

Mining Law no. 85/18.03.2003

The Parliament of Romania adopts the present law:

The present Mining Law regulates the mining activities in Romania, stimulating the capitalization of the mineral resources, which are public property of the state. The Law assures maximum transparency of the mining activities and a fair competition, without discrimination between the property forms, the origin of capital and the nationality of the operators.

The investments in the mining domain are encouraged by fiscal and administrative facilities, being free of any constraint concerning the return of the investments and the utilization of the obtained profit.

CHAPTER I GENERAL PROVISIONS

ART. 1 - The mineral resources located on the territory and in the subsoil of the country and of the continental shelf in the Romanian economic area of the Black Sea, delimited in accordance with the principles of international law and of international regulations to which Romania is a party, are the exclusive object of public property and they belong to the Romanian State.

ART. 2 – (1) The mineral resources which are the subject of the present law are: coal, ferrous and non ferrous ores, aluminum rocks and minerals, noble, radioactive, rare and disperse metals, salts, non metallic useful substances, useful rocks, precious and semiprecious stones, peat, mud and therapeutically peat, bituminous rocks, non combustible gas, geothermal waters, gas associated to them, natural mineral waters (gaseous and non-gaseous), mineral therapeutically waters, as well as mining residues from barren dumps and tailing ponds

(2) For all underground potable and industrial waters, the provisions of this law are applied only for the prospecting, exploration, appraisal and recording of the reserves.

ART. 3 - For the purpose of this law the terms and the expressions herein are defined as follows:

1. *Mining activity* means all the work related to the prospecting, exploration, development, exploitation, preparation/processing, concentration, commercialization of mining products, care and maintenance/closure of mines, including environmental rehabilitation;

2. *Administration - given into* - is the right granted by the State, through the Competent Authority, to public institution to conduct mining activities under a license/permit;
3. *Administrator* means the public body that carries out mining activities based on a license/permit;
4. *Competent Authority* is the National Agency for Mineral Resources, an agency that represents the interests of the state in the sector of mineral resources, according to the competencies provided by this law;
5. *Mining Cadastre* means the specialized cadastre representing a subsystem for keeping records and systematic inventory of the fixed assets related to mining activity (land, surface and underground constructions and installations) from a technical, economic, and legal point of view as well as other important information about the perimeters;
6. *Mining Book* is a component of the Mining cadastre that includes all data about the legal regime of the areas related to the prospecting, exploration and exploitation perimeter, the ownership, topographical evidence of the works related to the mining activities, the mineral resources/reserves and production;
7. *Concedent* is the Competent Authority empowered by the law to grant the concession or administration;
8. *Mining Concession* is the legal operation through which the State, represented by the Competent Authority, in its capacity as concedent, transfers to another person, called concessionaire, for a determined period, the right and obligation to carry out at his risk and cost, mining activities for the mineral resources specified in this law, in exchange for a royalty for exploitation and an prospecting, exploration and exploitation activity tax related to mineral resources;
9. *Concessionaire* is the TitleHolder to which the Mining Concession is granted;
10. *Development* means all operations related to the construction of mines, open pits and quarries, building and assembling of specific equipment, installations and other facilities necessary for the extraction, processing, transportation and temporary storage of mining products;
11. *Exploitation* means all activities performed in the underground and/or at the surface in order to extract mineral resources, process and deliver them in specific forms;
12. *Exploration* means all studies and activities for the identification of the deposits, their quantitative and qualitative evaluation, as well as the assessment of the technical and economic conditions for their use;
13. *National Geologic Fund* means all the data related to the mineral resources and reserves, obtained from petroleum and mining activities, no matter the nature of the storage support;
14. *National Resources/Reserves Fund* means all the resources/reserves recorded and registered by the Competent Authority, for each type of mineral resource of the country, determined according to the specific regulations;
15. *Force majeure* means unpredictable, unavoidable and non removable event, which generates a temporary or definitive impossibility to carry out in whole or in part the mining activities;
16. *Financial guarantee for environmental rehabilitation* means the obligation and the responsibility of the natural or legal persons carrying out mining activities on the basis of the license or exploitation permit to ensure the necessary funds for

environmental rehabilitation under the form of a bank deposit, irrevocable bank guarantee letter or any other ways provided by the law.

17. *License* means the legal document through which concession/giving into administration of mining activities for exploration/exploitation is ascertained;
18. *Environment* means all the natural elements and conditions, defined according to the Environmental Law, No. 137/1995 republished with the subsequent modifications and additions, which might be affected through mining activities;
19. *Radioactive ore* – accumulation of uranium, thorium, as natural chemical compounds;
20. *Line Ministry* is a specialized body of the public central administration, with responsibilities in the mining activities domain, in accordance with this law;
21. *Prospecting, Exploration and Exploitation Perimeter* means the area corresponding to the projection on the land surface of the contour of the portion of earth's crust where, for a determined interval of depth, prospecting, exploration and, respectively exploitation activities are conducted, and also the areas of land needed for processing/preparation of the mineral resources and the storage of mining residues;
22. *Exploitation permit* means the legal document issued by the Competent Authority, through which concession/giving into administration of mining activities for exploitation, for determined quantity of useful rocks, peat and alluvial gold as provided in Articles 28 and 30 of this law, is ascertained;
23. *Prospecting permit* means the legal document issued by the Competent Authority, through which concession of mining activities for prospecting is ascertained;
24. *Protection pillar* means parts of the mineral resources/reserve or of the surrounding rocks, which are not extracted in a defined period or permanently and in which are not carried out mining works, in view to protect the underground or surface mining works within the exploitation perimeter, the rivers' borders or other surface objectives;
25. *Cessation Activity Plan* means all the technical, economical, social and environmental documentation, which motivates the closure of the exploitation and includes the necessary actions to ensure the funding and the effective achievement of the closure measures;
26. *Environmental Rehabilitation Plan* means the environmental rehabilitation and restoration measures applied in the exploration/exploitation perimeter, taking into consideration the local communities opinion about post closure usage, including the technical project of implementing them.
27. *Mining Production* means the amount of mining products extracted in order to be processed and/or commercialized, obtained by the Title Holder
28. *Mining product* means the product obtained as a result of exploitation of a deposit, delivered as such or in the form of sorts resulted from a preparation/procession process to be used as an end product or as raw material for manufacturing other products
29. *Mining Residues* means the material resulted from the mining extraction, preparation/processing of the mineral resources, which is evacuated in barren dumps and tailing ponds;
30. *Prospecting* means all studies and surface operations conducted in order to identify the possibility of the existence of the mineral resources accumulation;

31. *Mining Royalty* represents the amount owed by the concessionaire to the state budget, for the mining products extracted by the title holder, representing a compensation for the decrease of mineral resources;
32. *Mineral Resource* means natural substance from the crust formed as a result of geological processes, which can be used as it is or after preparation in economic or social activities;
33. *Reserve* means a part of a deposit, with established quality and quantity through exploration and exploitation works, for which technical and economic conditions for capitalization are determined;
34. *Title Holder* means any Romanian or foreign legal/natural person authorized to conduct mining activities by virtue of a license/permit;
35. *Deposit* means a natural accumulation of mineral resources/reserves, technically and economically amenable to use;

ART. 4 - (1) The mining activities are carried out by legal persons, who are registered according to the law and are specialized and certified in conducting such activities or will be organized for this purpose. The preparation of technical-economic documentation and expertise related to the mining activities are carried out also by natural persons that are certified to do so by the Competent Authority, according to the law.

