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REPUBLIC OF HAITI
MINING LAW PROJECT
Developed by a Taskforce Consisting of:
Bureau of Mines and Energy
Ministry of Economy and Finance
World Bank

May 2013

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BILL

MICHEL JOSEPH MARTELLEY
PRESIDENT OF THE REPUBLIC
Laurent Lamothe SALVADOR
PRIME MINISTER
UNOFFICIAL TRANSLATION

Having regard to Articles 36, 36-1, 36-5, 36-6, 111, 111-1, 125, 133, 136, 138, 159, 163, 200-1, 200-4 and 253 of the Constitution Amended;
Given the Decree of 3 March 1976 encouraging Prospecting Mining across the expanse of the Territory of the Republic;
Given the Law of 5 September 1979 on Expropriation for public purposes;
Given the Act of September 6, 1979 giving the Haitian State the right to enter on private property temporarily in order to facilitate the execution of certain works General interest;
Given the Decree of 9 September 1982 on Regionalization and Spatial Planning;
Given the Decree of 24 February 1984 renovating the Labour Code;
Given the Decree of 2 March 1984 regulating quarrying across the expanse of the National Territory;
Given the Commercial Code of 1826 as amended by Decree-Law of 22 December 1944;
Given the Decree of 1 August 1986 creating the Bureau of Mines and Energy (BME) instead of the Ministry of Mines and Energy Resources;
Considering that the state should encourage public and private investment in the mining sector in order to promote economic and social development of the nation.

September 30, 2013

Whereas, therefore, to adapt the legislation to the requirements of National Mining Development.
On the report of the Minister of Public Works, Transport and Communications.
And after deliberation by the Council of Ministers
A Proposed
And the Legislature passed the following law:

TITLE I
GENERAL PROVISIONS
CHAPTER I
OBJECT

ARTICLE 1. -
The purpose of this Act is to establish the general principles and conditions under which work is performed prospecting, exploration and exploitation of resources mineral or fossil, throughout the territory of the Republic of Haiti. Mining activities are governed exclusively by this Act, the Bylaws and any Application Regulations and the laws or regulations to which they refer.

ARTICLE 2. -
Natural deposits of mineral or fossil substances enclosed in the womb of the earth or existing on its surface and geothermal deposits are the exclusive and inalienable property of the state and governed by the provisions of the Present Law. They are separated from the property ground and part of the public domain. They are managed by the State which reserves the right to undertake or authorize all operations prospecting, exploration and exploitation thereto.

ARTICLE 3. -
Prospecting, exploration and exploitation of mineral or fossil substances geothermal resources and groundwater are of public benefit activities, which are controlled by the state, through the Authority National Mining (AMN). These activities
can be carried out directly by the state or indirectly through authorization or license granted to natural or legal persons and executed under his supervision.

Prospecting is free. Any natural or legal person may be permitted to conduct mineral exploration throughout the national territory. The State may authorize any person or group of natural persons of Haitian nationality constituted cooperative or any legal entity of Haitian law to be delivered first to the operations of prospecting, exploration and exploitation when these people, cooperatives or Corporations have the technical and financial capacity to carry them out.

ARTICLE 4.-
The National Mining Authority is exercised by the Bureau of Mines and Energy (BME) or any other government agency called to succeed him, it is to:
1) Preparation and authorizations of prospecting
2) Registration and maintenance of register prospecting;
3) The maintenance of registry certifications technical and financial capacity, the processing of applications and the delivery of certificates of technical and financial capacity solicited;
4) The Technical and Environmental Analysis of applications Permit mining exploitation and quarries exploitations
5) The granting of Permission exploration, Permission of mining exploitation and quarry permit, with the approval of the Minister in charge, if applicable
6) Control of mining and quarrying;
7) All other functions defined in its organic Law.

ARTICLE 5.-
It is established in the Office of Mines and Energy Unit of the Mining Cadastre (UCM). The Unit for attribution:
1) The management of a cadastral mapping including the location of geographical areas that are available for the granting of mining rights and permits, and areas that are the subject of rights or mining permits or applications for such rights or permissions;
2) The registration of all applications for permits and mining rights and mining rights and permissions granted;
3) The registration of any transfer, mortgage or other transaction concerning mining rights;
4) The cadastral examination of applications for mining rights or transactions concerning; mining rights;
5) The registration of mineral rights;
6) settlement of disputes concerning the location of mining perimeters.

CHAPTER II
CLASSIFICATION AND DEFINITIONS

ARTICLE 6.-
The substances such mineral or fossil other than liquid or gaseous hydrocarbons are classified for the purposes of the Act Presents " mineral substances " and " quarry products ".

ARTICLE 7.-
For the purposes of this Act, the terms listed below have the following definitions:

"Prospecting license" means an authorization issued by the National Mining Authority to an individual upon request working for his own account or on behalf of an entity which is regularly included in the register prospecting held by the National Mining Authority.

"Carré (square)" is the geometric configuration on the surface of the earth that represents the basic unit of the space Inner which rights are conferred by mining or quarry. And each square is the basis of a solid shaped volume inverted pyramid whose apex is the center of the Earth. The side of the squares North-South and West are facing east parallel to the coordinate axes UTM (Universal Transverse Mercator).

"Quarries" all extraction of nonmetallic building sites and non-energy, the operation takes place in the open air or underground, regardless of the physiographic areas (mountains, plains, river bed, ravine, shoreline, etc.). It is also considered quarries while operating these business by dredging under water and all necessary facilities for the extraction, treatment and storage of construction materials exploited.

The materials extracted from quarries are called "quarry products." And securities that give operating rights of these products are "Operating Licence quarries." "Craft Operator Card" to means a card issued by the National Mining Authority to any eligible individual who is in his register as an artisanal miner in accordance with this Act.

"Certificate of technical and financial capacity" means the certificate issued by the National Mining Authority certifying the technical and financial capacity of a legal person interested in getting one or more Exploration Permit.

"Concentrated" means any product derived from all-ore after crushing, grinding, flotation, gravity separation or other, contain a substantial proportion of metals and/or minerals and directly marketable in the global market of raw materials and mineral.

"Production Costs" means the costs and expenses incurred by the company for exploration operations to the production of concentrated, including the provision for an expected background of environmental rehabilitation, cost of plan for sustainable development of the community, taxes and charges except charges for removal of special minerals mining law, the income tax and tax on dividends.

"Date of First Production" means "First Production Date" the date was made the first commercial sale or delivery of minerals, either in Haiti or abroad with the exception of operations performed on a trial basis. Exploitation has reached then at the so-called "Commercial Production" phase.

"Mining Decree 1976" Means the Decree of 3 March 1976 encouraging mineral exploration throughout the territory of the Republic readjusting the existing legal structures to reality in the mining industry.

"Currency converter (Devise)" means any freely convertible currency other than the gourdë, the official currency of the State.

"State" means the State of Haiti.

"Feasibility study" means a study comprising at least financial and commercial aspects geological, technical, environmental and social, conducted by persons qualified in the matter, the purpose of which is to present the following:

1) Proven and probable reserves of expertise confirmed by field;
2) The business plan includes the proposed extraction, treatment, processing, storage and transportation of solid mineral substances methods;
3) The plan of infrastructure construction, factories, warehouses, offices, housing, subsidized medical and educational services, and any other type of proposed building;
4) The draft Convention negotiated with neighboring communities Community Development, and the plan for its implementation, supervision and related budget;
5) The results of the Study of Environmental and Social Impact Assessment (ESIA) the conducted Environmental Management Plan developed based on the results of the ESIA, the Plan of Rehabilitation of temporary site, as well as coaching and budget for the implementation of the EMP and the Plan of Rehabilitation of the site;
6) The plan of recruitment, hiring and training employees for the project;
7) Supply Local Plan;
8) An assessment of the costs already made in research, estimating construction costs of the mine infrastructure and auxiliary buildings, acquisition of materials and equipment and all costs of whatever nature and operations Also the implementation of the Environmental Management Plan and the Plan of Rehabilitation of the site and the contribution to the achievement of the Community Development Plan
Community development agreement means the agreement that defines the rights and obligations concerning the contribution of the mining company to sustainable development of the surrounding communities during the mining, as provided in the section of this Act
Plan is the community development plan for the sustainable development of communities surrounding the mining company which will in accordance with this Act.

Quarry rights" means the Exploitation Licence quarry. The mining right is the Exploration Permit and / or Exploitation Permit.

" Environmental and Social Impact Assessment ",
Artisanal Exploitation" means" the exploitation of mineral substances by manual methods.
" Authorised Operator" Artisanal any person registered artisanal miners, holding the craft operator card allowing him to exercise activity artisanal.
" Mechanical Operations" says the exploitation of minerals by mechanical methods, that is to say, the non-exhaustive and non-exclusive use of mechanical devices.

( Mining exploitation) "Farm Mining" means all included in the preparation and mine construction activities, extraction, concentration, treatment, processing, transportation and marketing of solid minerals and the rehabilitation of the mine site.

Mining Exploration means all geological work, geophysical, geochemical, technical, financial and others whose goal is to identify a concentration of solid mineral substances, to determine the existence of a deposit, and to assess the feasibility of its operations, treatment, processing and eventual commercialization of mining products that result.

" Gisement is any deposit whose exploitation for commercial purposes is economically viable.
Gite " means any significant concentration of solid minerals.
"Geothermal concentration" means Geothermal spaces enclosed in the womb of the earth, we can extract the energy in thermal form.

"LIBOR" means the interbank interest rate offered in London for a period of three months.

"Mine" means any deposit containing mineral or fossil substances other than oil or gas liquids and quarry products referred to in Article 4 above.

Mine is called commercially viable, when the feasibility study demonstrated as such.

Mining operations: Any exploration and/or exploitation of minerals activity.

Perimeter is the square or all of several contiguous squares which are the subject of a license or an application for a mining license or a quarry.

"Exploration Permit" means any title granted to a legal person giving him the right to make art of exploration activities on a previously defined in accordance with the provisions of this Act perimeter.

"Exploitation or Mining Permit" means the certificate issued to any legal person entitling him to make mining operations on a previously defined, in accordance with the provisions of this Act perimeter.

Exploration Perimeter" Craft" indicates a perimeter established by the competent authority, where only Authorized Operators Handcrafted have the right to proceed with the research and exploitation of solid minerals in accordance with this Act.

"First Transformation" means any operation of modifying the physical or chemical characteristics of the ore to bring it to stage of "Dose (concentrated) "Or other marketable product.

"Product" means any mineral extracted from the perimeter for commercial purposes.

"Product quarry" means any mineral extracted from an area that can be marketed without any transformation.

Prospecting" means any activity which any person or entity engaged in investigations by observations of near or distance, taking and analysis of samples in small quantities found on the surface of the earth in the sub-surface land or water courses, in particular by using geological and geochemical techniques and/or remote sensing methods to uncover clues to the existence of a mineral deposit of economic or scientific purposes, excluding activities survey, trenching and exploitation.

