments (“Official Gazette of SRBiH”, No. 1/75);
77. Regulation on the Content of Programmes, Designs and Detailed Studies of Geological Investigations (“Official Gazette of RBiH”, No. 16/93);
78. Regulation on the Management of Records and Cadastre of Approved Exploratory Areas (“Official Gazette of RBiH”, No. 16/93);
79. Regulation on the Conditions for Establishing Workplaces with Special Working Conditions and Medical Examinations for Employees in these Workplaces (“Official Gazette of SRBiH”, No. 2/91);
80. Regulation on the Procedure for Shortening Working Hours in Workplaces with Special Working Conditions (“Official Gazette of SRBiH”, No. 2/91);
81. Regulation on the Personnel and Technical Equipment Requirements that Must Be Met by Organisations that Perform Periodic Inspections and Testing in Health and Safety (“Official Gazette of SRBiH”, No. 2/91);
82. Regulation on the Management of Records and Safekeeping of Documents and on the Content of Annual Health and Safety Report (“Official Gazette of SRBiH”, No. 2/91); and
83. Regulation on Health and Safety during the Use of Electricity (“Official Gazette of SRBiH”, No. 34/88).

Article 120

Application of Existing Standards and Norms

Until new standards and norms are adopted, the existing standards and norms in this field shall continue applying, provided that they are not in conflict with this Law.

Article 121

Superseding of Prior Law

Upon its entry into force, this Law shall supersede the Law on Mining (“Official Gazette of RBiH”, No. 24/93 and 13/94).

Article 122
Cantonal Regulations

Within six months of the entry into force of this Law, the Cantons shall adopt Cantonal mining laws in compliance with this Law, or shall harmonise previously enacted laws with the provisions of this Law.

Article 123
Entry into Force

This Law shall enter into force on the eight day of being published in the “Official Gazette of the Federation of BiH”.

Speaker
of the House of Peoples
of the Parliament of the Federation of BiH
Stjepan Krešić, duly signed

Speaker
of the House of Representatives
of the Parliament of the Federation of BiH
Safet Softić, duly signed