

CURRENT SITUATION AND PERSPECTIVES OF MINERAL RESOURCES CONCESSIONS IN THE REPUBLIC OF SRPSKA

TREKUTNO STANJE I PERSPEKTIVE KONCESIONARSTVA MINERALNIH RESURSA U REPUBLICI SRPSKOJ

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Abstract: The aim of the law on concessions is to create a transparent and equitable and non-discriminatory and clear legal framework for determining the conditions for domestic and foreign economic and legal entities by concessions granting in the Republic of Srpska. On this way provides incentives for foreign investments in the areas concerned.

Given the fact new legislation in the procedure in the future should join the redefinition of Document about Concession Policy, or the adoption of new document, which would be the headlines concession policy and comply with the new law on concessions. Simplification of legislation should be more efficient on granting of concessions, and the harmonization of legislation should ensure legal certainty in the granting of concessions, or the subject of the concession utilization, as an important component in the implementation of the granting of concessions policy.

Achieving the "full" effect of concessions granting in mineral resources exploration and exploitation demands having a clear and precise definition of the social, political, economic and other conditions. It is clear that a lot of these aspects in the Republic of Srpska and Bosnia and Herzegovina are not adequate and sufficiently developed and defined and therefore exist the objective reasons why the effects of previous concessions in this sector are not to expected level. The estimation that they will not be in the some future period on expected and desired level.

The reasons for this new Law on concession contained in the need to establish a legal basis that will ensure efficient and more functional procedure for concession allocation and implementation. That would eliminate the deficiencies identified in the application of the applicable law, and the exploitation of its natural resources. The appropriate policy measures granting concessions should put in a position of economic development, and ensure that it is optimally used.

Key words: Law on concession of Republic of Srpska, Commission for concessions in Republic of Srpska, Document about Concession Policy, Regulations – Rule books related to granting concession

Apstrakt: Cilj zakona o koncesijama je da stvori javan i svima dostupan, nediskriminatoran i jasan pravni okvir za utvrđivanje uslova pod kojima se domaćim i stranim privredno-pravnim subjektima mogu dodjeljivati koncesije u

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Republici Srpskoj i dati podsticaji ulaganju stranog kapitala u predmetnim oblastima.

Imajući u vidu da je u postupku donošenje novog Zakona o koncesijama u narednom periodu treba pristupiti redefinisavanju Dokumenta o politici dodjele koncesija, ili donošenju novog Dokumenta, kojim bi se aktuelizirala politika dodjele koncesija i uskladila sa novim Zakonom o koncesijama. Pojednostavljene pravne regulative s jedne strane, treba da dodjelu koncesija učini efikasnijom, a harmonizacija pravne regulative treba da osigura pravnu sigurnost u pogledu dodjele koncesija, odnosno korišćenja predmeta koncesije, kao važnu komponentu u sprovođenju politike dodjele koncesija.

Da bi se postigli „puni“ efekti dodjeljivanja koncesija u istraživanju i eksploataciji mineralnih sirovina potrebno je imati jasno i precizno definisane socijalne, političke, privredne i druge uslove. Jasno je da dosta tih aspekata u Republici Srpskoj i BiH nisu adekvatni i dovoljno razvijeni i definisani pa stoga postoje objektivni razlozi zašto efekti dosadašnjeg koncesionarstva u ovom sektoru a vjerovatno i jedan budući period neće biti na očekivanom i željenom nivou.

Razlozi za donošenje novog Zakona o koncesijama sadržani su u potrebi uspostavljanja pravnog osnova koji će obezbijediti efikasniji i funkcionalniji postupak dodjele i realizacije koncesija, čime bi se otklonili nedostaci uočeni u primjeni važećeg zakona, a u cilju iskorišćavanja prirodnih resursa, koje je adekvatnim mjerama politike dodjele koncesija potrebno staviti u funkciju privrednog razvoja i obezbijediti da se optimalno koriste.