"Refining" means the operation that evolves ore concentrate or even the product of primary processing at the last stage of processing.

"Affiliate" of a corporation designates another entity that controls or is under its control, or which is under the control of the same legal entity that controls the first legal person.

A legal entity controls another entity if the first entity has more than fifty percent of the voting rights in the General Assembly or its equivalent of the second corporation. Such control may be exercised directly or indirectly through subsidiaries under the control of the first corporation.

"Solid Mineral substances" means any solid material in its natural state whose value depends mainly on its mineral composition, metallic or non-metallic.

"Mining Substances" means any mineral extracted from an area which, for marketing, requires one or more transformations.
"Third Party" means any person or entity other than the contracting parties and companies affiliates.

"Mining Titles" Means the exploration permits, operating licenses (exploitation mining) and quarrying permits.

"Product quarry Carrier " refers to any natural or legal person, company or individual member who receives from the operator for payment or free of charge of quarry materials or to sell or to use for other purposes. (such carrier can use the products to be sold or for other purposes)

Forbidden Zones are geographical areas where mining activities are prohibited in accordance with the provisions of this Act.

Reserved Areas" indicate the geographical areas are reserved by the state for a specified time and are reserved for studies and / or special work, or possibly for allocation by tender in accordance with the provisions of this Act.

CHAPTER I II

LAND REGISTRY OF MINING

ARTICLE 8. -
Mining and quarry rights confer rights on mineral substances found within a radius whose surface is a solid polygon [composed of contiguous grid squares of the country indicated on the cadastral maps maintained by UCM]. The sides of the perimeter must be oriented north-south and east-west and extend deep into the center of the earth. The perimeters are identified by the coordinates of [their peaks on the surface of the earth] on maps maintained by the UCM.

ARTICLE 9. -
Mining and quarry rights are granted only on the perimeter s established areas available - to - ie outside of restricted areas, reserved or artisanal mining, and where there is no established perimeters.

ARTICLE 10. -
UCM keeps updating cadastral maps which lists all the prohibited areas, restricted areas, the artisanal mining areas, perimeters established valid and perimeters for which there are pending applications. UCM maintains separate historical maps obsolete perimeters.

ARTICLE 11. -
UCM maintains a register that included all applications for mining and quarry rights at the time of presentation.

For any application for a mining right or quarry any applicant is required to submit to the AMN all documentation and proof of payment of the fixed charge of analysis, required for mining or quarry sought. Control the admissibility of the request is made at the time of submission. If the application is admissible, it is recognized immediately.

The date, hour and minute of each application, the mining or quarry sought, the applicant's name, identification code, and the coordinates of the requested perimeter is s registered to UCM and registration is jointly signed by the officer in charge of the UCM and register the applicant. Immediately following the entry in the register of applications, UCM issues an official receipt to the applicant indicating the information entered.
ARTICLE 12.
If the application is inadmissible, UCM issue to the applicant a card with his name, the date, hour, minute and failure are indicated.

ARTICLE 13.
The cadastral analysis of each application for a mining right or quarry is made as soon as possible after the entry of the application and must be completed no later than two business days after entry of the application. The cadastral analysis is to ensure that the perimeter in which the applicant requires the mining or quarry is available and that it is eligible to acquire this right.

At the end of the cadastral analysis, the UCM transmits, as appropriate, a favorable or unfavorable opinion to the applicant by the most effective method available. This review will be displayed at UCM for fifteen (15) days.

ARTICLE 14.
If the opinion is favorable, the UCM tentatively scheduled the perimeter requested on the cadastral map and forwards the application package to the bodies responsible for technical training and, where applicable, environmental.

ARTICLE 15.
If the opinion is unfavorable, the UCM will indicate whether the defect is correctable or not. The fault can not be corrected if the ineligibility of the applicant is established permanently or if the requested perimeter overlaps entirely prohibited or restricted areas or on one or more perimeters established or for which prior applications are already under consideration. In the case of a correctable fault, the notice indicates cadastral and accurate applicant time to correct the application. The priority of the application is preserved during this period. If the applicant files a corrected application within the time limit, it is registered in the register of applications and resubmitted to the cadastral analysis. The opportunity to correct it is offered only once.

ARTICLE 16.
At the expiration, waiver, abandonment, withdrawal or cancellation of mining or quarry rights, the perimeter has been become available, unless the state made study reservation or granting it for a new mining law, in which case it will be subject to the procedure of tender in accordance with the provisions of this Act. Changes in the situation of an area is on the cadastral map immediately by the UCM.

CHAPTER IV
IN TERMS OF DEVELOPMENT
MINERAL RESOURCES

ARTICLE 17.
1) Only Exploration Permits and Exploitation Permit constitute securities for the development of mineral resources.

2) No person shall carry out any operation in the field of mineral resources without sought and obtained prior to the title corresponding to the operation he wants to undertake such.

3) The ground survey, the airline exploration and underwater exploration are subject to an authorization to seeking to the National Mining Authority.
ARTICLE 18. - Any title for the development of mineral resources may be obtained from the National Mining Authority and subject to Article 74 of this Act.

ARTICLE 19. - No company, no cooperative, no company or Haitian or Foreign cannot get a license if it does not justify the technical and financial capacity needed to carry related activities.

ARTICLE 20. - Companies or Haitian or Foreign companies qualified can work together to jointly apply for authorization Prospecting. In such cases, they must provide the National Authority Mining notarized document proving the association agreement between them, which must specify that act as joint and severally liable. The document should clearly indicate which of them will fill the role as operator on behalf of the association.

ARTICLE 21. - The existence of oil contract does not obstacle the licensing of all or part of their perimeter.

CHAPTER V
GENERAL CONDITIONS OF ELIGIBILITY FOR INVESTMENT

ARTICLE 22. - Mining Prospecting Authorisation may be granted to individuals, Cooperatives, Companies and Foreign Companies or Haitian. However, mining exploration permits and permits of mining can not be granted to cooperatives, societies or companies incorporated under the laws governing the matter.

ARTICLE 23. - In any case, a state abroad can obtain titles for the development of mineral resources.

ARTICLE 24. - No public official, whose administrative or technical skills are practiced in mining areas, as long as he is in function, cannot take part or interest in cooperatives and mining companies operating in Haiti, or participate in activities referring by this Act neither obtain title for the development of mineral resources.

ARTICLE 25. - Upon enactment of this Act any title on the development of mineral resources granted to persons unfit or falling under the previous prohibitions are null and void.

TITLE II
AUTHORIZATION OF EXPLORATION AND MINING SHARES
CHAPTER I
AUTHORIZATION OF EXPLORATION

ARTICLE 26. - Any natural or legal person may conduct prospecting operations. However, it must obtain the Authority’s National Mining authorization necessary thereto.
ARTICLE 27. -
The prospecting license is granted for a period of one year and valid throughout the territory of the Republic except the prohibited areas, restricted areas, artisanal mining areas, areas covered by boundaries established.

ARTICLE 28. -
A renewal of six (6) months may be requested, provided that the holder of the authorization justifies the opportunity.

ARTICLE 29. -
The prospector must have its valid authorization of prospecting for submission to the administrative authority of the Local Territory before starting exploration. He should commit not to carry out activities of trenches, surveys or exploitation.

ARTICLE 30. -
With his valid authorization of prospecting the prospector presents to the administrative authority of the Local Territory before beginning any exploration activity. However, it will commit not to engage in activities trenches surveys or exploitation.

ARTICLE 31. -
Samples of the prospecting samples of rock and soil must be taken manually and transported by the prospector. However, it must seek and obtain the necessary authorization from the National Mining Authority for export.

CHAPTER II
THE MINING EXPLORATION PERMITS

ARTICLE 32. -
Mining Exploration Permit is a security that gives the holder the exclusive right to undertake in his Perimeter all research work of the mining substance for which the permit is issued. It is a right indivisible, distinct from ownership of the land and not subject to mortgage. Surface covered by this permit shall in no case exceed one hundred (100) square kilometers. No corporation or its Associated Companies may not have more than 20 exploration licenses.

ARTICLE 33. -
Mining Exploration Permit is granted to any legal person making the request:
1) If the request relates to an area in which there is no known deposit that will be assessed on the basis of technical and financial capacity of the applicant and its spending commitments in the implementation of the general program and the timing of research work during the first period of validity.
2) If the request relates to an area in which there are one or more known deposits AMN will proceed by bidding in this case, it reserves the right to assign the mining rights to the most qualified applicant and the highest bidder. The terms of the offer calls will be determined in the regulations.

Once the application is approved, an annual fee per square kilometer of area covered by the permit shall be paid in advance for the duration of this title. The amount of this fee will be fixed in the regulations of applications.

ARTICLE 34. -
An applicant for a mining exploration license, which received a favorable notice, must pay the right to grant and present the receipt to the UCM, which will be responsible for recording the mining permits and enter into force definitively the scope of research on the cadastral map, before issuing the exploration permit to the applicant.
ARTICLE 35. -
Between competing applications, priority will be given to the first applicant if he meets all the conditions set by law or if the second applicant or, failing this, the third applicant and so on in order of seniority.

ARTICLE 36. -
It will be determined in the exploration permit the minimum program of work to be performed by the contractor during the term of the license.

ARTICLE 37. -
1) The owner of the Exploration Permit can perform in the limits indicated in the license all the operations described in Article 7 of this Act.
2) The work must begin within six (6) months after the granting of the permit. The holder shall notify the AMN any interruption of work

3) The beneficiary of an exploration permit is authorized to dispose of the samples from this work to carry out any laboratory study deemed necessary. The extraction and export of large samples needed industrial testing will be prior, written permission of the National Mining Authority, the maximum volume that can be taken in this case will be fixed in the regulations of application.

ARTICLE 38. -
Exploration Permit 'to be granted for a period of three (3) years. However, if the owner is obliged to seek full or partial renewal, he will submit to the National Mining Authority three (3) months before the expiry date of the license its new boundaries, a program exploration and expenditure review work. This permit is renewable for two (2) consecutive three (3) years. The superfi
cies royalty will have been multiplied by two (2) for the first renewal and three (3) for the second.

ARTICLE 39. -
No renewal application will be taken into consideration if the permit holder does not meet all the obligations of the initial license or renewal.

ARTICLE 40. -
During the validity of a permit exploration only its holder, subject to the provisions of Articles 4 1 and 42 of this Act may get operation allowed indoors in the scope of this permit exploration and on the substances referred to therein.

ARTICLE 41. -
At the expiry of the exploration permit, the recipient is required to submit to the National Mining Authority a detailed report on the work done and the results report and a feasibility study.

ARTICLE 42. -
Any beneficial owner of an exploration license will automatically qualify for a work permit if it meets the requirements of Articles 37 and 41 of this Act.