(2) The mining activities for exploitation can be also carried out by physical persons, according to Art. 28 - 30 of the present law.

(3) The mining activities are carried out only within the perimeters authorized for this purpose by the Competent Authority, except the natural persons carrying out mining activities for exploitation, as provided in Art. 29 of the present law, in which case the authorization of the perimeter is not required.

ART. 5 - (1) All data and information, irrespective of their manner of storage, concerning the Romanian mineral resources, as determined under Art. 1 herein, shall be submitted to the Competent Authority and belong to the Romanian State, their recording and management being made by the Competent authority at the national level, in accordance with the present law.

(2) The data and information obtained by the title holders of licenses or permits for mining activities, shall be used by them for their interest, during the entire period of their mining activity.

(3) The disposition to the third party of the data and information regarding the Romanian mineral resources shall be made only with the Competent Authority's agreement, according to the Norms for the application of this Law.

(4) The Competent authority, the title holders of licenses/permits, as well as any other public authorities and institutions with responsibilities in applying the provisions of the present law, are obliged to keep confidentiality on the data and information submitted by the Titleholders of a license/permit, they become aware in exercising their duties for the whole duration of the mining activities, under the terms provided by law.

CHAPTER II

The right to use and the access to the lands on which mining activities are performed

ART. 6 – The right to use the lands required to conduct mining activities in the exploration/exploitation perimeter shall be granted in accordance with the law, through:

- (a) sale - purchase of the lands and, if the case may be, of the buildings located on them, at the prices agreed by the parties;
- (b) lands exchange, together with moving the affected owner and the reconstruction of the buildings on the new granted land, on the expenditure of the Title Holder, which benefits on the vacated land, according to the mutual agreement;
- (c) land rental on determined period, based on contracts concluded between the parties;
- (d) expropriation for public interest cause, in accordance with the law;
- (e) the concession of the lands;
- (f) an association between the owner of the land and the titleholder of the license;
- (g) others procedures provided by the law;

ART. 7 - (1) A passing legal lien is instituted in favor of the title holder over the lands required for the access to exploitation or exploration perimeters and for any other activities they imply;

(2) The exercise of the passing legal lien right provided for in para. (1) shall be made against payment of an annual rental to the landowners affected by such right, on the basis of the agreement concluded between the Parties, with the observance of the legal provisions, within no more than 60 days from the receipt by the land owners of a written notification from the Titleholders of license and/or permits.

(3) If the Parties do not reach agreement within the term provided in para (2), the rental shall be established by the Court, in accordance with the law.

(4) The duration of the legal lien provided for in para. (1) shall be for the term of mining activities, and the lands which are to be affected shall be determined, with respect to their surfaces and owners, following the principle of causing as little harm as possible to the ownership right.

ART. 8 – (1) Access to the lands affected by the legal lien should be determined through negotiations between the titleholder of the mining operation and the landowners, with observance of the principle of equal treatment and equity.

(2) Any dispute between the title holders of mining activities and the land owners shall be settled by the competent courts of jurisdiction in accordance with the legal provisions. Settlement of such disputes shall be made by competent courts in emergency procedure.

ART. 9 The expropriation for public utility cause of national interest shall be made in accordance with the law, under the coordination of the line Ministry.

ART. 10 - If the state sells the assets which were expropriated under Art.6, d) here above, the former owners or their inheritors, as the case may be, shall have a preemption right, for which purpose they shall be notified by the state administration or through publicity about the conditions of the sale.

ART. 11 – (1) Carrying out mining activities on the lands on which are located historical, cultural and religious monuments, archeological sites of important interest and natural reservation, sanitary protection areas, hydrogeological protection perimeters to the water sources, as well as instituting the legal lien for mining activities over such lands is strictly forbidden.

(2) Exceptions to the provisions of the para. (1) above shall be established by Governmental Decisions, with the acceptance of competent authorities in the respective fields and by establishing damages compensation measures.

ART. 12 - The right of property over the land does not confer the right of preemption for concession/administration of the mining activities.

CHAPTER III TURNING MINERAL RESOURCES INTO VALUE

ART. 13 - The mineral resources shall be turned into value through mining activities for which purpose these activities shall be concessioned to Romanian or foreign legal persons or given into administration to public institutions by the Competent Authority, according to the present law.

ART. 14 - (1) Prospecting phase shall be conducted on the basis of a non-exclusive permit, issued by the Competent authority, in accordance with the law, at the written request, within a perimeter, defined by topogeodezical coordinates. The shape and size of the prospecting perimeter shall be established by the Competent authority.

(2) The prospecting permit shall be issued for a period of maximum 3 years, without a renewal right, with an annual advance payment of a fee for prospecting activity.

(3) Titleholders of prospecting permits are obliged to carry out an annual program, having a minimum value negotiated with the Competent authority, correlated with the validity period of the permit and the size of the prospecting perimeter, at the time the prospecting permit is issued,.

(4) The titleholder of the prospecting permit presents to the Competent Authority semestrial and annual reports regarding the work conducted and their value justified through documents. The titleholder presents a final report, comprising the investigation method used, the work conducted, justification of the related expenditures and the results obtained in no more than 60 days from the expiry of the period for which the permit has been issued.

(5) The Title holder of a prospecting permit that takes part in a public offering, organized for the award of an exploration license, within the perimeter it carried out prospecting works, benefits from the bonus set out in Art. 15, para. (8).

ART. 15 - (1) Exploration shall be conducted on the basis of an exclusive license for any of the mineral resources discovered in the perimeter, issued at the request, to the interested Romanian or foreign legal persons.

(2) The exploration license shall be granted to the winner of a public offering, organized by the Competent Authority, according to the present law for the mineral resources specified in the order mentioned in para (4).

(3) The initiative for the concession of exploration mining activities may belong to the Competent Authority or the interested Romanian/ foreign legal persons.

(4) The list of exploration perimeters is established by the Competent Authority, through an order, which is published in the Official Monitor of Romania, part I.