Ključne reči: Zakon o koncesijama Republike Srpske, Komisija za koncesije Republike Srpske, Dokument o politici dodjele koncesija, Podzakonski akti-Pravilnici vezani za dodjelu koncesija

1. INTRODUCTION

Concession is business activity based on a contract or license with a certain degree of exclusivity in business within a specific geographical area.

The owner of a concession - the concessionaire - typically pays either a fixed sum or a percentage of revenue to the owner of the entity from which it operates. The concession may involve the use rights transfer to the concessionaire an existing infrastructure necessary for business conduct. Other forms of contracts between public and private entities, namely lease contract and management contract (<http://en.wikipedia.org>).

Public-private partnerships (PPPs) and Private finance initiatives (PFIs) can be considered similar concessions, especially if the contract should define and solve.

In some cases, such as mining, concession may involve merely the transfer of exclusive or non-exclusive easements (<http://en.wikipedia.org>).

An easement is a certain right to use the real property of another without possessing it. An easement is similar to real covenants and equitable servitudes in the United States, the Restatement (Third) of Property, where these concepts are connected essentially to the transfer procedure (eg. land) (<http://en.wikipedia.org>).

The rights of an easement holder vary substantially among jurisdictions. Historically, the common law courts would enforce only four types of easement (<http://en.wikipedia.org>):

- right-of-way (easements of way);
- easements of support (pertaining to excavations);
- easements of "light and air";
- rights pertaining to artificial waterways.

An affirmative easement - is the right to use another's property for a specific purpose, while a **negative easement** is the right to prevent another from performing an otherwise lawful activity on their property (<http://en.wikipedia.org>).

The party gaining the benefit of the easement is the **dominant estate** (or dominant tenement), while the party granting the burden is the **servient estate** (or servient tenement).

A **private easement** is held by private individuals or entities. A **public easement** grants an easement for a public use, for example, to allow the public an access over a parcel owned by an individual.

An **easement appurtenant** is one that benefits the dominant estate and "runs with the land", *i.e.*, an easement appurtenant generally transfers automatically when the dominant estate is transferred. Conversely, an **easement in gross** benefits an individual or a legal entity, rather than a dominant estate.

A **floating easement** exists when there is no fixed location, route, method, or limit to the right of way.

Express easement - An express easement may be "granted" or "reserved" in a deed or other legal instrument. **Implied easements** / Implied easements are more complex and are supported by the courts based on the use of a property and the intention of the original parties, whereas the easement by implication can arise when "reasonably necessary".

Easement by necessity - **An easement by necessity is distinguished from an easement by implication in that the easement by necessity arises only when "strictly necessary"**.

Easement by estoppel - When a property owner misrepresents the existence of an easement while selling a property and does not include an express easement in the deed to the buyer, the court may step in and create an easement.

The differences between servitude and license - Licenses to use property in a non-possessory manner are very similar to easements and are, under certain circumstances, transformed into easements by the court, but some general differences do exist:

- a license is often revocable and is typically limited in duration;
- a license is often uninsurable;
- a license is often not recorded.

Easements are regarded as a more powerful type of license, and a license that has any of the properties of an easement may be bound by the higher standards for termination granted by an easement (<http://en.wikipedia.org>).

2. CURRENT STATUS OF MINERAL RESOURCES CONCESSIONS IN THE REPUBLIC OF SRPSKA

The aim of the law on concessions is to create a transparent and equitable and non-discriminatory and clear legal framework for determining the conditions for domestic and foreign economic and legal entities by concessions granting in the Republic of Srpska. On this way provides incentives for foreign investments in the areas concerned (Official Gazette of RS, 2002, 2006, 2009).

As a regulatory body, Commission for Concession of the Republic of Srpska works through the immediate implementation of the Law on concessions and verification of the concessionaire work. Commission work is based on the the Concession Law stipulations (Official Gazette of RS, 2002; 2006; 2009), implementation of Document about Concession Policy (Official Gazette of RS, 2006) and regulations approved by the Government of the Republic of Srpska (Procedure Rules, Rule book on evaluation of the public interest, Rule book on internal organization and job classification, Rule book on establishing criteria for determining the amount of the concession fee, Rule book on the concession contract transfer and transfer of property rights, etc.).

