

LAW ON GEOLOGICAL EXPLORATIONS

("Official Gazette of RCG", No. 28/93, 27/94, 42/94, 26/07)

I GENERAL PROVISIONS

Article 1

This Law shall govern the terms and manner of the execution of geological explorations, financing and programming and organization of the execution of geological explorations of interest for the Republic of Montenegro (hereinafter: the Republic), as well as the manner of carrying out the supervision over the implementation of provisions of this Law.

Article 2

Geological explorations, in terms of this law, shall include exploration and testing carried out with the aim of: learning the development, composition and branches of the Earth's crust, forecasting, findings and ascertaining deposits of mineral resources and the assessment of economic effects of their utilization, determining geological and geo-mechanical properties of soil for the need of construction of facilities, physical planning, spatial planning and protection and improvement of environment.

Geological explorations, in terms of paragraph 1 of this Article, shall include: general geological, paleontological, stratigraphic, sedimentological, mineral, petrographic, geo-chemical, geo-physical, metalogenetic, structural-geological, engineering-geological, hydro geological, geo-physical, seismological, geomorphological, geodynamic, geobotanical, photogeological, geostatic, chemical-technological and economic-geological and other exploration and testing.

The data of geological exploration, in terms of this law, shall be considered data obtained by geological exploration under paragraph 2 of this Article.

Article 3

Mineral resources, in terms of this law, shall include all types of coal, peat, hydrocarbon in solid state, hydrocarbon in liquid and gaseous state (oil and gas) and other natural gases, radioactive mineral resources, metallic mineral resources, nonmetallic mineral resources, mineral resources for recovery of construction

material, technogenic mineral resources, groundwater (drinking, mineral and thermal) and types of salt and saline waters.

II GEOLOGICAL EXPLORATIONS

Article 4

Geological explorations shall be basic and detailed.

Geological explorations shall be conducted based on project of exploration.

Geological explorations shall be conducted within the approved exploratory area.

Exploratory area implies a part of the terrain where the designed geological explorations are held, at the topographic basis defined by borders that pass through the contour lines with exactly defined coordinates and stretches without limits to the depth of land between vertical planes distributed along through the delineated sides of the exploratory area.

Article 5

Basic geological explorations are conducted for the recovery of basic geological data on development, composition and branch of Earth's crust, making of appropriate geological maps, determining potentiality of the area with regard to discovery and ascertaining reserves of mineral resources, ascertaining the state, properties and characteristics of rocks and soil, as well as for ascertaining geological conditions for detailed geological explorations and design of investment projects, and exploration for the protection and improvement of environment.

Geological maps, in terms of this law, shall be: general geological, tectonic, geophysical, seismological, hydro geological, engineering-geological, geothermal, minerogenetic, geo-chemical, and other maps that show the mentioned and other geological properties of a certain area of adequate scale (not exceeding 1: 5 000).

Geological maps contain graphic and textual overview of a certain type of data of geological explorations at a certain area.

Preparation for printing and printing of geological maps is carried according to programs of geological explorations.

Basic geological explorations and geological explorations of strategic importance outside the exploitation areas shall be the activity of interest for the Republic of

Montenegro and shall be financed from the budget of the Republic, if included in the program of geological explorations.

Article 6

Detailed geological explorations shall be executed at the area where it was determined the existence of one or more mineral resources for obtaining data on the position, form, origination and quality of the deposit, reserves, terms and possibilities of their utilization, as well as the area where certain investment facilities will be constructed, for determining geo-technical, hydro geological and other soil properties.

Article 7

Detailed geological explorations of soil shall be mandatorily held before the production of technical documents for the construction of:

- 1) Facilities of basic and chemical industry, ferrous metallurgy, facilities for the production of cellulose and paper;
Facilities for processing of leather and fur, facilities in which dangerous substances are produced and stored and similar facilities and plants that may jeopardize environment
- 2) railways and accompanying facilities;
- 3) plants on liquid and oil gas;
- 4) highways, arterial roads and regional roads and accompanying facilities (supporting constructions, culverts etc.);
- 5) tunnels;
- 6) harbors with accompanying harbor facilities (docks, wavebreaker, port with bank revetment walls, crane path etc.);
- 7) airports and accompanying facilities;
- 8) hydro-electric power plant and thermal power plant and accompanying facilities;
- 9) large dams and accumulations filled with water, tailings ponds or ash;
- 10) trunk voltage of 110 kV and more, power substation and switchyard with voltage of 35 kV and more;
- 11) backbone gas line and oil pipeline;
- 12) inter-regional and regional water supply facilities;
- 13) facilities for the refinement of waste water for urban settlements;
- 14) inter-regional and regional sewage system;
- 15) transit and main telephone-telegraph channels and accompanying plants and