ARTICLE 43. -
The obligation is made to all holders of mining file in the Office of the AMN a witness of each sample before requesting authorization for shipment permit.
CHAPTER III
MINING PERMIT

ARTICLE 44. -
The Exploitation Licence is a security that gives the holder the exclusive right to undertake in his perimeter exploration of deposits and processing of commercially exploitable mineral substances. These operations can also be extended to the first processing and refining. This license is a right indivisible, separate from land ownership, transferable and transmissible likely mortgage.

The area covered by this permit shall be contained in the area delimited by the exploration permit which it is derived and shall in no case exceed fifty (50) square kilometers. No company or its subsidiaries may hold no more than five (5) mining permits.

ARTICLE 45. -
The granting of the Mining Permit is subordinated to the fulfillment of following formalities:
1) Possession of a valid license Exploration on the perimeter and in good standing with respect to the obligations attached;
2) To be eligible;
3) Provide a feasibility study in accordance with standards established by regulation;
4) Submit an Environmental Impact Study with Management Plan and Rehabilitation Plan meets the standards established by regulations, which must be approved by the competent authority;
5) Draft Convention Community Development ;
6) Recruitment Plan ;
7) Supply Plan ;
8) Provide a consistent area ;
9) Provide precision s, if any, on the Company retained to conduct logging operations on behalf of the holder and all subcontractors provided;
10) Have paid the fees for the grant of license.

ARTICLE 46. -
The application for the Exploitation Licence is subject to the fulfillment of the following procedures:
1) Identification of information on the area;
2) Presentation of proof of payment of the fixed charge;
3) Submit a copy of the Exploration Permit valid ;
4) Submission of the Feasibility Study and Environmental Impact Assessment and Social.
All submitted to the AMN .

Section 47. -
The application for the Exploitation Licence must be checked for eligibility to be favorable in the register of applications for permits. It follows the provisional registration of the scope covered by the application.

Section 48. -
The following conditions are required to register for the instruction application for an Exploitation Licence:
1) Checking the validity of the permit Exploration;
2) Verification of compliance of the site area interested;
3) Verification of the eligibility of the Company;
4) Presentation of a favorable opinion issued by the competent authority;
The NMA says the technical and environmental services concerned for the necessary instruction. However, in the event of an unfavorable opinion AMN notify the applicant of the deficiencies and he must correct within 30 clear days.

ARTICLE 49. -
The Technical Examination of the application of the Exploitation Licence shall be made by the appropriate Service AMN from the Feasibility Study of the Company to confirm:
1) has probable validity of the estimation of proven and probable reserves of mineral substances for which the license is sought;
2) a consideration of the Contractor's obligations, including mitigation and remediation of environmental and social as well as contributing to the sustainable development of the area under development impacts obligations;
3) local supply.
Instruction, once achieved, and if the opinion is favorable, the NMA will make notification to the applicant within 90 calendar days.
In case of disapproval notification will be made to the applicant to correct the defects within 30 clear days.

ARTICLE 50. -
The following conditions are required for Environmental analysis for the request of Exploitation Licence:
The application will be assessed by the competent authorities from the study of environmental and Social impact confirm:
1) to comply with relevant standards and guidelines published;
2) The validity of the assessment of the current situation;
3) well-founded of the proposed mitigation measures;
4) a coherent environmental management plan with the above;
5) merits of the rehabilitation plan;
6) a valid assessment of rehabilitation costs;
7) adequacy of a proposed environmental safety.
The investigation, once completed, the favorable opinion is notified to the applicant, the AMN registers the request and sends the file in accordance with the law on the environment for the "Non-O bject" by the Ministry of Environment.
However, if an unfavorable opinion, the notification will be made to the applicant to correct the defects within 30 clear days.

ARTICLE 51. -
The AMN, once in possession of the cadastral favorable opinion, the technical advice favorable, and the certificate of "No-Objection" issued by the Ministry of the Environment from the Environmental Impact Assessment, calculates the amount of the grant payable by the applicant in accordance with the this Act and the regulations. The AMN notify the applicant the amount of the grant and the time required for payment.

ARTICLE 52. -
The Granting of the Exploitation Licence is made upon presentation of the receipt of the payment by the applicant who has received a favorable opinion. The AMN registers the Mining Permit (exploitation permit) and ensures the final entry of the operating perimeter within the cadastral map and issue the applicant with the Mining Permit.

ARTICLE 53. -
If a holder of an exploration permit decides to abandon the exploitation of the deposit after presenting a feasibility study considered positive, the state will proceed with bidding for a operator leading to the exploitation of the deposit.

September 30, 2013

ARTICLE 54. -
The beneficiary of a Mining Permit perform within the limits of this Licence the construction and development of the mine and will diligently work to achieve, in a timely manner, the stage of commercial production.

ARTICLE 55. -
The Operating Permit will be granted for a period of fifteen (15) years, renewable for a period of ten (10) years, until the exhaustion of the deposit.

The application for renewal shall be introduced to the AMN with all supporting documents six (6) months before the expiry of the permit or its renewal.

This application will be heard and may be approved by the AMN if the holder has fulfilled all the obligations imposed upon it when issuing or renewing the title as well as that resulting from this Act and its implementing texts.

ARTICLE 56. -
Exploitation of Mines is considered an act of commerce. This provision applies to existing companies engaged in such activities under a legal title valid without the need for it to change their laws.

ARTICLE 57. -
Mines are buildings and farm buildings of mines, machinery, the wells, galleries and other structures established permanently.

Are immovable by destination, equipment, machinery and equipment used exclusively for research work and mining.

ARTICLE 58. -
Shares or interests in a company or firm for mining are movable. Are also movable mining materials, supplies and other movable objects.

CHAPTER IV
PERMIT OF OPERATING Quarries

ARTICLE 59. -
No license is needed for research and identification of quarries. The related work can be undertaken either by the land owner or with his consent.

In the absence of consent of the owner, the research can be undertaken with the approval of the National Mining Authority after the owner has been given notice to submit its observations.

ARTICLE 60. -
Quarries are part of the public domain of the State. However, they are left available to the owner of the land subject to the provisions of this Act.

**ARTICLE 61.**

No one can make permanent or temporary operating a quarry without first obtaining a permit issued by the National Mining Authority.

**ARTICLE 62.**

No one can make permanent or temporary operating a quarry without first obtaining a permit issued by the National Mining Authority.

**ARTICLE 63.**

Demand Quarrying Permit is subject to the submission of the following documents:
1) Letter permit application submitted to the AMN;
2) Payment of Récépissé fixed by law;
3) Equity ownership or right of use for the duration of the permit;
4) Plan and minutes of survey;
5) Evidence of the technical and financial capacity;
6) In case of individual, a copy of the identity document;
7) In case of a legal person, a copy of the tax number, the statutes and the operating license of the Company;
8) Patente issued by the Tax Centre of the municipality where the site is located;
9) Tax clearance;
10) Certificate of, "No-objection" issued by the Ministry of the Environment from the Environmental Impact Assessment of the property.

All deposited in AMN.

**ARTICLE 64.**

The maximum size allowed by the quarry shall be ten (10) acres and the minimum area of one (1) hectare.

No person may hold operating licenses exceeding fifty (50) hectares.

**ARTICLE 65.**

Demand Quarrying Permit must be checked for eligibility to be favorable in the register of applications for permits. It follows the provisional registration of the scope covered by the application.

**ARTICLE 66.**

The following conditions are required to register investigating the application of permit Quarrying:
1) Verification of compliance of the site area interested;
2) Verification of the applicant's eligibility;
3) Verification of ownership or use of the site for the duration of the permit;
4) Presentation of a favorable opinion issued by the competent authority;

The NMA says the technical and environmental services concerned for the necessary instruction. However, in the event of an unfavorable opinion AMN notify the applicant of the deficiencies and he must correct within 15 clear days.

**ARTICLE 67.**

The Technical investigation demand Quarrying Permit shall be made by the competent Service AMN from checking the site for which the permit is sought and the documents referred to in Article 45 of this law.
In investigating, once achieved, and if the opinion is favorable, the NMA will make notification to the applicant within 15 calendar days. In case of disapproval notification will be made to the applicant to correct the defects. Failure to correct defects is the final rejection.

**ARTICLE 68** -

The following conditions are required for the attainment of the Environmental Permit application of Quarrying:

The application will be assessed by the competent from the study of environmental and social impact authority to confirm:

1) to comply with relevant standards and guidelines published;
2) a valid assessment of the location;
3) adequacy of the proposed mitigation measures;
4) a coherent environmental management plan with the above;
5) adequacy of the rehabilitation plan;
6) a valid assessment of rehabilitation costs;
7) adequacy of a proposed environmental safety.

The investigation, once completed, the certificate of "No-Objection" issued to the applicant, the AMN records request. However, if an unfavorable opinion, the notification will be made to the applicant and the AMN reject the application.

**ARTICLE 69** -

The AMN, once in possession of the cadastral favorable opinion, the favorable technical opinion, and certificate of "No-Objection" issued by the Ministry of the Environment from the Environmental Impact, calculates the amount of the grant payable by the applicant in accordance with the provisions of this Act and the regulations, notify the applicant of the amount of the grant and the time required for payment.

**ARTICLE 70** -

The Granting of Exploitation Licence quarry on presentation of the receipt of the fees by the applicant who has received a favorable opinion. The AMN records the license and made the final registration of the operating scope of the cadastral map and issue the applicant the license Quarrying.

**ARTICLE 71** -

The quarry Exploration Permit is granted for a period of ten (10) years, renewable indefinitely.

**Section 72.** -

Any application for renewal is subordinate to carry out the following formalities:

1) Presentation of the request six (6) months before the expiry date of the license;
2) Presentation of the receipt for the payment of the fixed charge of analysis;
3) Presentation of the tax receipt valid;
4) Presentation of the eligibility of the applicant and documentation of the right of use;
5) Update the data sheet and recommendations on the environmental impact study. All deposited the AMN.

**ARTICLE 73** -

The following conditions are required for the cadastral s hearing of the application for renewal of license Quarrying:
1) Verification of compliance of the site area interested ;
2) Verification of the applicant’s eligibility;
3) Verification of ownership or use of the site for the duration of the license renewal ;
4) Presentation of a favorable opinion issued by the competent authority ;

The NMA says the technical and environmental services concerned for the necessary investigating. However, in the event of an unfavorable opinion AMN notify the applicant of the deficiencies and he must correct within 15 clear days.

Section 74.

The Technical Examination of the application of the Renewal of Permit Quarrying be effected by competent Service AMN from checking the site for which the permit renewal is sought and the documents referred to in Article 72 of this Act. investigating, once achieved, and if the opinion is favorable, the NMA will make notification to the applicant within 15 calendar days. In case of disapproval notification will be made to the applicant to correct the defects within a period not exceeding thirty (30) days. Be unable to correct the defects is the final rejection.