In the Document about Concession Policy is defined a description of the economic sector where concessions can be waived for use of: natural resources, general use of goods in or to carry out activities of public interest. Document about Concession Policy provides a comprehensive and perspective view of the available resources and economic capacities, with a view to their sustainable utilization for commercial purposes.

Given the fact new legislation in the procedure, the Commission's point of view is that in the future should join the redefinition of Document about Concession Policy, or the adoption of new document, which would be the headlines concession policy and comply with the new law on concessions. Simplification of legislation should be more efficient on granting of concessions, and the harmonization of legislation should ensure legal certainty in the granting of concessions, or the subject of the concession utilization, as an important component in the implementation of the granting of concessions policy (<http://www.narodnaskupstinars.net/>, a).

All goods in general use, according to the Commission for concessions, should have the same or similar treatment, where their utilization through concessions, such as the use of agricultural land, land use for construction, forest use, extraction of sand and gravel from the streams, wind use, solar and other renewable energy sources, should perform through the established. There are also the areas of social services such as education, health, sport, utilities etc where concession system should be establish (<http://www.narodnaskupstinars.net/>, a).

According to the Report of the Commission for concessions in the 2012th in the field of mineral resources resources are 113 concluded concession contracts with 91 legal entities as of 31.12.2012. Currently active and implementing 86 contracts. The contracts have been concluded for the following mineral raw materials (<http://www.narodnaskupstinars.net/>, a):

- limestone and dolomite - exploration and/or exploitation of technical construction stone (43 contracts);

- thermal, thermomineral and mineral water - exploration and/or exploitation (15 contracts);
- drinking water - exploration and/or exploitation (12 contracts);
- igneous and metamorphic rocks (diabase, dacite, peridotite, gabbro, dolerite, serpentinite) - exploration and/or exploitation of technical building stone (11 contracts);
- coal - exploration and/or coal mining (8 contracts);
- clays - exploration and/or exploitation (7 contracts);
- limestone-exploration and/or exploitation of the architectural and building stone (6 contracts);
- gravel and sand - exploration and/or exploitation (3 contracts);
- bauxite - exploitation (2 contracts);
- lead and zinc - mining and ore processing (1 contract);
- CO₂ gas - exploitation (1 contract);
- chalk - exploitation (1 contract);
- silica - exploitation (1 contract);
- hydrocarbons, crude oil and natural gas - exploration and utilization (1 contract);
- bor, lithium, sodium, strontium, potassium and associations of supporting elements - exploration (1 contract).

Checking the concessionaire operation in the field and with analysis performing, the Commission has certain conclusions related to the implementation of concession contracts in the mineral resources utilization, and suggestions with recommendations regard to this (<http://www.narodnaskupstinars.net/>, a):

- There is an improvement in terms of making and possessing the technical documentation where the active concessions works mainly based on the technical documentation, with a competent ministry approval. Besides of that there are also companies that perform without a developed and approved technical documentation;
- Resolving of property issues are in different stages of implementation progress, and a number of the concessionaire does not have licenses, permits and approvals required under the contract were they were obliged to provide it before the start of commercial operations. They need to work in accordance with relevant legislation and accordance with the approved technical documentation;
- The Law on Amendments to the Law on the Maintenance of Survey and Land Cadastre (Official Gazette of RS, 2010a) provide the legal basis for the registration of rights to property utilization in the real estate under the concession contract;
- Some of the **fundamental and practical problems** encountered during the visit of the sites are:
 - concession companies have not performed obligation on recording of zero-initial state immediately after the signing of the contract;
 - increasing number of companies, for the purpose of concession activities have not performed the harmonization with the Law on concessions in terms of registration and other;
 - a number of companies have not made a schedule of investment funds and submission by Grantor in accordance with the provisions of the contract;