- connections between those central stations;
- 16) facilities of special interest for the defence of the country;
 - 17) facilities of broadcasting stations and radio relay systems;
 - 18) facilities in which a lot of people are gathered (theater, cinema, sports, exhibition and similar halls), faculties, institutes, schools, pre-school institutions, hospitals, stadiums, hotels business and housing facilities of surface area exceeding 1,000 m² and facilities that have four or more overground stories bus and railway station;
 - 19) religious facilities;
 - 20) primary infrastructural networks units of local self-government;
 - 21) silos and water towers of all types;
 - 22) halls of all types (industrial, agricultural, sports hall etc) ;
 - 23) road, railway and pedestrian bridges;
 - 24) landfill of waste and plants for treatment of solid and hazardous waste;;
 - 25) all types of industrial facilities;
 - 26) systems and facilities built in the territory of two or more units of local self-government;
 - 27) stations and plants for storage and transfusion of oil of motor vehicles;
 - 28) all types of housing and business facilities of surface area exceeding 1,000m² and facilities that have four or more overground stories, industrial and infrastructure facilities in the IDŽ zones and more seismicity by the MSC scale (Mercalli-Cancani-Sieberg scale), as well as for all types of permanent facilities on conditionally stable terrains according to generally applicable engineering - geological criteria;
 - 29) system for melioration;
 - 30) for spatial and physical planning, and for levels for which it surveying maps are necessary in scales 1:10000, 1:5,000, 1:1000 etc.

Article 8

Geological explorations and project design of geological explorations may be executed by business companies and/or other legal entities with a license.

Geological explorations of mineral resources and soil for the construction of facilities under Article 7 of this Law shall be carried out based on approvals.

Article 9

The project of geological explorations is carried out based on the project task given by the investor depending on the degree of explorability of the exploratory area and it

must contain the conception of exploration, overview of project works, project statement of works by type, scope of value and technical terms of execution of works.

In the project of geological exploration shall be stated all project included methods of exploration: all types of required mining works, surface and pit exploration drilling, data on necessary staff, equipment and time required for the execution of works, environment protection measures, measures of work safety and measures for safety of people and property.

If the project of geological explorations envisages the execution of mining exploratory works (undercut, raise, incline and shaft) as well as test exploitation of mineral resources, persons that meet the terms stipulated by laws defining the mining, environment and assessment of influence on environment must be hired for designing of these works.

Project of geological explorations must be harmonized with technical regulations, norms and standards.

The body of state administration in charge for the assignments of geological explorations (hereinafter: the Ministry) shall ascertain the content of the projects of geological explorations as well as criteria for determining the price of works in the area of geological explorations.

Article 10

Project of geological explorations shall be subject to technical control (review).

Technical control (review) referred to in paragraph 1 of this Article includes the control regarding the application of contemporary achievements and methods of geological science and the techniques and compliance with technical regulations, norms and standards as well as control regarding the implementation of appropriate measures and norms of the protection of environment, work safety and security of facilities and people.

Investor via business company, and/or other legal entity with a license for the production of geological documents and/or for the execution of those geological works or via Expert Committee consisting of at least three members shall carry out the technical control (review) of project of geological exploration.

Graduated engineers of geology of appropriate course, with at least three years of professional work experience and with passed professional exam shall be members of the Committee under paragraph 3 of this Article.

If the project of geological explorations envisages the execution of exploratory works (undercut, raise, incline and shaft) as well as test exploitation of mineral resources, a person that fulfills the terms stipulated by law, defining the mining, must be hired in the Committee for technical control (review).

Technical control (review) of the project cannot be made by a business company and/or other legal entity and a person that took part in the project design. Upon executed technical control (review) a report is made of executed technical control of the project of geological explorations and following the removal of possible objections, a clause is put to the project (review clause) confirming that the project has been made in accordance with the law, along with the signatures of persons that carried out the review of the project.

Business company and/or other legal entity or expert committee for technical control (review) shall be responsible for omissions in the project of geological explorations.