ARTICLE 75. -

Between competing applications, priority will be given to the first applicant who has fulfilled all the conditions required by law. [ Note : there will be no competing applications. There will be an owner or holder of the right of land use. ]

ARTICLE 76. -

No one may be admitted to hold by mutation a quarry permit or become lessee without the authorization of the National Authority Mining unless it satisfies the conditions of Articles 2 4 2 and 5 of the presented law. [Good placement of this article ? Should it not be the chapter on disposals and transfers ? ]

ARTICLE 77. -

In case of death of the beneficiary, the presumptive heirs shall have a period of twelve (12) months from the provisions of the Civil Code relating to the opening of the succession. [Dispositio No changes on incorporating the relevant chapter. Not up here.]

ARTICLE 78. -

Upon abandonment of the work under the terms of the license, the licensee must perform the rehabilitation work in accordance with the rehabilitation plan approved. In case of breach of contract, the required operations are performed automatically at the expense of the offender under the care of the AMN.

ARTICLE 79. -

The operation is terminated by the expiration of the term of the permit or its renewal.

The withdrawal of the permit decision as a breach of a legal obligation by abandoning the conditions under Article 81 of this Act.

ARTICLE 80. -

If the operator wants to give up all or part of a quarry, it is required to notify the AMN written statement by six (6) months before the desired period of abandonment. The operator must attach the statement any plans, all information about the measures taken to ensure such public safety, environmental protection and soil remediation. The AMN delegate on site agent to monitor the conditions of surrender and compliance with the requirements included in the permit. If NMA believes that abandonment can not
compromise the interests referred to in Article 78, it gives notice of abandonment. Otherwise, she pronounced the work to be performed.

In case of breach of contract, there shall be provided at the behest of AMN at the expense of the operator

**ARTICLE 81.**

At the end of the operation occurred at the end of Article 79 above, the operator may be authorized to remove the material that is still in place if it is first released from obligations imposed upon it by under this Act, the right balance of quarry and freely available to the Haitian government with shafts, tunnels and in general all works permanently established for its operation.

**ARTICLE 82.**

The quarry permit is null and void in the following cases it has been granted to any person falling under the cost prohibitions under this Act.

If, within a period of twelve months from the granting of the permit, the recipient does not begin the work of operations, failure is evidenced by the minutes of the competent magistrate at the requisition of the National Mining Authority.

**ARTICLE 83.**

In the case of cancellation, revocation or lapse of quarry permit, the recipient is not entitled to any refund.

The National Mining Authority takes possession of the area indicated in the operating license after a formal notice to the beneficiary of the license to evacuate. However, measures of soil remediation remain the responsibility of the operator.

Taking possession of the area in which the beneficiary will be invited permit canceled, revoked, or superseded by the National Mining authority is recognized by the minutes of the competent magistrate.

Mention everything is focused on the business license revoked or spent.

**TITLE IV**

**SCALE OF OPERATING AUTHORIZATION OF OR ALLUVIAL**

**CHAPTER I**

**PERIMETERS OF OPERATING THE FACTORY OR ALLUVIAL**

**ARTICLE 84.**

The Perimeters Operating Artisanal alluvial gold (MEP) are boundaries established by the NMA for the exploitation of alluvial gold Handcrafted exclusively by Authorized Operators.

**ARTICLE 85.**

MEPs are set by the regulations. A MEP can only be created in an area available, that is to say an area not prohibited, not reserved and not part of a mining perimeter or quarries.

**ARTICLE 86.**

MEPs are notified to the UCM which itself is an indication of the cadastral maps. No mining perimeter or quarries can not be established, even partially, on a MEP.

**ARTICLE 87.**

The artisanal miners alluvial gold allowed, subject to the provisions of Article 86 shall have priority for processing in MEP Scope of Search in the manner to be determined by regulation.

**CHAPTER II**
ADMINISTRATIVE SUPERVISION OF OPERATIONS CRAFT
THE ALLUVIAL GOLD

ARTICLE 88. -
Administrative authorities of the Local Territory are responsible for checking the legality of artisanal mining of alluvial gold operations within their respective districts, with the technical support of the Authority National mining. They establish, in consultation with all interested parties, the rules governing the relationship between artisanal miners working in the authorized or MEP constituency, between them and buying offices or authorized dealers, and between them and the local population.

1) No tax or perception, direct or indirect, on the artisanal mining of alluvial gold or registration in the register of artisanal mining activity can not be imposed by the administrative authorities of Local Territory if is not expressly authorized by this Act.

2) The administrative authorities of Local Territory verify that all persons engaged in the exploitation of alluvial gold in the MEPs who found in their constituencies are in possession of the artisanal miners valid card. They resolve conflicts between artisanal miners if possible, or call the police if necessary. They shall notify the National Authority Mining Ministry of the Environment, the Directorate General of Taxes of any activity that does not appear to comply with the rules. They provide reports and submit to inspections and audits of the national administrative authorities in the manner prescribed by the regulations.

ARTICLE 89. -
The National Mining Authority realizes the demarcation of MEP, registration of artisanal miners authorized and issues cards to craft licensed operator. It provides a technical support to Administrative Authorities of local Territory, developing the Code of Conduct Operator Artisanal, establish measures of safety, health, environmental protection and administrative and fiscal responsibility. It establishes by regulation training of artisanal miners. It inspection, collection, organization, analysis and publication of data and statistics from the artisanal and technical related.

CHAPTER III
THE LICENSING OF SCALE ALLUVIAL GOLD

ARTICLE 90. -
The Registration of operators Artisanal alluvial gold is the AMN, which delivers to the interested Craft Operator Card Allowed. The card is personal, non-assignable and non-transferable. It is valid for one year, renewable indefinitely.

ARTICLE 91. -
The Artisanal Operators must alluvial gold:
1) Join the register of the National Authority Mining and get the artisanal miner's card;
2) To renew the registration annually and map;
3) Report to the administrative authority of the Local Authority where the MEP and enter in his register before starting work;
4) To renew the registration annually;
5) Work only within a MEP;
6) Participate in training and comply with the Code of Conduct of the artisanal miners, as provided in Article 89;
7) Sell products to authorized outlets operated craft, authorized dealers of Permit Operating Permit;
8) Pay the fee for removal of ore at the rate fixed by regulation, to the station to pay the DGI.

**ARTICLE 92.** -
It is strictly forbidden to artisanal miners use mercury to separate the gold from the dross.

**TITLE V**

**EXPLOITATION OF GEOTHERMAL ACCOMMODATION AND GROUNDWATER**

**ARTICLE 93.** -
No person may engage in the exploration and exploitation of geothermal deposits, mineral and thermal springs and groundwater on the territory of the Republic of Haiti if not holder of a license or exploration operating.

**ARTICLE 94.** -
The water contained in the womb of the earth can be used either as geothermal deposits, when the temperature is suitable, or for other uses.

Mining stocks on the waters indicate the use under which they are issued.

Permit exploration geothermal deposits or groundwater can either define the scope in which drilling will be carried out or specify the location of the drilling to be undertaken.

**ARTICLE 95.** -
The Exploitation Licence geothermal deposits fixed volume that can be operated according to the data of surface and depth.

The permit may impose conditions of extraction, use and reinjection of heat fluids and products that would be content to preserve the resources of the deposit to the extent possible.

**ARTICLE 96.** -
Exploitation Licences of geothermal deposits defines the operating area. It sets:

1) The aquifer level which should make the capture, indicating the geological horizon where it is located;
2) The maximum instantaneous flow and considered the maximum daily volume of water proposed to be extracted;
3) The use of this water.

**ARTICLE 97.** -
Exploitation Licences groundwater defines the scope of operations. It sets the maximum speed that can be harvested by the holder.

Unless otherwise provided in the act institutif title, the beneficiary of an operating groundwater permit may not, in any case, take a speed which may cause prejudice to the renewal of these waters, the mechanical behavior of the immediate vicinity of the pump.

The scope of a permit issued for the operation of geothermal deposits or groundwater derived from a license to exploration encompasses those holes drilled in this research who achieved the waters with favorable operating qualities.
Piezometers will be installed according to a plan that will be followed by the fluctuating water during pumping.

**ARTICLE 98.**

The National Authority Mining take the necessary administrative measures to promote research of groundwater and their management in collaboration with other relevant institutions to avoid wasting both quantitatively by groundwater depletion deep and qualitative the unsatisfactory use of these waters.

**ARTICLE 99.**

Implementing regulations will determine the inherent characteristics of geothermal deposits to prevent them from being taken or considered groundwater low or normal operating temperature and may be undertaken by derogation from the rules of the Present Act in particular for drilling and use of wells for domestic purposes.

**ARTICLE 100.**

The system defined by the mining Present Act applied to exploration and exploitation of geothermal deposits, mineral springs and groundwater in all its provisions are not contrary to the Present Title and texts provided for its implementation.

**TITLE VI**

**PROCESSING AND MARKETING MINING PRODUCTS**

**CHAPTER I**

**TREATMENT OF MINING PRODUCTS**

**ARTICLE 101.**

Of the Bond Processing Mining Products. Holders of Mining Permit are required to treat or be treated minerals derived exclusively under their license until they become a marketable product.

**ARTICLE 102.**

Refining or processing of mineral products by any holder of a Mining Permit natural or legal person is an industrial activity allowed under this Act. However, this person, if it is established in Haiti, must be in accordance with Haitian law governing the matter.

**CHAPTER II**

**MARKETING OF MINING PRODUCTS**

**Article 103.**

Holders of license OPERATION have the freedom to sell the marketable mineral mining products to buyers of their choice, provided they meet the price vigueur on the international market, in the case of export, or national, if sold in Haiti.

**ARTICLE 104.**

Holders of Operating Permits are free to carry or to transport mining products to factories, storage points, points of sale and shipment of the National Territory and export freely points.

**CHAPTER III**

**MARKETING OF PRODUCTS**

**EXPLOITATION OF quarries**

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ARTICLE 105. -
The sale of products of artisanal alluvial gold is free. However buyers should be holders of trading houses approved, authorized dealers or Mining Permit holders for gold.

ARTICLE 106. -
The trading houses approved are buying offices authorized by the National Mining to buy the products of artisanal alluvial gold. The approval of a counter purchase is based on its entry in the commercial register, proof of financial capacity, a criminal record that does not exceed three (3) months and the payment of an annual fee.
The approval is valid for one year, is renewable indefinitely, subject to strict compliance tax obligations by the counter. The Central Bank or private commercial banks may establish trading houses approved.

ARTICLE 107. -
Authorised Dealers are itinerant buyers who work for themselves or for buying offices.

ARTICLE 108. -
Holders of Operating Permits are allowed to purchase mining products Handcrafted Authorized Operators of alluvial gold. However, they must maintain a register showing the date of purchase, the seller’s identity (with the card number of Authorized Craft Operator), the quantity purchased and the amount paid. This register is open to inspection agents National Authority Mining and DGI. The licensee shall provide a quarterly report on its purchases of artisanal mining of alluvial gold.