- the largest number of concession companies ensure the safety of employees, and facilities and installations damages and risks are decreased;
- a number of the concessionaire has not provided an irrevocable, unconditional bank guarantee payable on first demand for timely execution of work;
- there are companies that do not pay, or irregularly paid a concession fee.
- Optimal use of mineral resources should not be lower than the threshold of profitability established through the feasibility study and defined under the contract;
- Implementation of protection of the environment measures, human health and property is at a higher level but it is still not enough;
- It has been determined that the reclamation of land practically have not done, or have done on a small scale in relation to the reclamation project;
- Companies with the exploitation of mineral resources based on a mining issued in accordance with the Mining Law (Official Gazette of RS, 2010b), the new Mining Law (Official Gazette of RS, 2012) should be within six months, from the date of Mining Law entry into force, proceed for the concession granting in accordance with the Law on Concessions;
- A number of companies are unnecessarily long in the process of concessions granting for research and/or exploitation;
- In the public interest assessing process is necessary to pay attention to balanced regional development. It is very important that concession projects satisfy the interests of the entire community;
- Legislation in certain areas do not comply with the Law on Concessions, especially when it comes to granting concessions in the beds and water land for the gravel and sand extraction;
- It was observed that some concessionaires retain to the concession company smaller part their own business activities related to the use of the concession, and other business activities conducted within the primary or subsidiary company;
- It has been determined in the reporting year still have no improvement compared to the previous period, related to research and use of water;
- Feasibility Study represents basic document for the public interest determination and starting the procedure for the concession granting where they has not yet received sufficient attention. The Commission believes that the law should regulate the feasibility study must be revised by the reference house, which would certainly affect on a higher level an quality;
- The concession companies with main activity related to the construction works (civil engineering and building construction) mainly exploit the mineral raw materials for their own purposes. Internal prices of separated mineral raw material show that the Concessionaire determines it much lower than the market, which reduces the basis for calculating the concession fee.

3. ISSUES OF MINERAL RESOURCES CONCESSIONS TO BE DISCUSSED

Achieving the "full" effect of concessions granting in mineral resources exploration and exploitation demands having a clear and precise definition of the social, political, economic and other conditions. It is clear that a lot of these aspects in the Republic of Srpska and Bosnia and Herzegovina are not adequate and sufficiently developed and defined and therefore exist the objective reasons why the effects of previous concessions in this sector are not to expected level. The estimation that they will not be in the some future period on expected and desired level.

Regulations that currently govern the specific questions are:

- Rule book on the manner of determining the amount of concession fees for the use of mineral resources (Official Gazette of RS, 2003) - determining of the manner on the amount of concession fees for the mineral raw materials use, based on art.60 in the Mining Law. The fees are 3.2% to 4.0% of the total revenue from the sale or use of mineral raw materials. In this fees to geogenic deposits are 3.2% to 4.0% and to technogenic are 3.2% to 3.3%.
- Rule book on amendment to rule book on the manner of determining the amount of concession fees for the mineral raw materials use (Official Gazette of RS, 2005) - which provides that companies with licenses for exploitation of mineral raw materials and they do not have determined fee amount should be obliged to pay fees in amount of 3.2% of the total revenue from the sale and/or mineral raw materials use with quarterly calculation.
- Rule book on the establishment of criteria for determining the concession fee amount (Official Gazette of RS, 2007) - sets out the criteria for determining the concession fee and determine the amount of the concession fee (practically now used in defining a one-time fee upon signing the contract). The fee is defined in terms of six criteria: economic, social, environmental, regional, spatial and criteria for research, whereby in process for exploration concessions granting does not take into account the latter criteria. Indicators are: planned annual gross income (PAGI - planned production capacity or planned services and planned production and services prices), the length of the concession period and the correction coefficient for single concession fee, the degree of reproducibility of the Republic of Srpska natural wealth. The all indicators set by pre-feasibility and feasibility study.