(5) In order to participate in the public offering, the Romanian/foreign legal persons shall submit offers within the period established by the Competent Authority through the order mentioned in para (4).

(6) The offers contain the proposed exploration program, the documents regarding the technical and financial capabilities of the applicant, as well as any other documents established by the Competent Authority.

(7) The proposed exploration program includes the annual exploration amount of works and the related expenditures, which are mandatory to be made.

(8) The conditions regarding the organization of the public offering, as in para. (2) the criteria regarding the selection and declaration of the winner, the bonus granted to a prospecting permit Title holder as well as any other issues, shall be established by the Competent Authority through norms.

ART. 16 – (1) The exploration license shall be granted for a maximum period of 5 years, with a renewal right of no more than 3 years within the limits of the granted perimeter, annually paying in advance a tax on exploration activity and an appropriate financial guarantee for environmental rehabilitation, as set out in the environmental rehabilitation plan.

(2) The agreed exploration program shall be carried out in whole until the exploration license expires.

(3) The exploration perimeter, defined through topogeodezical coordinates, according to the existing national system of coordinates, within the limits of which mining activities for exploration are carried out, shall be of a shape and size appropriate to the geological structures and deposits of mineral resources to be explored under the exploration license;

(4) The titleholder of the exploration license is obliged to submit to the Competent Authority semestrial and annual reports regarding the work conducted and the related expenditures, at the terms established by the Competent Authority in the norms and a final report, comprising the exploration method applied, the works performed, the related expenditures and the results obtained, within no more than 60 days from the expiry of the license.

(5) The title holder has the right to reduce the area related to the exploration license, with the Competent Authority agreement, on the basis of phase reports, proving that all the necessary environmental works were executed, having the obligation to carry out the exploration works for the first year.

ART. 17 – (1) The Title Holder of an exploration license has the right to obtain directly, upon request, the exploitation license for any mineral resources discovered, under the terms provided by Art. 18, para (2) a) and Art. 20.

(2) The titleholder of an exploration license has the right to continue experimental exploitation and care and maintenance activities for the works they have performed, until the exploitation license granted in accordance with Art. 18, para (2) a) and Art. 20 come into force, within the limits of exploration perimeter.

ART. 18 - (1) Mining shall be conducted on the basis of an exclusive license, granted in accordance with this law.

(2) The exploitation license shall be granted to:

- a) Directly to the title holder of the exploration license, on its request for any of the mineral resources discovered, in maximum 90 days from the exploration final report submission, satisfactory to the Competent authority;
- b) the winner of a public offering, organized by the Competent Authority, according to the present law for the mineral resources specified in the order mentioned in Art. 19, para (2).

ART. 19 – (1) The initiative for the concession of exploitation mining activities, under the terms provided by Art. 18, para. (2), b, may belong to the Competent Authority or the interested Romanian/ foreign legal persons.

(2) The list of exploitation perimeters according to Art. 18 para (2) (b) shall be established by order of the Competent Authority, which shall be published in the Official Gazette of Romania, part. I.

(3) In order to participate in the public offering, the Romanian/foreign legal persons shall submit offers within the period established by the Competent Authority through the order mentioned in para (2).

(4) The offers shall contain the documents regarding the technical and financial capabilities of the applicant, as well as any other documents established by the Competent Authority through the bidding procedure for the public offering.

(5) In order to observe the technical conditions required for the protection of underground waters, only the perimeters for which the prior acceptance by the competent authority in the field of water management has been obtained, shall be offered for mining concession through public offering.

(6) The conditions regarding the organization of the public offering mentioned in Art. 18 para (2), b), the criteria regarding the selection and declaration of the winner, as well as any other issues, shall be established by the Competent Authority, by derogation from the concession legislation, through norms.

Art. 20 – (1) The exploitation license shall be granted, through negotiation, based on an application, accompanied by:

- (a) feasibility study regarding the capitalization of the mineral resources and the deposit protection, including the initial activity cessation plan, prepared in accordance with the norms issued by the Competent Authority;

- (b) development plan of the exploitation, prepared in accordance with the technical instructions issued by the Competent Authority;
- (c) the environmental impact study and the environmental audit, as the case may be, prepared in accordance with the law;
- (d) environmental rehabilitation plan and technical project, prepared in accordance with the technical instructions issued by the Competent Authority ;
- (e) Social Impact Assessment and Social Mitigation Plan, prepared in accordance with the technical instructions issued by the Competent Authority in the field of labor and social protection together with the line Ministry.

(2) The exploitation license shall be granted for maximum 20 years, with the right of continuation for successive periods of 5 years each.

(3) The titleholder of the exploitation license will pay annually a tax on exploitation activity and a mining royalty, according to the present law.

(4) The Title Holder shall establish a financial guarantee for environmental rehabilitation, in accordance with the technical instruction issued by the Competent Authority.

ART. 21 - (1) The license is concluded in written form; exploration license comes into force on the date the Order of the President of the Competent Authority on its approval is published in the Official Gazette, first part; the exploitation license comes into force on the date the Government Decision for the approval of the license is published in the Official Gazette, first part.

(2) The legal provisions existing on the date the license comes into force shall remain valid for the entire duration thereof, except for any future legal provisions in favor of the Title Holder, which may be issued.

ART. 22 – (1) The Competent Authority shall authorize in writing the commencement of the mining activities provided in the license, within 180 days, upon submission of the following documents by the Title Holder

- (a) proof of mining activity tax payment
- (b) proof of establishing the financial guarantee for environmental rehabilitation
- (c) a fiscal certificate certifying that the Title holder of license has no due obligations to the state budget
- (d) environmental agreement and/or authorization
- (e) for exploration – the approval by the Competent Authority for the annual work program; for exploitation – the approval by the Competent Activity for the annual exploitation program;
- (f) agreement of the landowner or land administrator on the access to the areas needed for carrying out mining activities provided in the annual exploitation plan

(2) The Competent Authority shall authorize the commencement of mining activities in no more than 30 days from receipt of the documents foreseen in para. (1).

ART. 23 - Within ninety days from the coming into effect of the license the foreign legal persons which obtained the right to conduct mining activities must set up and maintain a branch in Romania for the whole duration of the concession.

ART. 24 - (1) The Title holder of a license can transfer its rights thus obtained and its obligations thus undertaken to another legal person only subject to the prior written agreement issued by the Competent Authority. Any transfer made in the absence of such agreement shall be null and void.

(2) In order to approve the transfer, the Competent Authority shall observe the approval criteria established through the norms.

(3) In case the Title Holder modifies its statute through reorganization, sale or any other reasons, the license, as it was negotiated, will be granted, through an addendum, to the legal successors of the Title holders, based on the contract between the parties or a court decision, showed to the Competent Authority.

