

either applying the provisions from the registered office outside Macedonia, or would need to establish and register its subsidiary locally. The additional conditions are imposed on foreign entities as opposed to indigenous companies.

3.3 Are there any changes of control restrictions applicable?

The transfer of control directly from the entity that has conducted the detailed geological exploration and applied the exploration measures, as well as, later the entity building exploration measures, cannot be made without a prior written consent of the state/Government unless the right of ownership of the share with the concession is acquired by inheritance or the concessionaire is a company listed on the stock market. The exploration share carries per cent of the approved value of the measures applied.

3.4 Are there requirements for ownership by indigenous persons or entities?

The entity requirement refers to foreign entities applying for concessions regarding their need to establish a subsidiary in Macedonia in order to explore and mining activities as its business. It should be noted that this requirement is not specific with mining but it represents a rather general rule of doing business. Foreign entities in Macedonia, when permitted under the mining companies.

3.5 Does the state have any rights or options, such as buy-back rights, expropriation, in the concession?

No, the state has no such rights or options, such as buy-back rights, expropriation, in the concession.

4 Processing, Refining, Export, Import

4.1 Are there special requirements relating to processing, refining, export, import?

Except general legislation regarding the export and import restrictions there are no specific requirements regarding processing, refining and export. The terms of access to the minerals should be equal for all and all such activities should be included and described in the same (general) framework and are then subject to general legislation. However, since all processing and refining is performed by the Ministry of Environment, Water and Forestry, it is interpreted, ecological point.

4.2 Are there restrictions on the export of minerals and other products in respect thereof?

There are no restrictions on the export of minerals and other products. Later, on the other hand, one part of the concession has and no restrictions or percentage of the market price of the mineral or final product is the provision of local resources.

5 Transfer and Concessions

5.1 Are there restrictions on the transfer of rights to mineral reconnaissance, exploration and mining?

The transfer of a mining concession is restricted by prior written consent of the state/Government and a payment of a fee for the processing or conversion of the approved value of the measures. The fee is based on the results of reconnaissance and detailed exploration measures. By means of analogy it could be argued that the government is not subject to prior government approval. Since the fee is an explicit provision for the state/Government and the results of the detailed exploration measures under governmental control.

5.2 Are there restrictions on the transfer of rights to mineral reconnaissance, exploration and mining?

The transfer of a mining concession may be subject to prior written consent of the state/Government and a payment of a fee for the processing or conversion of the approved value of the measures. The fee is based on the results of reconnaissance and detailed exploration measures. By means of analogy it could be argued that the government is not subject to prior government approval. Since the fee is an explicit provision for the state/Government and the results of the detailed exploration measures under governmental control.

6 Transfer of Rights by Means of Transferring the Minerals, Creating Undivided Shares and Selling of Mineral Minerals

6.1 Are there restrictions on the transfer of rights to mineral reconnaissance, exploration and mining?

The state rights must be granted, assessed, transferred or sold as a whole and not as a subsidiary.

6.2 Are there restrictions on the transfer of rights to mineral reconnaissance, exploration and mining?

As provided under the law, only one entity may hold a mining concession granted to a certain territory and its reference to certain minerals, with exception to the concession area springs of mineral water that may be used for medical purposes by means without discrimination. However, such concessionaire has a favorable position regarding further negotiations on area transferring to the territory of its concession.

6.3 In the transfer of rights to explore for or mine a primary mineral product for export or other non-mineral purposes?

The law provides the two possibilities in this direction: (i) the concessionaire may exploit secondary raw or, additionally, mineral product, in which case it would need to obtain additional concessions for such use under the general terms and provisions, or (ii) if the other raw is found in the premises of the primary mineral without it being separated and processed, there is no legal requirement the refining separate minerals, but the concessionaire remains obliged to pay

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