Government found that the system of concessions in 2012th Committee in the Republican budget achieved a minimum income with the conclusion that it is impermissible extension of the situation.

The draft law on concessions had located in the Program of the National Assembly of the Republic of Srpska from 2011. year, and this matter has so far been regulated by the existing Law on Concessions (Official Gazette of RS, 2002; 2006; 2009). The reasons for this new law contained in the **need to establish a legal basis that will ensure efficient and more functional procedure for concession allocation and implementation**. That would eliminate the deficiencies identified in the application of the applicable law, and the exploitation of its natural resources. The

appropriate policy measures granting concessions should put in a position of economic development, and ensure that it is optimally used.

The Republic of Srpska Government adopted the Draft Law on Concessions at November 2012. and the Assembly of the Republic on the December session in the last year. The draft law was presented at a public hearing, organized by the competent Ministry of Industry, Energy and Mining, and held in Banja Luka, Doboj, Bijeljina, Pale and Trebinje in February of this year.

3.1. The most important changes to the existing Law on concession

In order to more economical and efficient natural resources utilization, the draft concession law provides that the granting concession procedure starts at the base of the plans, and subject to the conditions set by the grantor, which are based on the feasibility study, which should provide the competent authorities. This would avoid any form of manipulation of parameters during the study performing, especially those that are the basis for defining the essential elements of the concession contract (<http://www.narodnaskupstinars.net/>, b).

In the explanation of the Draft Law on Concessions stands out as the provider of concessions, besides Srpska, appears and local governments and for the utilities, buildings and areas of natural, civil, cultural and historical heritage, in particular the authority of the Government.

These draft Law on concession is not granted to agricultural land, for exploration of mineral resources (as explained by an investment activity and the amount of fees for the use shall be governed by the Rule book on the criteria for determining the concession fee), for the construction of an installed power of 250 kVA, the solar plant cells, commercial and public buildings and production facilities.

The draft provides for the granting concessions to "remove material from watercourses, stone, sand and gravel in the riverbed and river regulation".

The concession is in line with the draft given to the public call by public auction in the open procedure. The draft stipulates that the procedure for granting concessions can run on the initiative of the competent authorities, the initiative of the person and offers in the negotiation process. Exceptionally, without following the public announcement, the concession may be granted by negotiated procedure, with the offer of a public company involved with the public interest. There are also and the implementations of the concluded agreement between the Government and public companies relating to joint implementation and extensions of the concession period.

As stated in the draft, the duration of the concession contract can not be longer than 30 years, where these period does not include the preparation period needed for planning, design, obtaining necessary permits, licenses and other organizational activities related to the concession. The preparation period starts from the date of signing of the concession contract, and lasts until the day that specifies the contract and can not be longer than 1/6 of the concession period. However, if after the signing of the concession substantially change the conditions under which the concession was granted then the term of the contract may be extended, but not more than two thirds of the period specified in the Concession Contract.

During the concession contract, the concessionaire is obliged to pay fee in the nature of money, and consists of part for assignment of the right, which is paid only once at the conclusion of the concession contract and part for concession fees by mineral raw materials use. The fee is paid to the Republican or the municipal budget, depending on the type of concession, or divided between them according to the following relation, which depends on the development of the municipality and the Government determines a level of development of a unit of local government:

- 40 : 60 for developed units of local government;
- 30 : 70 for middle-developed local governments;
- 20 : 80 for underdeveloped local governments and
- 10 : 90 for extremely underdeveloped local governments

The concession contract shall be entered in the register of concession contracts (a unique record of the concessions granted in the Republic), which keeps the Commission for concessions.

Also, the draft states that the concession contract can be transferred to any person or financial institution when the concessionaire concluded financing agreement in connection with the concession, and the concessionaire can not meet contractual obligations within the terms and in the manner provided in the Concession Contract because of economic, organizational, financial, or other valid reasons, or in the event that the concessionaire can not fulfill its obligations under the Financing Agreement.