(4) The license for giving into administration is not transferable.

ART. 25 - Within the limits of an exploration/exploitation perimeter, the Competent Authority, in accordance with the legal provisions, can grant exploration and/or exploitation rights for some mineral resources to legal persons other than the titleholder of the license, with his prior permission.

ART. 26 - The right conferred by concession is a right distinct from the ownership over lands and can in no way be affected by the title holder for the benefit of any third party, except the cases mentioned in Art.24.

ART. 27 - The Title Holder of an exploration/exploitation license may obtain bank loans, in order to conduct the mining activities, with the written certification of the existence of the license by the Competent Authority.

ART. 28 - (1) For the useful construction rocks and peat accumulations, established and limited quantities may be extracted by natural or legal persons for a period of one year based only on the exploitation permit issued by the Competent Authority. The exploitation permit shall be released to the first applicant.

(2) For the exploitation of sands and gravel from the minor rivers bed, the permit for exploitation is issued after obtaining the approvals required by the water legislation

(3) For obtaining the exploitation permit, the applicants are obliged to set up a financial guarantee for environmental rehabilitation and to pay the tax for the exploitation activity and mining royalty, in accordance with the law. Setting up the financial guarantee for environmental rehabilitation and payment of the fee shall be made at the issued date of the exploitation permit, and the mining royalty shall be paid under the terms set out in art. 45, in trenches for the whole validity period of the exploitation permit.

ART. 29 - (1) The useful construction rocks, peat accumulations and mineral water located on private lands of the natural persons, can be used by the landowner only if they

are not subject to an existing concession and only for its own needs, without commercialization rights. They are exempted from paying the taxes and the mining royalty, on condition that the local offices of the Competent Authority are informed.

(2) Children hostels and old people homes also are benefiting by the provisions of the para. (1), on the land they own.

ART. 30 - (1) Physical and legal persons, based on an exploitation permit issued by the Competent Authority can carry out the recovery works of gold from the alluvial, not included in a mining concession.

(2) The physical and legal persons in charged with the gold recovery activity from alluvial are obliged to pay the taxes and mining royalties provided by the law.

ART. 31 - The mining concession or the mining administration shall terminate:

- (a) Upon expiration of the duration for which it was granted;
- (b) Upon relinquishment by the titleholder of the license, as provided in Art. 32;
- (c) Upon revocation of licenses/permit by the Competent Authority, as provided in Arts. 34 and 35;
- (d) At the title holder request, in case of occurrence of events which represent causes of force majeure and which make objectively and definitively impossible the fulfillment of certain obligations and/or achievement of certain rights of the titleholder provided in the license, which are essential for carrying out the mining activity.
- (e) The exploitable reserves are depleted, only in the case of a concession/administration for exploitation activities

ART. 32 - (1) The titleholder of a license/permit may relinquish it if upon the date the Competent Authority is notified about such relinquishment, the titleholder cumulatively meets the following conditions:

- (a) provides the Competent Authority with all the documents regarding the operations conducted until the date of notification of relinquishment, and with all the results thereof;
- (b) provides the Competent authority with the amount representing the value of the works included in the prospecting/exploration program, provided in the prospecting permit/exploration license, which are due on the date of the relinquishment notification and not carried out due to Titleholder fault. The amounts thus obtained shall constitute income to the State budget.
- (c) provides the Competent Authority with the document certifying that the environmental rehabilitation works in connection with the mining activities carried out until the relinquishment have been performed, issued by the competent authority in the field of environment. .
- (d) provides the Competent Authority with the amount representing the value of the unfulfilled care and maintenance/closure works corresponding to the mining activities they carried out up to relinquishment and to the cost of the Post-closure Monitoring Program, as provided in the mining activity cessation plan.

(2) Within 60 days from the date of notification of relinquishment the Competent Authority shall verify the fulfillment of the conditions set forth in para. 1.

(3) If the Competent Authority did not notify its refusal within the 60 days time provided in the para. 2 the license is canceled and the Competent Authority will have the obligation to issue its decision to terminate the administration or concession, which shall be effective as of the date of expiration of the aforementioned time.

(4) In the event of a refusal by the Competent Authority to issue termination decision as a result of the relinquishment, the interested party, within 30 days from the communication, may address to the competent court of jurisdiction, that judges the disputes and decides according to the law. The decision of the competent court of jurisdiction is irrevocable and definitive. Prior procedure is not mandatory.

(5) The decision of the competent court of jurisdiction shall be enforced by the competent authority within 15 days, any delay being sanctioned with 5 million lei/day. The fines shall constitute income to the state budget. The provision of the penal law regarding the no enforcement of legal courts decision are also applicable.

ART. 33 – (1) The Competent Authority shall suspend license/permit if it finds that the title holder:

- (a) does not abide by a decision of judicial court with respect to the mining activities;
- (b) becomes subject to legal reorganization and/or bankruptcy
- (c) the environmental agreement and/or authorization and/or the labour protection authorization have been suspended
- (d) jeopardizes by the manner of conducting mining activities the possibility of the future exploitation of the deposit, or grossly violates the norms regarding the protection and the sustainable exploitation of the deposits
- (e) has shown severe negligence with respect to health and safety acknowledge by the competent authorities in the field

(2) Suspension of license/permit for any of the reasons provided in para (1) shall be effective with regard to the titleholder from the date the titleholder was notified (about such decision) by the Competent Authority, until the suspension cause is eliminated, for a period of a maximum one year.

ART. 34 – The Competent Authority shall annul the license/permit of the sanctioned title holder, at 30 days from the receipt of notification, when it is found out that:

- (a) does not fulfill its obligations regarding the authorization and date of commencement of mining activities;
- (b) continues to interrupt the operations for a period of more than 60 days, without the agreement of the Competent Authority;
- (c) makes use of exploitation methods or technologies other than those provided in the development plan, without the agreement of the Competent Authority;
- (d) conducts mining activities by violating the provisions of art.22, para. (1), e)
- (e) the authorization regarding the protection of environment and/or the safety of the workers has been annulled.

- (f) Intentionally, provides the Competent Authority with false data and information as to its mining activities or violates the confidentiality requirements set forth in the license;
- (g) does not pay within 6 months from the date the taxes and royalties owed to the State are due.
- (h) failure to fulfill the conditions and term provided in art. 33, para (2) regarding the suspension of the license/permit

ART. 35 - (1) Within 30 days from the date of the notification provided in Art. 33, para. 2, the titleholder may ask the court of competent jurisdiction, as the case may be, to revoke the suspension/ annulment of the license/permit.

(2) At the request of the titleholder of the license and upon hearing the Competent Authority, which has taken the measures provided in para. (1), the court may decide to suspend the measure taken until the decision becomes final through which the court decides upon the legal character and the reasons of the suspension/annulment.

