

LAW No. 06/L –039

ON KOSOVO GEOLOGICAL SERVICE

Assembly of the Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

LAW ON KOSOVO GEOLOGICAL SERVICE

Article 1

Purpose

This Law outlines the powers, duties and functions of the Kosovo Geological Service, including activities in the area of geological sciences in the territory of the Republic of Kosovo

Article 2

Scope

Provisions of this Law shall apply to all activities carried out by Kosovo Geological Service, including surveys, conditions and manner of conduct of geological research, programming and organization of geological surveys that are of interest to the Republic of Kosovo.

Article 3

Definitions

1. Terms used in this Law shall have the following meaning:

1.1. **Ministry** – the Ministry responsible for the mining sector;

1.2. **Minister** - Minister responsible for the mining sector;

1.3. **Kosovo Geological Service KGS** - an independent body within the Ministry, which functions as an advisory, technical and scientific body of the state, and which carries out activities in the field of geological sciences in the territory of the Republic of Kosovo.

1.4. **Museum** - National Museum of Crystals and Minerals “Trepça”.

1.5. **Geological Surveys** - a set of activities and processes conducted for the purpose of discovering and obtaining relevant information on: geological construction, genesis, qualitative and quantitative characteristics of minerals and other geological, geothermal, hydrogeological, geological-engineering and geotechnical resources, geodynamic characteristics of the geological environment such as geological hazards, and hazards in terms of activating dangerous geological processes, spatial planning, environment

protection and advancement;

1.6. **Geological survey works** - includes all types of field, laboratory and cabinet surveys, studies and tests, that are carried out for the purpose of exploration and detection of minerals and other geological resources, underground waters, geothermal energy, and environmental geological researches;

1.7. **Geological Risk** - is the possibility of activating a potentially hazardous geological process (landslides, demolitions, earthquakes, floods and similar) in a given area and at a certain period, which includes the size of the activated process (surface area involved in landslides, sinking, volume of moving masses, character of geological environment pollution, earthquake power and similar);

1.8. **Environmental protection** - means the protection and presentation of natural values (geological, geomorphological phenomena of the historical development characteristics of the Earth's crust and representative forms of these phenomena), protection from harmful natural processes (earthquakes, slides, erosion, flooding etc.) and from the negative technogenous actions (soil pollution during researches and utilization of useful minerals, groundwater contamination, artificial distortion of soil stability, air pollution and endangering protected natural values).

2. Other terms used in this Law, which are not included in these definitions, shall have the meaning of the terms used in the legislation in force on Mines and Minerals.

Article 4

Kosovo Geological Service

1. Kosovo Geological Service shall be an independent body under the Ministry.
2. The headquarters of the KGS shall be in Prishtina.

Article 5

Duties and responsibilities of the Kosovo Geological Service

1. Duties and responsibilities of the Kosovo Geological Service are as follows:

1.1. basic geological surveys, applied geological surveys, important for the Republic of Kosovo;

1.2. systematic land and lake based geological studies in the territory of the Republic of Kosovo, through complex cartographs of various scales;

1.3. geochemical studies of the territory of Kosovo and to compile geological maps on various scales, to add to the existing maps updated information for the territory of the Republic of Kosovo;

1.4. thorough scientific studies on geology and metalogeny in the territory of the Republic of Kosovo;

- 1.5. studies and geophysical research of any scale for the purpose of studying the earth's crust in or near the surface of the earth, formations affected by horizontal and vertical internal distribution of physical properties in different geological fields;
- 1.6. studies to promote the perspective of useful minerals and their economic evaluation;
- 1.7. hydrogeological studies and research, underground waters, mineral and geothermal waters;
- 1.8. geological-engineering and geometry research and studies;
- 1.9. complex geological studies for the geo-environment in the function of territorial planning;
- 1.10. geomonuments' studies and evaluations;
- 1.11. researches and evaluations of metal, non-metal, and energy minerals, hydrocarbons, industrial minerals, precious and semi-precious stones;
- 1.12. general paleontological, stratigraphic, sedimentological, petrographic, mineralogical, chemical, geomorphological, geodynamic, geological, geostructural and geostatistical research and studies;
- 1.13. conducts other activities of interest for the Republic of Kosovo, such as geological maps on various scales, geological thematic maps (metallogenical, mineralogical, geochemical, hydrogeological, geological-engineering, structural-tectonic, seismic, geomonumental, geo-ecological, including preparation of geological bases for the needs of spatial planning, research and monitoring of landslides, preparation of geological risk mapping, regional geophysical research, analysis and laboratory research in the field of mineralogy, petrography, sedimentology, paleontology, chemical, geo-mechanical analysis;
- 1.14. conducts research and development works, geo-scientific research and international projects in the field of geology, underground water studies based on special programs, collection, updating and storage of technical data and documentation of interest to the geological database system of the Republic of Kosovo;
- 1.15. conducts qualified services, expertise, consultations, geological research monitoring, prepare projects for other public institutions for geological-engineering and geotechnical research, and other works under this Law;
- 1.16. creates, update and maintain the geological database, which should be available to the Government as well as other subjects interested in geological research;
- 1.17. cooperates with other relevant institutions in preparation of Mining Strategy;
- 1.18. provides objective and impartial analyses for public authorities and organizations of private sector in the field of expertise of the KGS;
- 1.19. promotes mineral crystals, precious and semi-precious stones of the State