Article 11

A graduated geology engineer with minimum three years of professional work experience and passed professional exam may manage the designing the project of geological exploration, reports and studies of results of geological explorations, study of the budget of reserves of mineral resources , exploration works, technical control of the project and the study.

Regulations of the program and the manner of taking professional exam shall be issued by the Ministry.

Article 12

Designing duties, execution of one of basic type of exploration and elaboration of study of results of geological explorations may be performed by a business company and/or other legal entity based on license.

License may be obtained by a business company and/or other legal entity, if:

- 1) it is registered for performing duties paragraph 1 of this Article ;

2) it has at least two graduated engineers in geology of appropriate course employed, with at least three years professional work experience and with passed professional exam;

Business company and/or other legal entity may perform several types of geological explorations, if for each type of exploration for which it is registered, apart from terms under paragraph 2 of this Article, it has employed one more graduated geology engineer with passed professional exam and work experience of three years for each type of exploration for which it is registered.

The Ministry ascertains the fulfillment of terms under paragraph 2 and 3 of this Article.

Article 12a

License referred to in Article 12 of this Law shall be issued by the Ministry based on the request.

License is issued to the period of five years and is certified every year.

Records of issued licenses is kept by the Ministry.

For the issuance of license, a fee shall be paid in the amount of EUR 500, and for the certification of license fee in the amount of EUR 150.

Funds from fees referred to in Article 5 of this Article shall be the income of the budget of the Republic of Montenegro.

License holder shall inform the Ministry of all changes for the acquisition of license, within eight days of the change of terms.

The form and the manner of issuance of license and keeping records of the issued licenses shall be determined by the Ministry.

Article 12b

The Ministry shall take away the license if the license holder:

- 1) has obtained the license based on incorrect data;
- 2) stops fulfilling the terms referred to in Article 12 of this law ;
- 3) fails to perform assignments in accordance with the law and license.

Article 13

Business company dealing with the exploitation of mineral resources may within its exploitation field carry out geological explorations and design projects of exploration

for its needs, without entry in the court register, if it has employed at least one engineer in geology with the passed professional exam and work experience of at least three years at assignments of exploration of mineral resources.

Article 14

Business company dealing with the exploitation of mineral resources shall within its exploitation filed execute detailed geological explorations with the aim of comprehensive study of geological properties of deposits.

Business company dealing with the exploitation of mineral resources shall make annual exploration plans within the approved exploitation field and submit them to the Ministry no later than 31st March of the current year.

Annual plan of the exploration contains: type of mineral resource that is planned to be explored, the amount of funds that will be allocated for the exploration, the position of locality where the exploration is planned as well as detailed description of planned exploration works, according to type and scope.

Following the executed explorations the business company dealing with the exploitation of solid mineral resources shall make report of the results of executed additional exploration of deposits, which is submitted to the Ministry no later than 31st March of the upcoming year.

For geological explorations referred to in paragraph 1 of this Article, Approval is not necessary.

Article 15

Approval for the exploration of mineral resources and soil for the construction of facilities referred to in Article 7 of this law shall be issued by the Ministry at the request of the Investor, that contains the subject of geological explorations and the type of exploratory works, description of an area for which the Approval is requested with the indication of the Municipality at the territory of which that area is located, data on the amount of funds for the exploration and the time of commencement and the completion of exploration.

Article 16

Along with the request for obtaining the approvals for detailed geological explorations of mineral resources shall be mandatorily attached:

- 1) the concession agreement;
- 2) the project of geological explorations with review clause;
- 3) topographic basis of scale up to 1:100.000 with delineated borders of the exploratory area and the preview of coordinates and sides length, in two copies;
- 4) opinion by the competent body for the protection of environment for projects referred to in Article 9 paragraph 3 of this law;
- 5) evidence of property right or the consent of owner of land for the execution of designed exploratory – geological works;
- 6) decision on location, if the concession for detailed geological explorations of mineral resources cause changes in the area.

Right to the exploration of mineral resources shall be acquired based on the concession agreement for the exploration and/or agreement of concession for the exploration and exploitation of mineral resources in accordance with this law.

Along with the request for obtaining approval for detailed geological explorations of soil for the needs of construction of facilities and for hydrological and hydro geological explorations of ground waters shall be mandatorily attached:

- 1) project of geological explorations with review clause;
- 2) topographic basis of adequate scale up to 1:100.000, exceptionally up to 1:200.000, with delineated borders of the exploratory area and overview of coordinates and preview of coordinates and sides length, in two copies;
- 3) the decision on location.