(3) The legal procedures provided in Art. 32, para. (4) and (5) shall be applied accordingly.

ART. 36 - (1) In case of occurrence of one of the events provided in Art. 31 (d), the title holder shall notify the Competent Authority within 5 days from the occurrence of such event, submitting the documents which certify the force majeure, within 15 days from the occurrence of such event, issued by the legally authorized organization for this purpose. The termination of concession or administration shall be effective after 30 days from the date of notification of the force majeure.

(2) If, within the time of 30 days provided in para. (1), the Competent Authority notifies the title holder of the license its refusal to accept the event invoked by the title holder as being a circumstance of force majeure, which definitely makes impossible the initiation or the continuation of mining activities, for reasons which are not attributable to the title holder, then the title holder may ask the competent judicial to rule the unilateral cancellation of the license for cause of force majeure, without the title holder being obliged to pay damages.

(3) In the event a cancellation decision of the license is issued, the Competent Authority shall, after the judicial or arbitration decision becomes final, issue the decision of termination of the concession or administration, which shall be effective as of the date provided in para. (1).

(4) The legal procedures provided in Art. 32, para. (4) and (5) shall be applied accordingly.

ART. 37 - (1) The decision concerning the termination of the mining concession or mining administration granted through a license shall be published in the Official Monitor of Romania, first part, which shall mention the date it becomes effective, and shall be recorded in the Mining Book by the Competent Authority.

(2) Within three months from the termination of the mining concession or mining administration for any of the reasons provided for in Art. 31, (a) to (d), all the technical

annexes and facilities, which decommissioning can affect the safety of exploitation works, shall come back or be transferred respectively to the ownership of the State without any compensation and free of any encumbrances whatsoever.

(3) The TitleHolders, legal persons shall be liable for the improvement of all environment factors, affected by the mining activity, according to the environmental rehabilitation plan as approved by the Competent Authority.

(4) Within maximum of three months from the termination of the administration or concession, the Competent Authority shall determine the measures to be taken in connection with the exploration and/or exploitation perimeter and related installations.

(5) The title holder of a license shall be further liable, in accordance with the rules which determine the civil extracontractual responsibility, for the damages caused to the third parties by its fault as a result of mining activities conducted prior to the date of termination or relinquishment, even if such damages are evidenced after the termination of concession or administration.

CHAPTER IV RIGHTS AND OBLIGATIONS OF THE TITLE HOLDER

ART. 38 - The titleholder of the license/permit has the following rights:

- (a) To have access, in the conditions provided for by the law, to the lands or the areas needed for the conduct of mining activities within the boundaries of the perimeter provided for by the license/permit;
- (b) To conduct within the boundaries of the perimeter all the mining activities provided for by the license/permit;
- (c) To dispose of the quantities of mineral resources produced;
- (d) To use, according to the legal provision in the field of water management and environmental protection, sources of surface and underground waters as necessary to conduct the mining activities;
- (e) To associate with other legal persons, with the prior approval of the Competent Authority, for the purpose of carrying out the mining activities provided in the license/permit. The associate having the role of Title Holder is sole responsible of fulfilling the obligations granted by the license. In order to issue its approval, the Competent Authority shall consider at least the following items: the technical and financial capability of the associate, the purpose of the association, the way the rights and obligations are split. The national companies and societies, which carry out mining activities, shall obtain the approval of the Competent Authority only after the prior agreement of the line Ministry is obtained;
- (f) To obtain from the Competent Authority, in accordance with the law, the data and information required for the conduct of mining activities, to keep and use such data and information, as well as those obtained from its own operations, for the entire duration of the license/permit
- (g) To interrupt the operations more than 60 days, with the prior agreement of the Competent Authority.
- (h) To build roads, bridges, railways, electricity networks and other infrastructure utilities necessary for the conduct of mining activities, according to the law.

ART. 39 - (1) The Titleholder of the license/permit has the following obligations:

- (a) To comply with the provisions of present law, the norms and instructions issued for the application of this law and with the provisions of the license/permit;
- (b) To prepare before commencement and during execution of mining activities, in accordance with the provisions of the license/permit, technical and economic documentation for carrying out the mining activities, documentation for environmental protection cleared in accordance with the Environmental Protection Law, according to art. 22, d) and to submit the documentation to the Competent Authority for agreement, according to the Articles 14 to 20, 28 and 30. For the National companies and societies the agreement of the line Ministry will be also needed.
- (c) To start mining activities within no more than 210 days from the effective date of the license;
- (d) To obtain, prepare, keep up to date and to submit to the Competent Authority, on the scheduled dates, all data, information, and documentation established in the license/permit, concerning the mining activities carried out and the results obtained in order to be register in the Mining Book and the Mining Cadastre. In the case of radioactive deposits the data will be also transmitted to the competent authorities in the domain, according to the law;
- (e) To inform the Competent authority about the control inspections made by the local environmental and labor protection authorities;
- (f) To keep confidential the data and information legally obtained from the Competent Authority and the line Ministry and the data acquired through its own operations, and not disseminate such data, except as provided in the license;
- (g) To regularly update the mining activity cessation plan and submit it to the Competent Authority for approval
- (h) To retrieve and protect the natural associations of crystals of esthetic value named "mine's flowers" from the mining works carried out and to inform the Competent Authority.
- (i) In case of termination of the concession by any of the ways provided under Art. 31 to return to the Competent Authority the granted perimeter, in accordance with the provisions of Art. 37, para. (2) and (5);
- (j) To fulfill on the scheduled dates the measures indicated in writing by the Competent Authority in the carrying out of its functions, according to the law.
- (k) To execute and finalize the environmental rehabilitation of the perimeters affected by the mining works performed,
- (l) To update the necessary topographical measures and to complete the plans of all the works carried out during the mining activities according to the Mining Topography Rules.
- (m) Not to transport, use, manipulate and store toxic, radioactive, or any other polluting and hazardous substances, in the mining works, only if the legal provisions are observed.