Policy of concessions granting is carried out systematically on the basis of Document about Concession Policy and Plan about concessions granting drafted and proposed by the Commission for Concessions of Republic of Srpska and the National Assembly with renewal every three years.

The Act provides work of Commission for the concession, as a permanent and independent regulatory body with residence in Banja Luka, and appointed by the National Assembly of the Republic of Srpska.

During the drafting process was done partially comply with the following secondary sources of EU: *Directive of the European Parliament and of the Council 2004/18 / EC of 31 March 2004th on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts / Directive 2004/18/EC, Directive of the European Parliament and of the Council 2004 / 17/EC regulating public contracts in the utilities sector (utility) - water , energy, transport and postal services / Directive 2004/17/EC, Council Directive 92/13/EEC coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors/ Council Directive 92/13/EEC and Directive 2007/66/ES of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/665/EES and 92/13/EES related to improved effectiveness of review procedures concerning the award of public contracts / Directive 2007/66/EC.*

3.2. Certain dilemmas for some solution in the Draft Law on concession

According to Article 5, paragraph g) Bidder can be any domestic or foreign legal or individual person, **a consortium of two or more contract-related natural or**

individual persons or other form of business association that participates in the process of granting concessions. Then, in Section 41, paragraph 2) states that the Bidder who hasn't founded a company to execute the concession contract, before the signing of concession agreement he should to establish a company in accordance with the laws of the Republic. In this case, the question is how the consortium would establish a new company, and these two articles are in a given collision.

In Article 6, paragraph 2) is given that the right to practice certain activities may be granted in business and other areas, but the concession subject is defined by this Act does not preclude the granting concessions in other areas when provided by separate regulations and **it would more closely regulate the regulations governing certain economic or other area within the performance of specific economic activities. Are there such regulations in all areas!?**

Article 42 provides the ability to contract transfer to a third party or financial institutio when the concessionaire concluded a financing agreement and not fulfill their contractual obligations. **It should be added that the transfer "must be approved by the Grantor and regulatory bodies", because there are options that a failed Concessionaire can be replaced with a new tender call with the additional condition that the new concessionaire assume the obligations of a prior how to decide Grantor.**

The Law provides work of Commission for concession, as a permanent and independent regulatory body located at Banja Luka, and appointed by the National Assembly of Republic of Srpska. **Draft law gives a big powers and functions of the Commission (the proposing solutions for the best bidder, agrees to the assignment and change of ownership relations, gives prior approval to the establishment of the lien in favor of the financial institution, gives approval for Economic Studies and Documentation), and the allegation is "regulatory body". Is that the best solution!?**

4. CONCLUSION

Based on the above informations, it is possible to make the following conclusions, which will be helpful for all who participate or will participate in the drafting of laws and regulations in the area of concessions, geology and mining:

1. **The successful development of the mineral economy of Republic of Srpska directly depends of defining a comprehensive Mineral strategy, Mineral policy and Management of mineral resources** with inclusion of all aspects of geological exploration, mining, preparation, processing and market evaluation of mineral resources. Regulation of concessions has a significant place, where the Republic of Srsпка with available mineral resources has sufficient premises for the sustainable economic, social, and economic development.
2. **Urgent definition of the National strategy for sustainable use of mineral resources of the Republic of Srpska**, with the inclusion of all three pillars of sustainable development by balancing economic, environmental and social point of view, we need to define the terms and conditions of exploration,

exploitation and use of mineral resources where it should be in the interests of economy, local communities and the environment.