Museum of Crystals and Minerals “Trepça”;

1.20. creates, maintain, enrich and expand the state database for crystals and minerals, fossils, precious and semi-precious stones;

1.21. research and studies on the reduction of environmental pollution from mining activities;

1.22. performs other qualified services, such as expertise, analyses, advices, monitoring, for the purpose and scope of this Law;

1.23. manages the seismological network of Kosovo, monitor seismic activity in the country and region, conduct macro and micro seismological studies, as per the applied codes of Kosovo;

1.24. compiles programs and research projects for other public or private institutions, in the country or abroad and also with associations, funds for the purpose as per the scope of this Law;

1.25. manages the laboratory and conduct professional laboratory analysis for geological research studies and cooperate closely with the Faculty of Geosciences in the use of the Laboratory and for purposes of the study;

1.26. studies and research for third parties;

1.27. provides the Mining Cadaster and GIS of ICMM updated data from the national base of geological data, geological archive and other geological data;

1.28. creates a geological database, balances of useful mineral reserves, underground water reserves, geological risks, and making it available for public and private institutions;

1.29. cooperates with the ICMM and other public authorities, as necessary, to perform the functions of the Kosovo Geological Services.

1.30. cooperates with other local and international institutions, in accordance with the legislation in force and offers geoscientific information to the public institutions in the Republic of Kosovo.

1.31. presents to the Minister the annual report for developed research activity, which shall be made public after its approval;

2. Kosovo Geological Service, based on its duties and responsibilities foreseen according to this Article, shall not be subjected to the legal procedures foreseen according to the Laws in force for obtaining exploration permits and licenses.

Article 6

Seal

Kosovo Geological Service has its own seal which shall be proposed by the Director General

and approved by the Minister.

Article 7

Organization and Structure

1. Organization and structure and internal functioning of the Kosovo Geological Service shall be regulated with the Regulation on internal organization and systematization of working places in the Kosovo Geological Service.

2. The personnel employed in Kosovo Geological Service shall have the status of civil servants.

Article 8

Leadership

Kosovo Geological Service shall be led by the Director General who for the management and administration of the KGS shall report directly to the Minister.

Article 9

Director General

The Director General shall be appointed and dismissed in compliance with the legislation in force for Senior Management Positions in the civil service of the Republic of Kosovo.

Article 10

Duties and responsibilities of the Director General

1. The Director General has the following main duties and responsibilities:

- 1.1. organizes and manage the overall activities of the Kosovo Geological Service;
- 1.2. programs the Kosovo Geological Service objectives, as per the Ministry's Program, and coordinate all geological surveying projects;
- 1.3. develops the annual work plan/program of the Kosovo Geological Service;
- 1.4. oversees the activities of the KGS, and monitors and analysis the realization of exploration tasks and plans;
- 1.5. supports and cooperates with the Ministry and other institutions in the drafting of the Mining Strategy;
- 1.6. detailed cost estimate expected to be carried forward during the year;
- 1.7. assessment of the needs for sufficient human resources and financial needs for its operations;
- 1.8. provides appropriate, accurate, impartial guidance and professional advices to the Ministry;

1.9. prepares and submit to the Minister a detailed annual report on the implementation of the plan and activities of Kosovo Geological Service, latest by the end of the first quarter of the following calendar year;

1.10. represents the Kosovo Geological Service in its relations with third parties.

Article 11

Budget

1. The Director General shall prepare the budget of KGS and shall forward it to the Minister for review and further processing in accordance with procedures foreseen by the legislation in force.

2. The Director General is responsible for the efficient management of the Kosovo Geological Service's budget, in accordance with the law and the Ministry's internal budget rules.

3. Budget revenues generated by Kosovo Geological Service activities are transferred to the Budget of the Republic of Kosovo.

4. Donated funds that are dedicated to such activities are transferred to the Budget of the Republic of Kosovo. The use of donated funds will be made in accordance with the Law on Public Financial Management and Accountability, financial management control and treasury regulations.

5. Basic and detailed geological researches are funded from:

5.1. Kosovo Budget;

5.2. public companies;

5.3. donors; and

5.4. other registered natural and legal persons, local or foreign.