- (n) To obtain the agreement of the harbor authorities and the Public Competent Authority in the field of Transport, in case of carrying out mining activities in the internal water way area.
- (o) To organize by the entrances of the mine which constitute the employees access and also in the underground, emergency medical centers equipped with personnel, medical apparatus, specific instruments and materials, according to the norms issued by the Public Competent Authority in the field of Health.
- (p) to carry out upon termination of the concession the works for care and maintenance/closure of the mine/quarry, as the case may be, including the Post-closure Monitoring Program, according to the activity cessation plan.
- (q) to bear the costs for training and transfer of technology provided in the license. The respective amount will be transferred in a separate account of the Competent Authority, established and registered for such purpose.
- (r) to prepare and finance the social protection measures provided by the Social mitigation plan.
- (s) To maintain for the whole duration of the exploitation the financial guarantee for environmental rehabilitation;
- (t) To pay the fees related to the mining activities and the royalties, within the terms provided in the present law;

(2) If the titleholder of the license is a National Company or society, it has the following responsibilities to the line Ministry:

- (a) To develop and submit annually, within the established terms, the financing plan necessary to carry out the works provided by the license.
- (b) To submit the required information concerning the production and the achieved investments, as well as the way of using the granted funds from the State budget.
- (c) To provide the Competent Authority with the data and documents from the above para. a) and b), approved by the line Ministry, for updating the Mining Cadastre and Mining Book.
- (d) To perform care and maintenance/closure works for mines/quarries and environmental rehabilitation works in case of privatization, for the areas affected until the privatization.

CHAPTER V AUTHORIZATIONS

ART. 40 The procedures to obtain any authorizations, agreements and/or permits related to environmental and labor protection, needed it to carry out mining activities shall be coordinated by each authority in part, according to their competencies and regulations provided by the legislation in force.

ART. 41 (1) Within no more than 10 days from the effective date of the exploitation licenses the Competent Authority shall inform in writing the County Councils, the Local

Councils and the prefectures on the territory of which the conceded perimeters are located about the mining activities and the conceded perimeters related to those licenses.

(2) Within no more than 90 days from the receipt of the information mentioned in para (1), the County Councils and Local Councils shall modify and/or update the existing territorial plans and urban general plans in order to allow for carrying out all the operations related to the conceded mining activities.

ART. 42 (1) Authorizations, agreements and other approvals and clearances necessary for construction-assembling of mines and other construction activities required to start and conduct mining activities shall be issued, as a rule for the whole constructions and not separately for each construction, according to the request of the Title holders of the licenses.

(2) Authorizations, agreements and other approvals and clearances necessary for construction-assembling of mines and other construction activities required to start and conduct mining activities may impose conditions for the parameters and functional characteristics of those constructions and installations.

ART. 43 (1) Authorizations, agreements and other approvals and operational clearances, required for the conduct of mining activities shall be valid for the whole duration of the prospecting permits and mining licenses based on which these activities are carried out. If the conditions existent at the issuance of the authorizations, agreements and other clearances and approvals required for the performance of mining activities change then the Title holders of these activities shall request new authorizations, agreements, clearances and approvals.

(2) Authorizations, agreements and other approvals and clearances necessary for carry out of mining activities shall be issued for the whole constructions or separately for each operation or category of operations in part, according to the request of the Title holders of the licenses.

(3) Observance of the conditions imposed through the authorizations, agreements and other clearances and approvals issued for construction-assembling of mines and other construction activities required to start and conduct mining activities, according to Art. 42 para (2) and observance of the conditions provided by the law to carry out mining activities, shall be monitored by the Title holders of the licenses and shall be checked by the Competent Authorities in the field, for the period corresponding to technological testing that cannot exceed 6 months from the completion of the construction-assembling operations.

(4) If conditions in para (3) are observed, the authorizations, agreements and other approval and functioning clearances required for carrying out mining activities shall be issued in no more than 10 days from the completion of technological testing, unless the legislation in force provides otherwise.

**CHAPTER VI
MINING FEES, TAXES AND ROYALTIES**

ART. 44 - (1) The titleholders of the licenses/permits shall pay to the State budget a tax for the activity of prospecting, exploration and exploitation of mineral resources and a mining royalty.

(2) The annual tax for the prospecting activity shall be established at Lei 25,000/km².

(3) The annual tax for the exploration activity shall be established at Lei 100,000/km². It is doubled after two years and becomes five times greater after four years.

(4) The annual tax for the exploitation activity shall be established at Lei 25,000,000/km².

(5) The value of the taxes provided for in para. (2) - (4), at the request of the Competent Authority will be up-dated through a Government Decision according to the inflation rate.

(6) The taxes set out in para. (2) - (4) are due annually and shall be paid in advance in respect of the next year until the 31 December of the current year.

ART. 45 - (1) The mining royalty, owed to the State budget, shall be equivalent to a percentage quota of the value of the mining production, as follows:

- a) 2% for coal, ferrous and non ferrous ores, aluminum rocks and minerals, noble, radioactive, rare and disperse metals, precious stones and gems, residual mining products, bituminous rocks, therapeutical, thermo-mineral, geothermal waters and the gases accompanying them, non combustible gases, mud, therapeutical peat;
- b) 6% for non metallic useful substances
- c) 6% for useful rocks, except for ornamental rocks for which the quota is of 10%
- d) 8% for salts

(2) The mining royalty for natural mineral waters at the source shall be established as equivalent to EURO 2/1000 l at the currency exchange rate established by the National Bank of Romania on the day of payment.

(3) The value of the mining production does not include the costs of processing of the extracted products.

(4) The mining royalty is due beginning with the day of commencement of production and is payable quarterly until the 20th day of the first month of the following quarter.

ART. 46 - The titleholder has the obligation to submit to the Competent Authority, all the data and information necessary to calculate the mining royalty.

ART. 47 - (1) The verification of the accuracy of the data that provides the basis for the calculation of the tax for the mining activities and of the mining royalties shall be carried out by the Competent Authority, and by the state bodies having financial control functions.

(2) Failure to pay in time the fees for the mining activity and/or mining royalty shall entail the application of penalties for delay, in accordance with the fiscal law.

ART. 48 - (1) For the documents issued during the fulfillment of its functions: approvals, prospecting and exploitation permits, exploration and exploitation licenses, documents for the confirmation of the reserves, termination decisions, association agreements, transfer agreements, addenda to the licenses, certifications, authorizations and any other such papers and for accessing and using documents and information concerning mineral resources and the Mining Book, the Competent Authority shall charge fees, which shall be established through order by the President of the Competent Authority, published in the Official Gazette of Romania, part I

(2) The extra budgetary income obtained by the Competent Authority pursuant to para. (1) above will be used for financing the expenditures for the preparation of the data packages and launching of the public offerings, organization of presentation of the conditions of participating at bidding rounds and preparation of studies, organization of bidding rounds, expertise and consultation of documents as well as other material expenses, endowments, as well as financial incentives for its personnel.

(3) The income left non-spent at the end of the budget year shall be transferred to the following year as income at the disposal of the Competent Authority.

(4) The expenses categories which are financed from extrabudgetary funds, approved through the Budget Law, and the way of granting incentives to the Competent Authority personnel are established through an Order of the president of the Competent Authority.

ART. 49 - The payment of fees, taxes and royalties provided for by the present law does not exempt the title holder of the license/permit from the payment of all other obligations to the budget provided by the fiscal legislation in force.