Article 17

Approval for exploration shall define:

- 1) subject of exploration and the type of exploratory works,
- 2) area where exploration will be held (exploratory area),
- 3) type and scope of works planned to be executed,
- 4) the highest amount of mineral resources that can be extracted with the aim of testing their quality and technological properties,
- 5) deadline by which exploratory works have to commence and time of validity of approval,
- 6) deadline for the submission of study on classification, categorization and calculation of reserves of mineral resources or studies of executed explorations of soil for the construction of the facility,
- 7) measures of the protection of environment that have to be undertaken in relation to exploratory works.

The Ministry shall issue the approval for the exploration within 15 days upon the receipt of the envisaged documents.

Article 18

For the same exploratory area may be issued two or more approvals for the exploration if they refer to different types of mineral substances and if there exists the possibility for unhindered simultaneous exploration.

Business companies and/or other legal entities conducting exploration works at the same exploratory area shall harmonize their works by mutual agreement. If there is no agreement then the investor that obtained the approval for exploration later shall ensure that the works are conducted in the manner that does not hinder the works of the investor that has obtained the approval before.

Article 19

It shall be deleted. ("Official Gazette RCG", No. 26/07)

Article 20

If the request for the geological explorations at an area for which approval has been issued before refers to exploration of mineral resources of larger social interest than the exploration of mineral resources for which the approval has been already given, then the Ministry may terminate the concession agreement and /or revoke the approval, along with the compensation of the investor that obtained the approval before.

In case under paragraph 1 of this Article, the investor that obtained the approval for the exploration shall compensate the damage to the investor that had to suspend the works.

Article 21

It shall be deleted. ("Official Gazette RCG", br. 26/07)

Article 22

Geological explorations of mineral resources by excavation, sub-surface exploratory works and deep drilling shall not be allowed at an area where urban settlements are located, as well as public roads, water management facilities, areas of sources of mineral and thermal water, monuments of culture, natural rarities (national parks, protected forests etc).

Exceptionally from the provisions of paragraph 1 of this Article, the Government of the Republic of Montenegro or the body authorized by it may allow geological explorations of mineral resources at areas mentioned under paragraph 1 of this Article.

Article 23

Geological explorations shall not be allowed by exploratory cuts, sub-surface exploratory works and deep drilling at an area under buildings that are located outside urban settlements and at a distance of 40 meters from buildings, nor on an area that includes the yard and gardens outside urban settlements, without written consent of the owner and/or users of the building or land.

Exceptionally from the provisions of paragraph 1 of this Article, the Government of the Republic of Montenegro or the body authorized by it may allow exploration at an area under paragraph 1 of this Article.

Article 24

Approval for the exploration may be issued for an area for which approval has already been issued, if the new approval refers to the exploration that the business company for exploitation does not carry out and if exploratory works will not hinder exploitation operations.

Article 25

The Ministry shall keep records of requested exploratory areas and cadastre of approved exploratory areas.

In the cadastre of approved exploratory areas shall be entered data regarding the investor, exploratory area, the subject of geological explorations and results of the exploration.

Interested bodies and organizations shall be entitled to insight in the cadastre of approved exploratory areas.

Article 26

The Ministry shall revoke the approval if:

- 1) exploratory works jeopardize or might jeopardize future construction of facilities or the exploitation of mineral resources at that or adjacent exploratory area,
- 2) by the scope or type, exploration works referred to in Article 17 sub-paragraph 3 of this law are not executed, and unforeseen difficulties have not occurred,
- 3) the investor fails to commence with exploratory works within the deadline defined in the approval for the exploration (Article 17 sub-paragraph 5),
- 4) exploratory works hinder or jeopardize other exploratory works at the same or adjacent areas (Article 18),
- 5) besides the order of geology inspector, it is not acted according to provisions of Article 28 of this law,
- 6) stipulated measures regarding work safety are not implemented and necessary measures of security of persons, property and protection of environment,
- 7) the investor (concessionaire) fails to perform obligations defined under the concession agreement.

Article 27

Business company and/or institution conducting the exploration shall report the commencement and the completion of exploratory works to the Ministry competent for assignments of geological inspection no later than 15 days before the commencement and/or completion of works.

Article 28

Investor shall ensure professional supervision in accordance with provisions of this law for the execution of geological explorations.