Article 12

Data collection

1. Kosovo Geological Service has the right and obligation to collect and store in the KGS Archives all current and future information and documentation in the field of basic geology, mineralogy, geophysics, geochemistry, stratigraphy, hydrogeology, engineering geology, seismology, sampling, their copies, and systematize, preserve, process and use such data in accordance with the rules outlined according to paragraph 5 of this Article.

2. The geology archive shall operate under the Geological Service of Kosovo.

3. The organization, operation and arrangement of the archives shall be done in line with the Law on Archives.

4. All natural and legal persons are obliged to cooperate with the Archives of the Kosovo Geological Service, and if in one way or another they have gotten hold of textual, graphical or factual documentation, they must submit such documents to the Geological Service Archives, unless they would be committing a criminal offense of concealing documentation of interest to Kosovo.

5. The form of organization, use and utilization of archival material of the Kosovo Geological Service shall be determined by sub-legal act issued by the Ministry.

Article 13

Performing services for the third party

1. Kosovo Geological Service shall provide paid services to the third party, based on liabilities determined according to Article 5 of this Law.

2. Third party service fees are determined by sub-legal act issued by the Ministry.

3. State institutions of the Republic of Kosovo, either central or local, shall be obliged to get service from the Kosovo Geological Service, except, if the latter does not provide such a service.

4. For studies and projects carried out outside of the territory of the Republic of Kosovo, the approval by the Minister shall be obtained.

Article 14

National Museum of Crystals and Minerals – “Trepça”

1. National Museum of Crystals and Minerals “Trepça” operates under the KGS.

2. The museum activity includes: collection, exposure, storage, analyses and processing professionally and scientifically, classification in groups, permanent protection of minerals/ crystals and documents of the museum.

3. The Ministry issues an Administrative Instruction on the manner of collection, preserving and protecting crystalline minerals, the number and type of protected minerals at the State Museum of Crystals and Minerals “Trepça”.

4. The Ministry issues an Administrative Instruction on the manner of purchase, donation, inheritance, alteration, exposure of crystals and minerals, and the manner of providing relevant documentation on minerals and crystals to collectors.

Article 15

Cooperation with other Institutions

1. Kosovo Geological Service shall cooperate with other local and international institutions, in accordance with the legislation in force and offers geoscientific information to the public institutions in the Republic of Kosovo.

2. Kosovo Geological Service shall closely cooperate with the Faculty of Geosciences in the use of the Laboratory for purposes of scientific studies.

Article 16

Seismology services

1. Kosovo Geological Service, inter alia, shall have the following additional responsibilities:
 - 1.1. monitors all seismic activities of the country, region and beyond;
 - 1.2. carries out seismic phenomena analysis;
 - 1.3. collects and processes data on seismic and seismectonic manifestations on land, buildings and other objects;
 - 1.4. carries out earthquake engineering studies on the codification problems of anti-seismic design parameters at the Kosovo level, the seismic risk of residential centers;
 - 1.5. carries out compilation of seismic risk maps with return periods;
 - 1.6. carries out national and local level special seismic risk studies and microzoning, and construction sites of particular importance.
2. The KGS is obliged to notify, on time and urgently, the competent state bodies and the public if earthquakes of a magnitude greater than ≥ 3.5 of the Richter scale occur within the territory of Kosovo, with post-earthquake data and damage assessment according to the categories of usability of buildings from seismic risk to earthquake-hit centers.
3. The Ministry issues an Administrative Instruction on special seismic risk mitigation and seismic studies, at the national, local, and construction sites of sites of special importance according to paragraph 1.5, 1.22 and 1.23 of Article 5 of this Law.

Article 17

Oversight

Oversight of the implementation of this Law and other acts for its implementation shall be carried out by the Mining Inspectorate which operates under the Independent Commission for Mines and Minerals.

Article 18

Sub-legal acts

1. Ministry, for implementation of this Law, within the one (1) year from the day of entry into force of this Law, shall issue:
 - 1.1. The Regulation on internal organization and systematization of working places in the Kosovo Geological Service;
 - 1.2. The Administrative Instruction on the form of organization and use and use of archival material of the geological service;

1.3. Administrative Instruction on defining third party service tariffs;

1.4. Administrative Instruction on the manner of collection, collection, preservation and protection of crystalline minerals, the number and type of protected minerals in the State Museum of Crystals and Minerals “Trepça”;

1.5. Administrative Instruction on the manner of purchase, donation, inheritance, change, exposure of crystals and minerals and the manner of providing relevant documentation for mineral and crystal collectors;

1.6. Administrative Instruction for microzones and special studies of seismic risk.

Article 19

Repeal

Upon entry into force of this Law, Law No. 04/L-232 on Kosovo Geological Service shall be repealed.

Article 20

Entry into force

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No.06/L - 039

30 March 2018

Promulgated by Decree No.DL-005-2018, dated 17.04.2018, President of the Republic of Kosovo Hashim Thaçi.