ART. 50 - (1) The titleholders of the licenses shall benefit from the following incentives:

- (a) exemption from payment of duties for imports of the goods required for the conduct of mining activities of exploration and exploitation for obtaining the mining products, made by the title holders of licenses;
- (b) exemption from payment of duties for new imported equipment and installations, which are not produced in the country and are needed for the environmental rehabilitation of the affected areas by mining activities.

(2) The incentives, which are granted to the titleholders of licenses under this law, shall remain unchanged for the entire duration of the license.

(3) Local public administrations may grant facilities for investments in mining in accordance with the legal provisions in force.

CHAPTER VII

CLOSURE OF MINES

ART. 51 - (1) A mine or quarry that is in exploitation can cease its activity when:

- (a) the exploitable resources were exhausted
- (b) the continuation of mining activities become impossible as a result of natural events such as: flood, tumbling down, glide of the ground, or provoked such as: mine fire, gas explosion, which effects can not be remediated through technical interventions under economical terms;
- (c) the exploitation became unprofitable from an economic point of view.

(2) When one of the above causes occurs and has been legally ascertained, the Competent Authority should be advised by the titleholder to agree to the closure of the exploitation.

(3) The Competent Authority agrees on the temporary or final closure of the exploitation activity, based on the activity cessation plan. For the areas licensed to national mining companies and societies, the line Ministry shall also approve such closures beforehand.

ART. 52 - (1) The initiative of a mine or quarry closure, belongs to the title holder of an exploitation license who will submit to the Competent Authority an application for mine closure, as well as the activity cessation plan, which must include:

- (a) the reason of closure, based on the technical economic documentation;
- (b) the technical closure or conservation program of the exploitation, which will include the Post-closure Monitoring Program; in case of national companies and societies, the program will obtain prior approval from the line Ministry
- (c) social protection program, through reemployment and/or professional reconversion; financial compensation and/or regional development measures by creating new work places, prepared in accordance with the law, upon consultation with affected groups of people and approved by the Competent Authority in the field of social protection; in the case of national companies and societies, such program shall also be approved by the line Ministry;
- (d) environmental and water management authorizations for mine/open pit closure;
- (e) decommissioning and land vacating procedure.

(2) The mining activity ceases through a decision issued by the Competent Authority upon the analysis and acceptance, by the Competent Authority and the line Ministry, as the case may be, of the activity cessation plan and its implementation. The decision to keep under care and maintenance/close a mine belonging to the national mining companies/societies shall be approved by the Government, care and maintenance/closure works shall be financed also from the State budget.

(3) The mine closure and environmental rehabilitation in the case of the mines/ quarries or exploration works ceased before the present law comes into force and which are not subject to an existing license shall be made, with the agreement of the

Competent authority, by the line Ministry, through specialized directorates, using funds from the State budget.

(4) The mining perimeters approved to be temporary closed according to Art. 51 para (3) can be granted in concession/administration to another titleholder after the activity cessation date. For this purpose the Competent Authority shall organize a public offering of the perimeter.

ART. 53 - (1) The responsibility to monitor the obligations resulted from the closure plan of a mine or quarry belongs to the Competent Authority. For the national companies and societies, such monitoring will be done in conjunction with the line Ministry.

(2) During the implementation of a mine or quarry closure plan, the titleholder must satisfy the conditions and requirements of all the legal authorities that approved the closure plan.

(3) Implementation of the Post-closure Monitoring Program shall be made by the Title Holder at its own cost; in the case of national mining companies and societies, the Post-closure Monitoring Program shall be made by the line Ministry, through its specialized directorates, with funds from the State budget.

CHAPTER VIII THE COMPETENT AUTHORITY

ART. 54 - The Competent Authority responsible for the application of the provisions of this law is the National Agency for Mineral Resources, organized as a public institution of national interest, legal person, main credit ordinator and acting under Government subordination.

ART. 55 – (1) National Agency for Mineral Resources is authorized:

- (a) To administrate the mineral resources and the national geological fund, public property of the State,
- (b) To establish the clauses and the terms of the permits and licenses, to grant and issue the licenses/ permits provided by the law, to regulate the mining activities by means of norms and technical instructions issued for the application of the law;
- (c) To receive, verify and register the information and data concerning the mineral resources and reserves and to organize the national geological fund and to establish national minerals resources/reserves fund. The official data on mineral resources reserves are those recorded in the national fund.
- (d) To establish the fees, provided by Art. 48 para (1), in accordance with the legal provisions;
- (e) To supervise and verify the production of mineral resources with a view to determining the royalties;
- (f) To follow up the application of the measures established with regard to the protection of the soil and subsoil during and after the mining activities, according to the legal provisions;

- (g) To verify the compliance by the titleholder with the provisions of the license/permit, as well as with the relevant norms, and instructions, and to dispose measures to ensure the observance of them;
- (h) To clear the documentation regarding the mining activities to be carried out, as well as the documentation for mine closure, only with the provision and approval, according to the law, of the environmental protection and ecological reconstruction measures.
- (i) To institute hydrogeological protection perimeters, for the underground natural mineral waters, geothermal and thermo mineral waters, mud and therapeutic peat, and clears the sanitary protection perimeters.
- (j) In exercising its controlling responsibilities, to cooperate with local environmental protection and labor protection authorities, as well as water management authorities.
- (k) To cease the mining activities carried out outside the granted perimeter, those without approved technical documentation, as well as those, which by the manner of their being conducted may lead to unjustified losses of reserves or degradation of the deposits, until the elimination of the causes which generated them;
- (l) To elaborate the norms and technical instructions concerning the application of the present law, with the assistance of the relevant ministries;
- (m) To prepare and keep the Mining Book and the Mining Cadastre up to date, as provided in the norms for applying the present law; the legal acts and documents that are not entered into the Mining Book and the Mining Cadastre cannot be opposed by third parties;
- (n) To investigate and notify the failure to fulfil the provisions of the present law.
- (o) To prepare draft laws and Governmental Decisions for the mining activities

(2) The functioning and the organization of the National Agency for Mineral Resources shall be established through a Government decision.