Article 29

Business company and/or the institution conducting geological explorations shall:

- 1) execute works according to the project, technical regulations, norms and standards applicable for the execution of those works,
- 2) conduct all stipulated work safety measures,
- 3) timely undertake measures for the security of citizens, traffic and adjacent facilities and movables,
- 4) undertake stipulated environment protection measures.

Article 30

Business company and/or the institution conducting exploratory works has to have at the construction area the following:

- the approval for the execution of works and technical documents (project of exploration) and the concession agreement,
- the agreement of the execution of works,
- corresponding books wherein executed works are kept, certified by the competent body,
- the decision on the appointment of the person responsible to manage the works,
- the decision on the appointment of the person carrying out professional supervision,
- other documents defined by the special regulations.

Article 31

The Ministry shall define the manner of determining and classifying reserves of mineral resources into categories and classes and the manner of making reports of executed basic geological explorations of mineral resources, studies on reserves of mineral resources, keeping records of the balance of reserves of mineral resources and showing data of geological explorations on balances of reserves of mineral resources .

Article 32

Study of executed geological explorations of soil for the construction of facilities referred to in Article 7 of this law shall contain specifically:

- 1) data of engineering- geological and hydro geological properties,
- 2) data of geo-mechanical characteristics of soil,
- 3) data of geotechnical and seismological properties of the terrain and
- 4) outline and the assessment of results of exploration with the processing of received data and the conclusion on the terms and manner of funding the construction of facilities at an area that has been explored.

The Ministry shall define the manner of study of executed geological explorations of soil for the construction of facilities.

Article 33

The Ministry shall carry out technical control of reports and studies referred to in Article 31 of this law via business company and/or other legal entity that has a license or via expert committee consisting of at least three members who meet the terms referred to in Article 10 of this law.

Investor shall, via business company and/or other legal entity that has a license or via expert committee consisting of at least three members who meet the terms referred to

in Article 10 of this law, carry out technical control of the study referred to in Article 32 of this law.

Business company and/or other legal entity that took part in the execution of exploratory works and the elaborate of study cannot carry out technical control of the study under paragraph 1 and 2 of this Article, as well as the person that took part in the execution of exploratory works and the elaboration of that study.

Technical control of the study under paragraph 1 and 2 of this Article shall control whether the geological explorations have been conducted according to the project of geological explorations, whether based on the obtained data a conclusion was drawn of the results of exploration and whether the study has been made in accordance with this law.

Business company and/or other legal entity or expert committee shall be responsible for omissions in the study of conducted geological explorations.

Article 34

Investor shall submit a copy of the study of results of executed geological explorations referred to in Article 31 of this law for permanent keeping to the Ministry within three months of the day of completion or suspense of the exploration.

Investor shall submit a copy of the revised study of results of executed geological explorations referred to in Article 32 of this law for permanent keeping to the Ministry within 30 days of the day of completion of the exploration.

The Ministry gives its consent to the study of executed geological explorations for the needs of construction of facilities referred to in Article 7 of this law.

Article 35

Investor of geological explorations and business company conducting the exploitation shall keep books of the balance of reserves of mineral resources at the exploratory area and/or exploitation field for which it has been issued with an approval and every year shall submit to the Ministry by 15th March the data of reserves of mineral resources with balance as at 31st December of the previous year.

Article 35a

The Ministry shall keep geological cadastres for the territory of Government of the Republic of Montenegro.

Geological cadastre under paragraph 1 of this Article shall contain data of the title and location of occurrences and deposits of mineral resources, their qualitative and quantitative characteristics, as well as other data significant for planning and actualization of progress, for the environment and other data.

Article 36

Investor of geological explorations and business company conducting the exploitation shall submit to the Ministry, every fifth year, for the certification the study of classification, categorization and calculation of reserves of mineral resources, with balance of reserves as at 31st December of the previous year that is made in accordance with the special regulations.

The Ministry shall certify the study referred to in paragraph 1 of this Article.

Article 37

Business companies and/or other legal entities shall during the execution of exploratory works abide by the regulations of work safety and apply other rules of protection of lives and health of employees conducting geological explorations.

Article 38

Upon completion or permanent suspense of exploration works, the performer of works shall implement all measures permanently excluding the possibility of emergence of danger for people and property and shall capacitate the land damaged by explorations for the utilization and shall inform thereof the administrative body in charge for geological explorations.