TITLE V II
MINING SHARES OF COMMON PROVISIONS
CHAPTER I
SCOPE OF RIGHTS GRANTED BY MINING TITLES

ARTICLE 109. -
The extent to which a mining title holder, whether an exploration permit or operating mine or quarry is defined from a defined surface area, which takes as much as possible a rectangle whose sides are oriented in the North-South and East-West direction. The perimeter of the area and its size is determined for each case in the mining title. Owner’s rights are limited by the extent of the vertical indefinitely extended relying on the perimeter defined surface.

ARTICLE 110. -
The mining title shall take effect on the date of its issue by the National Mining Authority.

ARTICLE 111. -
Tenements are granted, subject to the rights previously granted to third parties, for one or more substances to the new title. The rights of the owner of the area of overlap is therefore suspended for the duration of the previous title and its possible renewal.

ARTICLE 112. -
When exploration permits or exploitation of mine has been issued, the recipient is required before the opening session to appoint an authorized representative. It must reside on the territory of the Republic. The names, qualifications, powers and address of the representative shall be brought in writing to the attention of the National Mining Authority. This representative will be the sole contact for the Company with the National
Authority for Mining for everything about the works. Notifications and communications made to him shall be deemed to be made to the beneficiary of the title.

**ARTICLE 113. -**
When quarry permit has been granted, the holder shall appoint a qualified representative responsible for technical operations at the quarry. This will be the single point of AMN for all that relates to the technical standards and operating modes.

**ARTICLE 114. -**
The beneficiaries of mining or quarry must maintain their plans and records and contact the National Authority Mining for reports whose the nature, purpose, specifications and frequency will be determined by the bylaws of this organization.

**ARTICLE 115. -**
All reports, documents and data relating to the results of work done under a mining title is kept confidential by both the National Mining Authority and the title holder for a period of ten (10) years after filing.

Officials whose administrative or technical expertise falls in the mining sector will refrain from revealing or disclosing confidential information.

These reports, documents and data will not be made public in the meantime without the mutual written consent of the parties. However, in case of partial or total waiver of the mining title, the state is free from any confidentiality.

**ARTICLE 116. -**
If the work under a mining title is likely to endanger the public safety and security, conservation and groundwater sources and deep or seriously disrupt the environment, creating pollution harmful to the health workers and endanger the lines of communication between other, National Authority Mining will oblige the Representative responsible for work to take, according to international engineering standards, the necessary remedial measures.

**ARTICLE 117. -**
Upon termination of the work carried out at the normal term of a security or as a result of withdrawal, abandonment or waiver, the beneficiary will perform at its own expense and under the supervision of the National Mining Authority the necessary work in order to ensure public safety, conservation of natural resources, the isolation of different permeable levels, protection of the environment, conservation and groundwater sources and deep, otherwise, there will be filled automatically and at his own expense under the care of the state.

**ARTICLE 118. -**
Any complete cessation of work for a period of one (1) year without a reason accepted by the National Mining Authority shall be deemed a waiver and will result in forfeiture of the beneficiary of the title.

**ARTICLE 119. -**
Any beneficiary of a hit as forfeiture loses the right to possess or obtain a new title for the development of mineral resources for a period to be determined by regulations.

**CHAPTER II**

**RENEWAL AND EXTENSION OF MINING SHARES**

**ARTICLE 120. -**
If, at the expiration of the period of validity of an exploration license, if it has not been ruled on an application for renewal of this title presented in the manner and time provided by this Act and its implementing regulations, the permit shall be extended for a period of ninety (90) days.

**ARTICLE 121.** -
An application of renewal Exploration Permit on which no decision is reached ninety (90) days after the expiry of its validity period shall be deemed approved if the conditions prescribed in Article 38 are met.

**ARTICLE 122.** -
Subject to the provisions of Article 120 above the exploration permit will be extended under the same terms if, on the expiry of its validity, it has not been ruled on an application for license to operate under this title and presented in forms and deadlines under this Act and its implementing regulations.

In case of rejection of the application for renewal of an exploration license, the licensee will have a period of six (6) months from the date of refusal to release the land it occupies.

**ARTICLE 123.** -
An application for renewal of the operating license must be filed no later than six (6) months before the end of the validity of the title. The absence of a decision on such a request within six (6) months from the date it was presented constitutes acceptance of the application by the National Mining Authority. In case of refusal, the holder of a mining license e benefit of a period of twelve (12) months from the date of refusal to release the land it occupies.

**ARTICLE 124.** -
Upon renewal of a mining title granted to several substances, as may be restricted in accordance with the owner, some of these substances if the activity of the holder against other substances are estimated insufficient for the period terminated.

**CHAPTER III**
**EXTENSION OF MINING SHARES**

**ARTICLE 125.** -
The holder of a mining title may request the extension of new mineral substances in the same area.

**ARTICLE 126.** -
The expansion of the mining will be given in the same manner and under the same conditions as the original title.

Alls of the granting of the extension does not affect the rights and obligations attached to the original title, the extension will be granted for the remainder of the term of validity of the original including its possible renewals.

**CHAPTER IV**
**TRANSFER AND TRANSMISSION OF MINING SHARES**
ARTICLE 127. -
The application for authorization transfer or transmission should be addressed to the National Mining Authority.
This request shall indicate:
1) peaks and limits the scope that is the subject;
2) The transfer must apply at least one (1) year before the expiration of the period of validity of the mining claim;
3) The transfer beneficiary must submit the program of works proposed to be executed in the parties he held until expiry of the period of validity of the title as well as the minimum financial effort it undertakes to consent for the works.

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ARTICLE 128. -
Exploration Permit is an indivisible right may be subject to the transfer or partial transmission under penalty of nullity.

ARTICLE 129. -
Operating Permits may be subject to transfer or transmission with the prior authorization of the National Mining Authority.

ARTICLE 130. -
When permit is granted to a company combining two or more components to several owners, the agreement of the components is necessary for the transfer or transmission of rights.

ARTICLE 131. -
Any Act passed in violation of the provisions of Articles 128 to 130 of this Act shall be null and void, without prejudice to other cases of nullity under the Act and the sanctions to be applied against offenders.

CHAPTER V
THE MERGER OF EXCLUSIVE LICENCE OF EXPLORATION

ARTICLE 132. -
If the same holder holds two or more contiguous exploration license for a substance, it can ask the merger. This request shall be accompanied by the following documents:
1) The topographical map of the permits involved in the scale 1:25,000 or 1:50,000;
2) A statement of the reasons for the merger sought;
3) The justification of powers of the person to produce and sign the application by the Board of Directors of the company through a resolution.

ARTICLE 133. -
The merger application will be sent to the National Authority Mining and indicate:
1) peaks, the precise limits and the area of each of said license and one that is established for the merger;
2) The name of the new owner;
CHAPTER VI
WAIVER OF MINING SHARES

ARTICLE 134. -
The request for a waiver to a mining title will be presented by the holder of title to the National Mining Authority no later than three (3) months before the date of withdrawal for exploration permits, and six (6) months for mining permits.

ARTICLE 135. -
Be attached to this application:
1) Any documents authenticated by a notary to justify the rights of the applicant and, if applicable, the powers of the person signing the application.
2) In the case of an operating permit:
   1. plan and in condition description of mining operations, the plan site remediation;
   2.1) a certificate of the Service Management General Tax attesting that:
   2.2) The property of the holder of no mortgage registration are encumbered or, otherwise, a state of those who have been taken and possibly hands of these inscriptions;
   2.2.2) The interested party has fulfilled its tax obligations.
3) A certificate from the competent service of the Ministry of Social Affairs.

ARTICLE 136. -
Acceptance of waiving all or part of a mining claim may be subject to the execution of certain works in targeted areas and measures taken to deal with substances that are left are in accordance with this Act and its implementing regulations.

ARTICLE 137. -
The application may be rejected if the recipient of the mining title has not performed the minimum work program and is not absolved of obligations undertaken by him on the occasion of the institution of the title or renewal.

ARTICLE 138. -
The withdrawal shall take effect from the date of acceptance by the Authority for exploration and mining licenses.

ARTICLE 139. -
Partial or total waiver may also include certain substances or certain surfaces or both.

ARTICLE 140. -

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The waiver of all or part of the rights conferred by a particular exploitation permit implies renonciation for exploration rights attached thereto.

CHAPTER VII
WITHDRAWAL OF MINING SHARES

ARTICLE 141.

All holder exclusive exploration and mine operating permit may be stripped of his title by the National Mining Authority, after a formal notice setting a deadline of three (3) months to meet its commitments and after being heard in one of the following cases:

1) For permits explorations: persistent inactivity or activity clearly unrelated to the financial effort subscribed and, more generally, non-observance of the obligations referred in act of mining title.

2) For the Exploitation Licence: Stop or prolonged failure of the production manifestly contrary to the agreed program, given the scope of the deposit to favorable market conditions.

3) Activities exploration or exploitation outside the scope of the mining title, or for substances not covered without authorization of AMN as such, activities of exploitation with an exploration permits.

4) Register extraction, sale and shipping which does not meet the required standards set by the National Mining Authority or refusal to produce these records at the request of civil servants.

5) Non-payment of taxes, duties or fees.

6) Violations of the provisions of Articles 138 and 139 relating to closed areas, substances strategic interest.

7) mining work or expenditure of the holder lower / of one (1) year to fifty percent (50%) or less than three (3) consecutive years in the entire minimum program of work or the minimum amount of expenditure referred for that period by the mining title, except in cases of force majeure duly justified.

8) Sale or transfer of mining rights without prior authorization under Articles 129,130 above this Act.

9) In case of loss of financial guarantees or those technical capacity which was based on the proper execution of operations by the holder at the time of issuance of the title.

ARTICLE 142.

An exploration license may be removed three (3) months at the earliest and the operating six (6) months after the owner had been ordered to meet its obligations.

ARTICLE 143.

The decision of withdrawal must specify the date from which the withdrawal is effective. All rights conferred on the holder of the mining title s’ off through accordingly.

ARTICLE 144.

The holder of any mining title remains responsible for all damage caused by past operations the removal of the security and shall meet before the competent court of mistakes that led to the withdrawal.

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ARTICLE 145. -

The execution of the decision to withdraw a mining title may be suspended by the appeal brought sixty (60) days from the date of notification of this decision. The follow-up to the withdrawal will be submitted to an arbitral tribunal whose members shall be appointed as follows: one (1) representative of the AMN, one (1) representative of the company, one (1) representative of the Court top of Auditors and Administrative Disputes. The withdrawal decision may, however, make the suspensive effect of any appeal filed by the holder of a bond in an amount to be granted to the State in case of rejection.

The maximum amount of the security, its procedure for making fixing and implementation will be in the regulations of éteint applications.

ARTICLE 146. -

All of détenteur a quarry permit may be stripped of his title by the National Mining Authority, after a notice setting a deadline of three (3) months to meet its commitments and after hearing in the following cases:

1) persistent inactivity or activity clearly unrelated to the financial effort subscribed and, more generally, non-observance of the obligations referred in institutif act of mining title.