CHAPTER IX RESPONSIBILITY OF THE LINE MINISTRY

ART. 56 - The line Ministry ensures the carrying out of the mining activities in accordance with the present law, as follows:

- (a) prepares the strategies and policies for the development of the mineral resources domain, which are submitted to the Government for approval; to monitor their accomplishment according to its competencies; the strategies and policies are applied to the economic agents only in their favor.
- (b) evaluates and approves the budget for the achievement of the mineral resources production of the national mining companies and societies in accordance with Art. 39, para. (2);

- (c) In order to apply the strategy and the policies provided in para. a) and the budget provided in para. b) above, the line Ministry will prepare programs, including prospecting programs, which are to be realized under the State budget;
- (d) Is the main manager of the credits from the budget granted for new technologies and development, prospecting programs as provided in the Annual geologic program prepared in accordance with para. c), technical research, environmental protection and rehabilitation, restructuring, care and maintenance/closure works for mines/quarries, according to para k), social protection measures in case of closure, according to para j) and other activities in the mineral resources domain.
- (e) assures the preparation of studies, based on which, together with the Competent Authority in the field of public finances, selects the mining products, which are temporarily exploited under the State budget, and establish their prices, in accordance with the law.
- (f) agrees together with the Competent Authority in the field of Labor and Social Protection, norms concerning the work safety in the mining industry.
- (g) agrees together with the Competent Authority in the field of Environmental Protection, norms concerning environmental protection specific to the mining activities
- (h) prepares, together with the Competent Authority in the field of Labor and Social Protection, owners organizations and trade unions, medical assistance programs, risk and accidents insurance, to recover and compensate those affected by work accidents and professional diseases, in the mining activity.
- (i) agrees on the feasibility studies and the development plan of the national companies and societies, as well as the permanent or temporary closure of the mining activities.
- (j) establishes national policies in the social problem domain, for the areas with mining activity, together with the Competent Authority in the field of Labor and Social Protection and the local public administration.
- (k) concludes, through specialized directorates, contracts for the performance of care and maintenance/closure works for the mines/quarries belonging to national mining companies and societies, as well as for the mines/ quarries or exploration works ceased before the present law comes into force and which are not subject to an existing license and ensures the implementation of the Post-closure Monitoring Program.
- (l) agrees on the drafts of laws and Governmental decisions for the mining activities.

CHAPTER X

SANCTIONS

ART. 57 - (1) The non-compliance by the titleholders of the permits and licenses with the obligations provided by the present law shall be considered a contravention, if according to the penal law is not a crime, and shall be punished with a contravention fine as follows:

- (a) from no less than Lei 30 mil. to no more than Lei 60 mil. for the violation of the obligations provided in Art. 23 and Art. 39 para. 1, (b), (d), (e), (f), (h) and (i) and Art. 39, para 2, (c);
- (b) from no less than Lei 60 mil. to no more than Lei 200 mil. for the violation of the obligations provided for in Art. 39 para. 1 (a), (c), (g), (j), (l), (n), (o), and (s);
- (c) from no less than Lei 200 mil. to no more than Lei 500 mil. for the violation of the obligations provided in Art. 4 (3) and in Art. 39 para.1, (k),(m), (p), and (t).

(2) Performance of mining activities without permit or license, except for the cases provided by Art. 29 of this law shall be considered as a crime and shall be imprisoned from 6 months to 2 years.

(3) Finding that activities are carrying out without permit or license shall be made by the Competent Authority and shall be brought to the attention of the competent State authorities.

ART. 58 - (1) The commitment for the second time of any of the contravention punished according to Art. 57, is sanctioned with the double of maximum fine provided in Art.57.

(2) The further violation of the clauses for which sanctions are provided under Art. 57 shall entail the possibility for the Competent Authority to order license/permit withdrawal.

(3) To the extent that the present law does not provide otherwise, the contravention provided in Art. 57 shall be subject to the provisions of the investigation and sanctioning of contravention regime.

(4) The value of the fines provided in Art. 57, will be regularly updated following the procedures established in Art. 44, (5) of the present law.

ART. 59 – (1) The investigation of the failure to comply with the obligations and of the contravention, as well as the application of the fines shall be made on the basis of a written report which shall be prepared by the authorized staff of the Competent Authority.

(2) The amount collected from fines shall become income to the State budget, according to the provisions of the legal regime regarding contravention.

CHAPTER XI TRANSITORY AND FINAL PROVISIONS

ART. 60 - (1) The provisions of the exploration and/or exploitation licenses and exploitation permits, concluded before coming into force of the present law, approved or under approval process by the Government, shall remain valid for the entire duration thereof, in the same conditions as from they were concluded.

(2) At the request of the title holder of exploration and/or exploitation licenses, the provisions of the licenses in force before the effective date of this law, shall be modified and supplemented in line with the provisions of the present law.

(3) The exploitation license shall be granted directly, in the existent conditions at the date of applications submission date, only to the public institutions, national mining companies and commercial societies that at June 15, 2001, had had submitted to the Competent Authority the necessary documentation to obtain it.

ART. 61 - The disputes caused by the interpretation and application of the licenses/permits shall be resolved by the courts of jurisdiction from Romania, unless the parties agreed for a settlement by arbitration, including international arbitration.

ART. 62 - Within 90 days from the publication of this law in the Official Monitor of Romania, the Competent Authority shall issue the norms necessary for its application, which shall be approved by a Government Decision.

ART. 63 - Within 90 days from the publication of this law in the Official Monitor of Romania, the line Ministry together with the competent authority in the labor and social protection domain and the Unions and Patronage involved in mining domains, shall issue the Statute of the Personnel from the Mining Industry, which shall be approved by a Government Decision.

ART. 64 – Within 90 days from the publication of this law in the Official Monitor of Romania, the line Ministry together with the Competent authority shall issue the Mining Topography Rules.

ART. 65 - (1) For the purpose of quick mitigation response in case of work accidents and other damages, a mining emergency stations shall be established by the titleholder.

(2) Mining emergency stations shall be organized at each mine or quarry, or in centralized units by mining basin or regions. The decision belongs to the titleholder, which is obliged beforehand to obtain the approval of the Territorial Inspectorate of Labor Protection and Environmental Local Territorial Inspectorate.

(3) The organization and functioning of the mining emergency stations will be made, in accordance with Romanian legislation regarding the environment protection and labor protection.

ART. 66 - (1) In order to prevent the accidents, in the mining activity, as well as for labor recovery and/or for providing death compensation and aid to legal successors, professional non-profit associations can be organized as legal persons, according to the law.

(2) These associations are organized and carry out their work according to existing legislation.

(3) The obligativity of the Title Holder of the license to contribute to the intervention fund of the association will be mentioned in the association statute and the quantum of the contribution will be established through an agreement between the parties.

ART. 67 - For the radioactive raw materials, the National Commission for Nuclear Control applies the control of nuclear security, informs the National Agency for Atomic Energy and this informs the specialized international bodies, according to the agreements and conventions to which Romania is a party.

Enforced on March 27, 2003

ART. 68 - The present law shall come into force on the date of its publishing in the Official Monitor of Romania, part I.

ART. 69 - Upon the coming into effect of the present law, the Mining Law no. 61/1998, published in the Official Monitor of Romania no. 113/16.03.1998, part I, with its subsequent modifications and additions, as well as any other contrary legal provisions, are abrogated.