III ORGANIZATION OF EXECUTING OF GEOLOGICAL EXPLORATIONS OF INTEREST FOR THE REPUBLIC

Article 39

Assignments of geological explorations of interest for the Republic shall be performed by a public institution in capacity of legal entity if, those explorations are included by the program of geological explorations.

Article 40

Public institution referred to in Article 39 of this law shall perform duties of basic geological explorations, detailed geological explorations outside exploitation areas, design of complex geological backgrounds for awarding concessions of certain mineral resources, making of plans of programmes, projects from the area of fundamental and applied geological explorations (geological, hydro geological, engineering geological explorations of all types of mineral resources and geo-ecological, geo-morphological, seismotectonic, geo-chemical etc) and their realization, making and printing of all types of geological for the needs of the Republic, making of geological backgrounds of special purpose, realization of South Slav and international geological projects significant for the Republic, establishing and keeping of the geo-information system.

Printing of the final geological map with accompanying documents shall be carried out no later than three years.

Article 41

Geological explorations referred to in Article 40 of this law shall be carried out according to programmes ascertained the Ministry.

Programmes under paragraph 1 of this Article shall be made as short-term and annual and shall consist of parts that contain basic geological explorations and parts that contain detailed geological explorations outside the approved exploitation fields as well as parts that refer to the preparation for printing and printing of geological maps.

Detailed geological explorations that are not included by the program under paragraph 1 of this Article may be carried out by legal entities meeting out the prescribed terms.

IV GEOLOGICAL INSPECTION

Article 42

The Ministry competent for tasks of geological inspection shall carry out the inspection control over the implementation of this law and regulations issued based on it, regulations on technical norms and standards, work safety, protection from fires when executing geological works.

Republic geological Inspector shall directly carry out the duties of geological inspection.

Article 43

Geological inspector, apart from supervision defined by special regulations, shall be authorized and obliged to:

1) check:

- whether business company and/or institution carrying out geological exploration fulfills the stipulated terms,
- whether detailed geological explorations are held based on the previously conducted appropriate basic geological explorations,
- whether the authorized business company and/or institution designed the project of geological explorations as well as technical documents,
- whether exploratory works are conducted according to the approved project of geological explorations,
- whether the execution of geological explorations is managed by a person who fulfills stipulated terms,
- whether se exploratory works are conducted at the approved exploratory area,
- whether geological exploration is conducted along with the application of technical measures, norms, standards and contemporary methods of geology,
- whether records is kept of extracted quantities of mineral resources, for which purposes the extracted mineral resource was used, as well as whether other mineral resources were recorded, and the existence of which was ascertained,
- whether larger quantity of mineral resources has been extracted than the approved one, and/or whether the extraction of mineral resources during the exploration works is changing to the exploitation,
- whether a book of balance of reserves of mineral resources is kept,
- whether there exists necessary geological documentation of executed exploratory works and whether it was made in accordance with this law,
- whether environment is polluted by exploratory works,
- whether geological exploration of mineral resources of soil for the construction of facility is carried out based on and in accordance with the approval for the exploration

2) order:

- the removal of found irregularities and deficiencies within the deadline set by him/her,
- the suspension of further geological exploration,
- if at a certain time period found irregularities and deficiencies are not removed,
- if geological explorations is not conducted pursuant to the technical documents based on which the approval for geological explorations has been issued,

- if ceding of works is carried out in contravention of provisions of this law,
- if geological explorations is carried out without an approval.

Article 44

If the inspector ascertains that the investor during the exploratory works extracts larger quantity of minerals than the one necessarily required by the exploratory works, he/she shall put forward a proposal to the competent body for the termination of the Concession Agreement as well as the proposal for taking away the property gain obtained by the management of those resources.

V PENALTY PROVISIONS

Article 45 (Article is not consolidated – see note in the end of the text)

Business company and/or institution shall be punished by fine in the amount from ten-fold to three hundred-fold amount of minimum earning in the Republic for an offence:

- 1) if it fails to execute detailed geological explorations of soil for the construction of the facility (Article 7 paragraph 1),
- 2) if detailed geological explorations are executed before executed basic geological explorations (Article 7 paragraph 2),
- 3) if geological explorations are conducted without fulfilling the stipulated terms (Article 8),
- 4) if project review is made contrary to provisions of Article 10 of this law,
- 5) if projects of geological explorations and geological- technical documentation are designed by persons who fail to meet the terms with regard to education or work experience (Article 11),
- 6) if it produces technical documentation or conducts geological explorations for its needs, contrary to provisions of Article 13 of this law,
- 7) if it conducts geological exploration of mineral resources and soil without the approval or contrary to approval (Article 15),
- 8) if it extracts larger quantity of mineral resources than the approved one (Article 17 sub-paragraph 4),
- 9) if it fails to ensure professional supervision over the execution of geological explorations (Article 28),
- 10) if it executes geological exploration contrary to Article 29 of this law,
- 11) if it fails to carry out technical control (review) of the study (Article 33),
- 12) if it fails to submit the copy of the study of results of geological explorations to the Ministry (Article 34),