2) Stop or prolonged lack of production clearly contrary to the agreed programming e ;

3) Operating Activities outside the scope of the mining title ;

4) Register extraction, sale and shipping which does not meet the required standards set by the National Mining Authority or refusal to produce these records at the request of skilled servants.

5) Non-payment of taxes, duties or fees.

6) Violations of the provisions of Articles 138 and 139 relating to closed areas, sub stances strategic interest.

7) Assignment or Transfer of mining rights without prior authorization under Articles 129,130 above this Act.

8) In case of loss of financial guarantees or those technical capacity which was based on the proper execution of operations by the holder at the time of issuance of the title.

CHAPTER VIII

EXTINCTION OF MINING SHARES

ARTICLE 147. -

The mining title and any renewals expire by the end of the validity period by total renunciation by or neglect that very or withdrawn. At the extinction tion of the mining title and any renewals all rights attached to them are due to the Office of State without
compensation or indemnity. The rights created by the owner to third parties on substances and in the area covered by the title of right off the extinction of this title

ARTICLE 148. -
After withdrawal, the holders of the target can not obtain mining rights directly or indirectly all or part of the substances that were referred to in this title before the expiration of the period specified in Article 119 of this Act.

ARTICLE 149.-
Upon withdrawal or expiration of an operating permit, the State has a right of option to acquire all or part of the facilities and construction for operation in an amount equal to the residual value.

The government will announce its intention to exercise its right of option within six (6) months from the end of the Operating Licence.

TITLE IX
RELATIONS OF HOLDERS OF SECURITIES MINING WITH THE STATE, WITH THIRD PARTY AND THEMSELVES
CHAPTER I
RELATIONS WITH THE STATE

ARTICLE 150. -

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The beneficiary of a mining title may, within the perimeter which is the subject, undertake all the work and activities, establish facilities and build all buildings or additions needed to enjoy exploration and operating rights under this title.

ARTICLE 151.-
As an exception, the following activities are subject to obtaining a special permit from the National Mining Authority.
1) Ground clearance of all trees, shrubs or obstacles, and cutting bois needed for these activities;
2) Operation of water not used or reserved land and falls;
3) Establishment of plants, substations and power lines;
4) Implementation of preparation facilities, concentration or chemical or metallurgical treatment;
5) Construction or improvement of roads, canals, pipelines, conveyors or other surface structures used to transport products outside lands that belong to the title holder;
6) Construction or improvement of rail, sea and river ports, airports.

ARTICLE 152.-
No activity prospecting, exploration or exploitation of such can not be performed at a distance of less than fifty (50) meters measured horizontally:
1) limits of closed properties, walls or equivalent devices, villages, dwellings groups public buildings and industrial wells, religious buildings, places of burial and places considered sacred historical or absence of the consent of the relevant owner and appr obation competent services;
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2) On both sides of communication channels, s dam, water pipes, power lines force, bridges, river banks;
3) Of all public works and all works of art.

ARTICLE 153. -

Projects carried out by the permanent facility holds an Operating Permit or its subcontractors may be declared of public interest and if applicable, the expropriation land and buildings necessary for their implementation will be delivered in the manner provided by law when the work to be performed wholly or partly outside the scope of the title.

Expenses, compensation and general all charges resulting from the expropriation proceedings shall be borne by the beneficiary of the mining title.

ARTICLE 154. -

Mineral substances may be requisitioned by the State for reasons of public order subject to compensation at the market price.

CHAPTER II
RELATION WITH THIRD PARTY

ARTICLE 155. -

The rights of owners, tenants, and occupants of the land as well as their causes beneficiaries are not affected by the issuance of mining permits under this chapter and the provisions of Articles 159 and 160 of this Act.

ARTICLE 156. -

The beneficiary of a mining title may not hold in the scope of this title the land necessary to work after agreement with the owners and occupiers of land on the amount of compensation called temporary occupancy to be paid to said owners and occupants.

It is understood that in the case of transactions or any form of recovery of land, which occurred after the date of starter rage of work for the discovery of the deposit, the said amount will never exceed the fair market value of other fields of the same type in the area and not covered by the probable mining.

ARTICLE 157. -

Failing amicable agreement, the amount of the temporary occupancy compensation will be determined ultimately by an arbitration committee composed of three (3) members, two (2) shall be appointed by the parties, and the third will chosen by the National Mining Authority.

ARTICLE 158. -

Not to delay the work, failing amicable agreement, the occupation of land owned by individuals may be effective upon filing with the National Credit Bank of a bond equal to the amount of compensation offered by the beneficiary pending the final decision of the Arbitration Commission.
When the public interest so requires, the recipient of the mining title may seek recourse to expropriation of land and buildings required for mining operations and vital to the operation in accordance with the legal provisions governing the matter's facilities.

**ARTICLE 159.**

The beneficiary of a mining title must repair all the damage that this work may cause to third parties, whether as owner, usufructuary occupant of the ground or their successors.

Especially if they have undertaken work or possessed such facility that would become unnecessarily lisables due to mining, the recipient of the title will reimburse the cost of such works or facilities. The amount of such compensation shall not be less than their estimated on the date on which they were considered useless value.

Failing amicable agreement, the amount of severance compensation will be determined ultimately by an Arbitration Board as provided for in Article 157 of this Act.

**ARTICLE 160.**

Anyone who wishes to undertake, construct buildings or establish facilities securities within the scope of a mining title, must first obtain a permit from the National Mining Authority unless these works, buildings or facilities are for exploration or mining, undertaken or established by the title holder or his farm.

Before giving such authorization, the National Mining Authority shall ensure that the construction or installation are likely to require for exploration and exploitation of the holder.

S damage caused by exploration and mining activities, works, buildings or facilities undertaken or established without the special permission does not entitle to compensation.

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**September 30, 2013**

**CHAPTER III**

**RELATIONS WITH THE STATE AND THIRD PARTY**

**ARTICLE 161.**

Communication channels established or appointed by the holder of a residence within or outside the scope of this title may be used by the State or by third parties when it results in no obstacles or discomfort to the activities of the holder.

**ARTICLE 162.**

The holder of an operating license Ex may have, for the purposes of its operations and those related to it subject to the provisions of the legislation, building materials, tree trunks and shrubs with its work necessarily result in the slaughter.

The State or lawful occupant of the land or usufructuary may claim if they were released at the disposal of those materials that are not used by the holder in the above conditions.

**CHAPTER IV**

**RELATIONS BETWEEN ADJACENT MINING**

**ARTICLE 163.**

In case it is necessary to carry out work aimed either to port adjacent mines for the purposes of their ventilation, or drainage, or open routes aérages, of drying,
transport and emergency services for the neighboring mines holders of mining rights can not be considered to oppose the execution of this work and are required to participate in proportion to their interests. The participation of each holder will be determined by the National Mining Authority.

**ARTICLE 164.**
When the work of the holder of a mining title cause damage to the activities of the holder of another mining title, the latter is entitled to compensation as provided by this Act.

1

**ARTICLE 165.**
When the work of a mine cause damage to the business operations of another mine nearby because, for example, water entering it in larger quantities, the author of the work must repair. When, however, these studies tend to remove all or part of water by machinery or galleries there eventually rise to compensation.

**ARTICLE 166.**
During the establishment of a mining title or because of a later decision of the National Authority Mining, it can be established a border strip in which the work of the beneficiary of the mining title is restricted or prohibited in order to protect work in a nearby mine is in operation or that could possibly be.

The establishment of this measure can not give rise to any right to compensation.

**ARTICLE 167.**
The National Mining Authority will be informed by e parts of any mining dispute between neighboring mines urait has not been settled amicably

**TITLE X**
**PROVISIONS APPLICABLE TO AREAS CLOSED STRATEGIC INTEREST AND SUBSTANCES**

**ARTICLE 168.**
For reasons of public policy or public interest, the state may determine by decree:

1) Some regions, called closed areas and will prohibit your prospecting, exploration and exploitation and will be suspended where the allocation of mining rights;

2) Some say reserved for substances which resources prospecting, research and operations will be prohibited and the allocation of securities suspended.

1

**ARTICLE 169.**
Materials are considered of strategic interest for the purposes of this Act:

- All substances that are defined as such by a decision taken by the government decree on the proposal of the National Mining Authority.

The designation of new substances with a strategic interest will be subject to fair compensation to the holder of mining rights already issued for these substances.

1
ARTICLE 170. - Obligation is made to a person who has discovered deposit or substances of strategic interest to immediately notify the National Mining Authority to useful purposes.

ARTICLE 171. - Notwithstanding anything in this Act, the State may at any time take anywhere from exploring one or other substances of logical strategic interest, with the exception of areas in which he been granted an exclusive title for the exploration or exploitation of this particular substance.

ARTICLE 172. - Any holder of substances gross strategic interest to make a declaration to the National Mining Authority of then conclude that the conditions of their detention, transportation and storage immediately.

ARTICLE 173. - All operations which results or may result the transfer of ownership or possession, or the transformation of substances of strategic interest, and export of these substances are subject to prior authorization from the National Mining Authority.

The state has at this time a right of first refusal in case of sale of these substances, or a call option in the case of other transactions or export without a sale.
ARTICLE 174. -
Prior to any mining operation, the company must open a deposit account in a bank established in the country as financial guarantee in order to ensure land reclamation works. The amount to be deposited as security will be established and possibly revised by the competent authority in accordance with the scope of work to be done.

ARTICLE 175. -
The security deposit will be established, payable to or by default attachable to benefit the competent authority upon one single request, accompanied by an official deposition issued by the magistrate of the court addressed to the financial institution declaring the non-performance of expected works.

CHAPTER II
OF ENVIRONMENTAL OBLIGATIONS
RELATING TO MINING EXPLORATION PERMITS

ARTICLE 176. -
The holder of an exploration permit shall, before commencing mining operations fulfill the following formalities:

1) Present and obtain approval of an appropriate Environmental Analysis of its exploration program;

2) Present and obtain approval of its Environmental Impact Mitigation plan;

3) Must consult local authorities on planned activities, with the assistance of the AMN as needed;

ARTICLE 177. -
Each holder of an exploration permit, in order to receive approval of its mitigation plan, must submit such plan to AMN who shall inform MDE.

In the case of a favorable opinion AMN shall render its approval within a period not to exceed 30 days.
In case of an unfavorable opinion, notification shall be made to MDE and then to the holder who will amend its plan and re-submit it to the AMN within 30 days.

Following three (3) unfavorable requests the exploration license shall be revoked.

**ARTICLE 178.**

Once approved by the AMN, the mitigation plan shall be implemented by the applicant.

**ARTICLE 179.**

Prior to all operations not covered by the analysis of the Environmental Impact Assessment and mitigation plan, the licensee must revise its documents to that effect in order to obtain approval of the competent authority in accordance with the same procedure described above.