3. **Transition of mineral economy to a market economy requires re-evaluation of the current situation of mineral resources**, especially balance and mineable reserves with a current geological and economic evaluation of all deposits in the Republic of Srpska and an economic assessment of the mineral resources of the country. It should form the basis of Mineral Strategy, Mineral Policy, Strategy for sustainable use of mineral resources and mineral raw materials as the basis for the strategic definition of concession conditions within mineral sector of Republic of Srpska.
4. **Republic must have a real insight into the availability of mineral resources in it's territory, and only then can the Law on Concessions to live up to**, which further raises the need for a comprehensive strategy management / utilization of mineral resources in the Republic of Srpska.
5. **Republic must have their own institutions for research in the field of mining and geology with a sufficient budget** for determination of the true value of the available mineral raw materials like a best way for ensuring of maximum benefits to its citizens and to be able to make concessions for the exploitation of its mineral resources through the mineral resources management. The worst goes if you sell and do not know what, to him who knows it very well!
6. Under the terms of granting concessions or deposit exploration rights **Republic of Srpska must at all times have the right of access to research results**.
7. **Concessionaire investments from profit / earnings focused on research, infrastructure and other social and economic sectors** (health, education, culture) **should be valued** with predicting the reduction in the decrease of the amount of payment of fees when using mineral resources.
8. Since the adoption of the new Law on Concessions needs to change the current terms of use of mineral resources in the Republic of Srpska and defines precisely the procedural issues that arise through granting concessions in the mining sector, **it is the imperative need to use the maximum of international experiences and the maximum inclusion of local experts and institutions** such as the Faculty of Mining Engineering, Prijedor, the Institute of Geology and larger companies in this field through making the supporting documents and regulations.
9. **Adoption of Policy of granting concessions, the Plan of concessions allocation** and its regular three-year renewal and replenishment **are crucial for the effectiveness of this Law and a proper long-term and self-sustaining system of concessions in the Republic of Srpska and the regulations** - Rules on conditions and criteria for granting concessions and declaring the public interest in granting them, the definition of criteria for the definition of one-time fees and charges for the use of the concession object are also very important as they are "modeling" financial and economic results of a concession granting.

REFERENCES

- [1] NARODNA SKUPŠTINA REPUBLIKE SRPSKE (2013) *Materijali 27. Redovne sjednice Narodne skupštine Republike Srpske: Izvještaj Komisije za koncesije za period 01.01.2012.-31.12.2012.* [WWW] Narodna skupština Republike Srpske. <http://www.narodnaskupstinars.net/>
 NATIONAL ASSEMBLY OF THE REPUBLIC OF SRPSKA (2013) *Materials 27 President of the National Assembly of the Republic of Srpska: Report of the Commission for the Republic of Srpska concession for the period 01.01.2012.-12.31.2012.* [WWW] National Assembly of the Republic of Srpska. Available from: <http://www.narodnaskupstinars.net/>
- [2] NARODNA SKUPŠTINA REPUBLIKE SRPSKE (2013) *Nacrt Zakona o koncesijama Republike Srpske.* [WWW] Narodna skupština Republike Srpske. <http://www.narodnaskupstinars.net/>
 NATIONAL ASSEMBLY OF THE REPUBLIC OF SRPSKA (2013) *Draft Law on Concessions of the Republic of Srpska.* [WWW] National Assembly of the Republic of Srpska. Available from: <http://www.narodnaskupstinars.net/>
- [3] REPUBLIKA SRPSKA. J.U. SLUŽBENI GLASNIK REPUBLIKE SRPSKE (2002) *Zakon o koncesijama Republike Srpske, 25/02.* Banja Luka: Službeni glasnik Republike Srpske.
 REPUBLIC OF SRPSKA. P.I. OFFICIAL GAZETTE OF REPUBLIC OF SRPSKA (2002) *Law on Concession of the Republic of Srpska, 25/02.* Banja Luka: Official Gazette of RS.
- [4] REPUBLIKA SRPSKA. J.U. SLUŽBENI GLASNIK REPUBLIKE SRPSKE (2003) *Pravilnik o načinu utvrđivanja visine koncesione naknade za korišćenje mineralnih sirovina, 05/03.* Banja Luka: Službeni glasnik Republike Srpske.
 REPUBLIC OF SRPSKA. P.I. OFFICIAL GAZETTE OF REPUBLIC OF SRPSKA (2003) *Rule book on the manner of determining the amount of concession fees for the use of mineral resources, 05/03.* Banja Luka: Official Gazette of RS.
- [5] REPUBLIKA SRPSKA. J.U. SLUŽBENI GLASNIK REPUBLIKE SRPSKE (2005) *Pravilnik o dopunama pravilnika o načinu utvrđivanja visine koncesione naknade za korišćenje mineralnih sirovina, 59/05.* Banja Luka: Službeni glasnik Republike Srpske.
 REPUBLIC OF SRPSKA. P.I. OFFICIAL GAZETTE OF REPUBLIC OF SRPSKA (2005) *Rule book on amendment to rule book on the manner of determining the amount of concession fees for the mineral raw materials use, 59/05.* Banja Luka: Official Gazette of RS.
- [6] REPUBLIKA SRPSKA. J.U. SLUŽBENI GLASNIK REPUBLIKE SRPSKE (2006) *Zakon o izmjenama i dopunama Zakona o koncesijama, 91/06.* Banja Luka: Službeni glasnik Republike Srpske.
 REPUBLIC OF SRPSKA. P.I. OFFICIAL GAZETTE OF REPUBLIC OF SRPSKA (2006) *Law on Amendments to the Law on Concessions, 91/06.* Banja Luka: Official Gazette of RS.