13) if it fails to keep book of balance of reserves of mineral resources or if every year it fails to submit data of the balance of those reserves to the Ministry (Article 35),

14) if it fails to submit to the Ministry for the certification every fifth year the study of classification, categorization, and calculation of reserves of mineral resources, (Article 36),

15) if it fails to act according to provisions of Article 38 of this law.

A person responsible in the business company and/or institution shall be punished by fine in the amount from one half to twenty-fold amount of minimum earning in the Republic for an offence under paragraph 1 of this Article.

Article 46

Business company and/or institution shall be punished by fine in the amount from ten-fold to three hundred-fold of minimum earning in the Republic for an offence if:

1) exploratory works are conducted contrary to provisions of Article 17 of this law,

2) geological exploration is conducted contrary to provisions of Article 22 of this law,

3) geological exploration is conducted without the consent of the owner of the building, other facility, a yard or a garden outside urban settlement or without an approval of the Republic administrative body (Article 23),

4) it fails to report timely the commencement and the completion of exploratory works to the Ministry in charge for geological inspections (Article 27),

5) at the construction site it fails to provide the documentation referred to in Article 30 of this law,

6) it fails to keep records of all extracted mineral resources (Article 37).

A person responsible in the business company and/or institution shall be punished by fine in the amount from one half to twenty-fold amount of minimum earning in the Republic for an offence under paragraph 1 of this Article.

VI TRANSITORY AND FINAL PROVISIONS

Article 47

Detailed regulations based on authorizations referred to in this law shall be issued within six months as of the day of entry into force of this law.

Article 48

The Decision on the establishment of public institution referred to in Article 39 of this law shall be issued within 30 days of the day of entry into force of this law.

By entry into force of the regulation under paragraph 1 of this Article, Republic Fund for geological explorations and the Institute for geological explorations of Montenegro shall be closed.

Article 49

Public institution referred to in Article 39 of this law shall take over certain number of employees, business premises, funds, equipment and the documentation of the Institute for geological explorations.

Article 50

By entry into force of this law, the Law on geological explorations ("Official Gazette of SRCG", No. 39/89 and 5/90) shall cease to apply.

Article 51

This Law shall become effective on the eighth day of its publication in "Official Gazette of Republic of Montenegro".

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Note of the publisher:

Provisions of Articles 36 – 40 of the Law on Changes and Amendments of this law ("Official Gazette of RCG", No. 26/07) are not elements of cleaned text of this law which read:

"Article 36

In article 45 in paragraph 1 sub-paragraph 2) shall be deleted .
Hitherto sub-paragraphs. 3) 4) 5) and 6) shall become sub-paragraphs 2) 3) 4) and 5).
Following the sub-paragraph 5), two new sub-paragraphs shall be added that read:

"6) if it fails to submit to the Ministry the annual plan of exploration within the approved exploitation field (Article 14 paragraph 2),
7) if it fails to submit to the Ministry the report of results of executed additional explorations of deposits (Article 14 paragraph 4)."

Article 37

Business companies and/or other legal entities engaged in geological explorations shall harmonize their operations with the provisions of this law within six months of the day of entry into force of this law.

Article 38

Sub-legal acts for the implementation of this law shall be rendered within three months of the day of entry into force of this law.

By the issuance of regulations under paragraph 1 of this Article, regulations that have been applied by the day of entry into force of this law shall be applied.

Article 39

On the day of entry into force of this law shall cease to apply the Law on determining and classifying reserves of mineral resources and the showing of data of geological explorations ("Official Gazette of SRJ", No. 12/98 and 13/98).

Article 40

This Law shall become effective on the eighth day of the day of publication in the "Official Gazette of the Republic of Montenegro".

SU-SK Number 01-996/9-06
Podgorica, 8 May 2007

Constituent Assembly of the Republic of Montenegro
President,
Ranko Krivokapić, signed"