**ARTICLE 180.**

The holder of the exploration permit is required to carry out rehabilitation of all or part of its perimeter before the waiver, withdrawal or expiration of the exploration license not followed by an Operating Permit.

Otherwise, the National Mining Authority is authorized to use the security deposit and take over the management of work contemplated above in conjunction with the MDE.

**ARTICLE 181.**

The AMN delivers the environmental discharge to the holder after completing or ensuring completion of the inspection and approval of the rehabilitation of the site before the surrender, withdrawal or expiration of the license.

**CHAPTER III**

**ENVIRONMENTAL OBLIGATIONS RELATED TO MINING OPERATION PERMIT**

**ARTICLE 182.**

Any entity wishing to obtain a mining operation permit must first perform an environmental and social impact assessment (ESIA) including an environmental management plan and rehabilitation plan for the site, the terms of which are specified by the regulations. The ESIA that has received the" Non-Objection" of the MDE must be submitted to AMN as part of the documentation of the feasibility study.

**ARTICLE 183.**

The AMN issues its favorable opinion based on the compatibility of the ESIA with the feasibility study within 90 days, sends notification to the requesting party and transmits
the actual feasibility study to MDE. In case of an unfavorable opinion, the AMN shall notify the applicant of the necessary corrections.

ARTICLE 184. -

Once notified of the favorable opinion of the AMN on the ESIA, the applicant files the application of "Non-Objection" to the MDE which performs the evaluation of the ESIA in a period not to exceed 180 days, from the date of receipt of the request. If corrections to the ESIA are necessary, the 180 days period is extended by the number of days taken by the applicant for corrections.

ARTICLE 185. –

After the period mentioned in the previous section, if the MDE does not issue its "No Objection" or recommendations of corrections, the "Non-Objection" is taken for granted. MDE shall provide the AMN an exact copy of any "Non-Objection" and any recommendation for correction.

ARTICLE 186. –

The operating permit holder is required to implement the environmental management plan which received "Non-Objection" of MDE.

ARTICLE 187. –

Before starting any operations not contemplated by the ESIA the holder of the operating license must revise its documents taking into consideration such operations not covered in order to obtain the "Non-Objection" of MDE according to the same procedure described above. It is understood that the security deposit will be subject to a proportional adjustment.

ARTICLE 188. –

The holder of the operating license has the obligation to perform rehabilitation works of all or part of its established perimeter, in accordance with its rehabilitation plan that received the "No-objection" of MDE before the waiver, withdrawal or expiration of the operating license.

ARTICLE 189. –

MDE issues the environmental discharge to the holder after completing or ensuring completion of the inspection and approval of the rehabilitation of the site before the surrender, withdrawal or expiration of the license.

CHAPTER IV
ENVIRONMENTAL OBLIGATIONS RELATED TO
QUARRY OPERATION PERMIT

ARTICLE 190. –

Any entity wishing to obtain a quarry permit must first perform an environmental and social impact assessment (ESIA) including an environmental management plan and rehabilitation plan for the site, the terms of completion of the ESIA are specified by the regulations.

ARTICLE 191. –

The applicant shall file the ESIA with his request of "Non-Objection" to MDE, which performs the evaluation of the ESIA in a period not exceeding 60 days from the date of receipt of the request. If corrections of the ESIA are necessary, the 60 days period is extended by number of days taken by the applicant for correction.

ARTICLE 192. –

After the period mentioned in the previous section, if the MDE does not issue its "No Objection" or recommendations of corrections," the "Non-Objection" is taken for granted. DOE shall provide the AMN an exact copy of any "Non-Objection any recommendations for corrections.

ARTICLE 193. –

The holder of a licence to quarry has the obligation to implement the environmental management plan which received "Non-Objection" of the MDE.

ARTICLE 194. –

Before starting any quarry operation not contemplated in the ESIA the holder of the operating license to quarry must revise its documents taken into consideration such operations not covered in order to obtain the "Non-Objection" of the MDE according to same procedure described above. It is understood that the security deposit shall be subject to a proportional adjustment.

ARTICLE 195. –

The holder of the operating license to quarry has an obligation to perform rehabilitation of all or part of it’s established perimeter, in accordance with it’s rehabilitation plan which received "Non-Objection" of MDE, before the surrender, withdrawal or expiration of the operating license.

ARTICLE 196. –
ARTICLE 174. -
Prior to any mining operation, the company must open a deposit account in a bank established in the country a financial guarantee to ensure the rehabilitation. The amount to be deposited as security will be established and possibly revised by the competent authority in accordance with the scope of work to be done.

ARTICLE 175. -
The security deposit will be established, or if payable grasped the benefit of a authority c ompétente from a single requisition, accompanied by an official verbal issued by the magistrate of the court declaring the non-rehabilitation works provided addressed by it to the financial institution.

CHAPTER II
ENVIRONMENTAL OBLIGATIONS RELATED TO MINING EXPLORATION PERMITS

ARTICLE 176. -
The holder of an exploration permit shall, before commencing mining operations fulfill the following formalities:
1) Present and get approval of an Environmental Analysis appropriate activities of its exploration program;
2) Present and get approval from the Mitigation Plan Impact s;
3) Consult local authorities must on planned activities, with the assistance of the AMN Schools héant case;

ARTICLE 177. -
Each holder of an exploration permit, for the approval of the mitigation plan shall file the said plane AMN which communicates to MOE for information. In the case of a favorable opinion AMN his approval within a period not exceeding 30 days.
In case of disapproval, the notification will be made to MD E and the holder that fixes his plan and relates to the AMN within 30 days.
According to three (3) unfavorable opinion of the exploration license is revoked.

ARTICLE 178. -
Once approved by the AMN, the mitigation plan shall be implemented by the applicant.

ARTICLE 179. -
Prior to all operations not covered by the analysis of the Environmental Impact Assessment and plan MITIGATION, the licensee must revise s are documents to that effect in order to obtain the approval of the competent authority in accordance with the same procedure described above.

ARTICLE 180. -
The holder of the exploration permit is required to carry out rehabilitation of all or part of its perimeter before the waiver, withdrawal or expiration of the exploration license is not followed by an Operating Permit. Otherwise, the National Mining Authority is authorized to use the security deposit and take over the work carried ing above-named together with the MDE.

ARTICLE 181.
The AMN delivers the environmental discharge the holder after completing or have performed the inspection and approval of the rehabilitation of the site before the surrender, withdrawal or expiration of the license.

CHAPTER III
ENVIRONMENTAL OBLIGATIONS RELATED TO MINING PERMIT

ARTICLE 182. -
Any entity wishing to obtain a mining permit must first perform an environmental and social impact assessment (ESIA) including an environmental management plan and rehabilitation plan for the site, the terms of the achievement of ESIA are specified by the regulations. The ESIA has received the" Non-Objection" MOE must be submitted to NMA as part of the record of the feasibility study.

ARTICLE 183. -
The AMN gives a favorable reasoned opinion on the conformity of the ESIA with the feasibility study within 90 days, in fact the notification to the plaintiff and transmits the actual study to MDE. In case of disapproval, the AMN shall notify the applicant of corrections.

ARTICLE 184. -
Once notified of the favorable opinion of the NMA on the ESIA, the applicant files the application of Non-Objection" MDE which performs the evaluation of the ESIA in a period not exceeding 180 days, from the date of receipt of the request. If corrections ESIA period is extended the number of days equal to that used by the applicant for correction.

ARTICLE 185. -
After the period mentioned in the previous section, if the DOE does not issue its" No Objection" or recommendations of corrections," the" Non-Objection is taken for granted. DOE shall notify the AMN a copy of any Non-Objection" and any recommendations for correction.

ARTICLE 186. -
The operating permit holder is required to implement the environmental management plan which received" Non-Objection of MDE.

ARTICLE 187. -
Before starting any operations not covered by the ESIA the holder of the operating license must revise its documents into account in order to obtain the" Non-Objection" MOE using the same procedure described above. It is understood that the security deposit will be a proportional adjustment.

ARTICLE 188. -
The holder of the operating license has the obligation to perform rehabilitation of all or part of its scope, in accordance with the rehabilitation plan who received the" No-
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objection” MOE before the waiver, withdrawal or expiration of the operating license.

ARTICLE 189. -
DOE issues the environmental discharge the holder after completing or have performed the inspection and approval of the rehabilitation of the site before the surrender, withdrawal or expiration of the license.

CHAPTER IV
ENVIRONMENTAL OBLIGATIONS RELATED QUARRY LICENCE

ARTICLE 190. -
Any natural or legal person wishing to obtain a quarry permit must first perform an environmental and social impact assessment (ESIA) including an environmental management plan and rehabilitation plan for the site, the terms of completion of the ESIA are specified by the regulations.

ARTICLE 191. -
The applicant shall file the ESIA with his request” Non-Objection to MDE, which performs the evaluation of the ESIA in a period not exceeding 60 days from the date of receipt of the request. If corrections ESIA period is extended the number of days equal to that used by the applicant for correction.

ARTICLE 192. -
After the period mentioned in the previous section, if the MDE does not issue its” No Objection” or recommendations of corrections,” the” Non-Objection is taken for granted. MDE shall notify the AMN a copy of any” and” Non-Objection any recommendations for corrections.

ARTICLE 193. -
The permittee quarry has the obligation to implement the environmental management plan which received” Non-Objection of MDE.

ARTICLE 194. -
Before starting any operation quarry not provided by the licensee ESIA quarry must revise its documents into account in order to obtain the” Non-Objection” according to the MDE same procedure described above. It is understood that the security deposit shall be subject to a proportional adjustment.

ARTICLE 195. -
The holder of the operating quarry license has an obligation to perform rehabilitation of all or part of its scope, in accordance with the rehabilitation plan which received” Non-Objection of MDE, before the surrender, withdrawal or expiration of the operating license.

ARTICLE 196. -
MDE issues the environmental discharge the holder after completing or have performed the inspection and approval of the rehabilitation of the site before the surrender, withdrawal or expiration of the license.

TITLE XII
SOCIAL OBLIGATIONS

CHAPTER I
OBLIGATIONS RELATED TO SUSTAINABLE DEVELOPMENT

ARTICLE 197. –

Any right holder has the obligation to carry out a program of consultation with representatives of local communities that may be affected by the mining operations of the right holder in the manner prescribed by the regulations.

ARTICLE 198. –

The holder of an exploration permit wanting to get a license for all or part of its perimeter, any natural or legal person who proposes to apply for a quarry permit is required to negotiate a community development agreement with the representatives of the community that may be affected by mining or quarrying activities of said holder in the manner prescribed by regulations.

ARTICLE 199. –

The community development agreement project(s) is (are) deposited with AMN as part of the application for a mining operation or quarrying permit in accordance with Articles 198 and 200 of the present law.

ARTICLE 200. –

The holder of a mining or quarry permit shall file with the AMN within six (6) months from the date of obtaining the permit then Community Development agreement signed jointly with representatives of the local population.