- [7] REPUBLIKA SRPSKA. J.U. SLUŽBENI GLASNIK REPUBLIKE SRPSKE (2007) *Pravilnik o utvrđivanju kriterijuma za određivanje visine koncesione naknade*, 45/07. Banja Luka: Službeni glasnik Republike Srpske.
REPUBLIC OF SRPSKA. P.I. OFFICIAL GAZETTE OF REPUBLIC OF SRPSKA (2007) *Rule book on the establishment of criteria for determining the concession fee amount*, 45/07. Banja Luka: Official Gazette of RS.
- [8] REPUBLIKA SRPSKA. J.U. SLUŽBENI GLASNIK REPUBLIKE SRPSKE (2009) *Zakon o izmjenama i dopunama Zakona o koncesijama*, 92/09. Banja Luka: Službeni glasnik Republike Srpske.
REPUBLIC OF SRPSKA. P.I. OFFICIAL GAZETTE OF REPUBLIC OF SRPSKA (2009) *Law on Amendments to the Law on Concessions*, 92/09. Banja Luka: Official Gazette of RS.
- [9] REPUBLIKA SRPSKA. J.U. SLUŽBENI GLASNIK REPUBLIKE SRPSKE (2010) *Zakon o izmjenama i dopunama Zakona o održavanju premjera i katastra*, 15/10. Banja Luka: Službeni glasnik Republike Srpske.
REPUBLIC OF SRPSKA. P.I. OFFICIAL GAZETTE OF REPUBLIC OF SRPSKA (2010) *Law on Amendments to the Law on the Maintenance of Survey and Land Cadastre*, 15/10. Banja Luka: Official Gazette of RS.
- [10] REPUBLIKA SRPSKA. J.U. SLUŽBENI GLASNIK REPUBLIKE SRPSKE (2010) *Zakon o rudarstvu*, 75/10. Banja Luka: Službeni glasnik Republike Srpske.
REPUBLIC OF SRPSKA. P.I. OFFICIAL GAZETTE OF REPUBLIC OF SRPSKA (2010) *Mining Law*, 75/10. Banja Luka: Official Gazette of RS.
- [11] REPUBLIKA SRPSKA. J.U. SLUŽBENI GLASNIK REPUBLIKE SRPSKE (2012) *Zakon o rudarstvu*, 59/12. Banja Luka: Službeni glasnik Republike Srpske.
REPUBLIC OF SRPSKA. P.I. OFFICIAL GAZETTE OF REPUBLIC OF SRPSKA (2012) *Mining Law*, 59/12. Banja Luka: Official Gazette of RS.
- [12] WIKIPEDIA (2013) *Concession contract* [WWW]. Available from: [http://en.wikipedia.org/wiki/Concession_\(contract\)](http://en.wikipedia.org/wiki/Concession_(contract))