

At the 11th International Conference of the surface mining, held on Zlatibor in October 2014, the paper was presented – “Legal procedures regarding environmental protection as a risk in the process of new mines opening”, written by dr D. Jelisavac Erdeljan. Looking at the processes, taking place until the beginning of the raw materials exploitation and obtaining the first quantity of ore, they can be roughly divided into two phases: phase of geological exploration and definition of qualitative, quantitative and spatial elements of deposits, and the phase of prospecting and exploitation of mineral deposits.

At the stage of exploration works, it cannot be confirmed with certainty, if it will be in the study area of exploitation achieved.

However, at this stage, significant funds are invested in studies research and preparation, on the basis of which the certificate is issued on the established balance reserves. Funds invested in the research phase will be turned only in the exploitation phase. Legal obligations related to the environmental protection in the research phase, are neither complicated nor difficult, both economically and in sense of time, it is not procedurally. Based on the confirmation on reserves and resources which are spatially, quantitatively and qualitatively defined by the deposit, the procedure continues in the direction of realization of rights to deposits exploitation. Documentation related to the environmental protection is the result of the procedures performed in order to obtain an approval for the Natural mine environment impact study. This procedure envisages the involvement of the public in the decision-making process on the manner of environment protection and improvement, in the course of works on the mineral resources exploitation in their environment. This is a moment in the process of the mine opening, when for the first time public concerned is consulted, but until that time, significant resources have been invested, that may be lost in the event of a negative public attitude towards the mining activities in their immediate living environment. These uncertainties, that make the legal procedure regarding the environment, may be the one of the greatest risks in the process of the mine opening. Although risks should, at the moment of the production start at the mines, when they are successfully completed all the procedures, be overcome – it is not so. The facts give us a different picture – the biggest risk is appearing – the risk of suspension of works due to public outcry. Continuing on, with the harmonization of legislation with EU law, new issues may appeared, additional procedures related to the implementation of the project NATURA 2000. This project will establish a network of protected habitats associated by corridors of communication between these habitats and introduced new projects procedures.

In order to issue procedures for environmental protection, discussed under the category of “risk”, is necessary to completely define all the conditions required to implement all

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procedures until the end, so it would be possible in the research phase to know exactly what are the risks with which the company will face in the process of acquiring rights to exploit raw materials. The company must have the knowledge in the investment in research that in some areas, exploitation works cannot be performed, even though they are allowed. Also, the investor must have the information what the mood of the public concerned is, regarding the development of works on the raw materials exploitation in their immediate environment.