ARTICLE 201. –

The holder of the mining operation or quarrying permit is required to meet its obligations under the community development agreement.

CHAPTER II

OBLIGATIONS RELATED TO EMPLOYMENT

ARTICLE 202. –

The holder of the mining or quarrying rights subject to the regulations of the following section, has the freedom to hire and fire staff of their choice within the mining operations under its permit.

ARTICLE 203. –
Any holder of a mining or quarrying right is bound by the existing Haitian legislation on labor.

**ARTICLE 204. –**

From the first year of its validity period, the holder of the mining or quarrying operation permit is required to establish a plan for recruitment, training and promotion of Haitian staff in consultation with the Ministry of Working. That plan, which aims to increase the use of Haitian staff at all levels, must be filed with the AMN for approval. Application procedures are set out in regulations. Once the recruitment plan approved, the Haitian State will provide the company all permits and authorization, including entry visas, necessary for expatriate staff engaged under said plan.

**ARTICLE 205. –**

Implementation of the Recruitment Plan, Training and Promotion of Haitian Staff will be audited regularly by the AMN in the manner prescribed by the regulations.

**CHAPTER III**

**OBLIGATIONS RELATED TO THE HEALTH AND SAFETY**

**ARTICLE 206. –**

The holder is required to comply with national legislation related to health and safety in general and the rules applicable to the mining sector in particular.

**ARTICLE 207. –**

The rules for health and safety in the mining sector are established by regulation.

**CHAPTER IV**

**OBLIGATIONS RELATED TO PROCUREMENT**

**ARTICLE 208. –**

The holder of an Exploitation Licence is required to establish, in consultation with the MCI, a National Procurement Plan within six months of obtaining the Operating Permit. Said Plan, whose objective is to maximize the procurement of services, materials and equipment sourced in Haiti, must identify all service materials and equipment necessary for the construction and operation of the mine as well as providers and suppliers. That plan must be filed with the AMN for approval. Application procedures are set out in regulations.
However, after the approval of National Procurement Plan the State will issue to the holder permission to otherwise import the appropriate hardware and equipment necessary for the construction and operation of the mine covered by the license.

**ARTICLE 209.** –

Any holder must Submit to AMN an annual report on the implementation of the approved national procurement plan. The AMN may order the holder to provide a report by an independent audit firm.

**TITLE XIII**

**TAXATION OF MINES AND QUARRIES**

**CHAPTER I**

**THE TAXATION OF MINES**

**ARTICLE 210.** –

Requests for the issuance, renewal or transfer of mining rights are subject to payment of fixed fees the amount and terms of which are determined by the regulations, which include:

1) The application fees which are fixed amounts payable for the application for a mining title that are paid at the time of filing.
2) The fees for granting mining rights which are fixed amounts payable per km² at the time of issuance of title or its renewal.

**ARTICLE 211.** –

Any holder of a mining title must pay from the first year and throughout the duration of the title an annual surface based fee the amount which will be determined by regulations.

**ARTICLE 212.** –

Any holder of mine operating permit must pay a fee for removal of minerals extracted (Royalty). This fee will be non-deductible from the taxable estate and will be paid quarterly on the production sold following a rate to be fixed by the regulations.

**ARTICLE 213.** -

Any holder of mine operating permit must pay a special mining fee non-deductible from the taxable estate used for the calculation of income tax, the amount to be paid per tonne of ore will be determined by the regulations. The amount due for the special mining right will be paid into a fund that the BRH to be managed by the municipalities concerned (s)
ARTICLE 214. –

The Income Tax will be applied at the ordinary income tax rate subject to the provisions of the present law on the calculation of taxable income.

ARTICLE 215. –

The tax on deemed and distributed dividends to shareholders of the company will be applicable at the ordinary income tax rate.

ARTICLE 216. –

Besides the charges prescribed by the legislation in force and without prejudice to maximum percentages for depreciation provided by the tax code the society will deduct in computing its taxable income any cost of production including without duplication: the costs of exploration, production and feasibility, operating costs, concentration, processing, treatment, transportation, marketing, insurance, immobilier, interest and financial charges, interest on any amount calculated from libor, overhead administration done in Haiti and outside, taxes, fees, charges except income tax, royalties for removal of ore and the Special mining right, the licensing right, the application right, surface fees, charges, land royalties, on the transfer of property, stamp duty, the tax registration card and license and costs rehabilitation.

ARTICLE 217. –

Accounting. [general acceptable accounting rules to be specified.]

ARTICLE 218. –

Any capital gains generated by a transaction of sale or transfer of mining rights is subject to a tax the amount of which shall be fixed by the regulations.

CHAPTER II

THE TAXATION OF QUARRIES

ARTICLE 219. –

Are subjects to tax on quarries

1) The owners of operating quarries

2) The quarry operators and / or dealers

3) Carriers of quarry products.

ARTICLE 220. –
Requests for the issuance, renewal or transfer of quarrying permits are subject to the payment of fixed fees which amount and terms are determined by regulations, which include:

1) The application fees which are fixed amounts payable for the review of the application of quarrying permit that are paid when filing the application.
2) The fees for granting mining rights which are fixed amounts paid per hectare at the time of issuance of title or its renewal.

**ARTICLE 221. –**

Any holder of a quarry permit must pay from the first year and throughout the duration of the permit an annual surface fee, the amount will be determined by regulations.

**ARTICLE 222. –**

Any holder of a quarry permit must pay a fee for removal of quarry product extracted (royalty). This fee will be non-deductible from the taxable estate and will be paid monthly on the production sold according to a rate to be fixed by the regulations.

**ARTICLE 223. –**

The Income Tax will be applied at the ordinary income tax rate subject to the provisions of this Act on the calculation of taxable income.

**ARTICLE 224. –**

Any natural or legal person who exercises a quarry operation is subject to a fee called right of restitution for the rehabilitation of the site operated. The amount of the fee and payment terms will be defined by the regulations.

**ARTICLE 225. –**

Carriers of quarry products are subject to a fee, the amount and terms of payment will be defined in the regulations.

**ARTICLE 226. –**

Any site owner who assigns its rights to any natural or legal person for purposes of exploitation of quarry products must pay a deposit of 2% in accordance with Article 220 of the law.

**ARTICLE 227. –**

Any gain generated by a transaction of sale or transfer of mining rights is subject to a fee the amount of which will fixed by regulations.
TITLE XIV

PROVISIONS OF CUSTOMS, ECONOMIC AND FINANCIAL AND LAND GUARANTEE OF MINES AND QUARRIES

CHAPTER I

CUSTOMS PROVISIONS OF MINES AND QUARRIES

ARTICLE 228. –

The facilities and equipments necessary for the work of any mining title holder and its affiliated companies and subcontractors, and can be re-exported after use, will benefit from the temporary admission rule, exempt from all import and export fees and duties and taxes and internal taxes.

ARTICLE 229. –

Subject to the provisions of Articles 228 ...., equipment, materials, spare parts and consumables required for the operation of any mining title holder, with the exception of petroleum products, will be admitted free of all duties and taxes subject to control their use by competent state agencies.

ARTICLE 230. –

The Customs Code in force regulate the import of personal and household effects of expatriate staff of a mining title holder.

ARTICLE 231. –

If the goods contemplated in Article 229 cease to be used directly for the mining operations and remain in Haiti, they will not benefit from the customs advantages provided in the previous article and the rights and duties which the holder of the mining title, its companies affiliates or employees would have been liable for, will be calculated on the actual value of the property at the date of consumption within the common system.

ARTICLE 232. -

Any request for exemption on behalf of the companies affiliates, subcontractors or expatriate staff will be produced by the holder of the mining right who remains responsible to the State for the recovery of duties and taxes mentioned in Article 229.

CHAPTER II

ECONOMIC PROVISIONS OF MINES AND QUARRIES
ARTICLE 233 –

Subject to the provisions of this Act, the State guarantees:
1) Free choice of suppliers and subcontractors;
2) Free importation of goods, materials, equipment, spare parts and consumables;
3) TCA exempt export of mineral products, free marketing of mineral products, free movement throughout Haiti of equipment and goods mentioned in paragraph b and any substance and any proceeds from operations exploration and exploitation.

ARTICLE 234. –

Contracts between any holder of a mining title and one of its affiliated companies cannot be made on more favorable terms than those contracts negotiated with third-parties.

ARTICLE 235. –

If during its exploration or exploitation operations in Haiti, the mining title holder decides to sell some of its equipment for duly justified reasons to the National Mining Authority it will be at the fair market value of such equipment.

ARTICLE 236

If during its exploration or exploitation operations in Haiti, the mining title holder decides to terminate its activities, it may not transfer to third parties facilities, materials and equipment until they have been offered first to the State at their fair market value.

ARTICLE 237. –

At the end of the exportation of the fields the mining title holder may not assign to third parties facilities, materials and equipment after having offered first to the State at cost or market value whichever is less. If a mining title holder wishes to continue its activities in Haiti facilities, materials and equipment will be appraised under the conditions described in the first paragraph of this article.

CHAPTER III

FINANCIAL PROVISIONS

ARTICLE 238. –

Subject to statutory provisions the holder of mining rights, its affiliated companies and subcontractors can perform:

1) Exchange and transfer of funds for the payment of imported goods and services to non-resident supplier in Haiti and any debt (fees, commissions, bonuses early repayment of principal and interest) currency to creditor resident abroad;
2) Exchange and transfer of funds from the liquidation of assets after payment of taxes, customs duties and taxes under the legislation;
3) Exchange and transfer of profits, net of withholding tax on dividends under reserve of tax obligations of recipients.

ARTICLE 2 39. –

To cope with the payment to be made to suppliers residing abroad for goods and services purchased, subject to the provisions of Articles 238 ........, contracted in the course of its business and the payment of dividends to shareholders, the holder of the mining title may maintain a foreign currency account abroad, commensurate with the result of its exports.

The portfolio transactions will not be subject to penalties and fines under Article 52 of the Decree of September 29 September 1986 regarding the Income Tax Act, subject, however, to the presentation of the reports mentioned that article, with legal consequences.

The holder of a mining title is to open a foreign currency account in Haiti where it will be deposit the balance of its gross operating income. It may not, under any circumstances, be forced to convert in local currency an amount greater than that required in the course of its operations

CHAPTER IV

WARRANTIES OF LAND MINES AND QUARRIES

ARTICLE 240. –

The State guarantees the mining title holder tenancy and use of all land necessary for exploration and exploitation covered by an exploration or exploitation permit within the defined a perimeter and within the provisions of this Act.

ARTICLE 241. –

Any holder of mining rights shall pay just compensation to the landowner as well as any loss of use, for any damage that its activities could cause to the holder of land title, tenancy rights, customary rights or any holder of any right

ARTICLE 242 –

In order to allow the mining title holder to achieve its objectives, it may use, at its expense the materials and components found within the perimeters and exploration or exploitation in accordance with the law.

TITLE XV

EXECUTION OF EXPLORATION AND OPERATING MINES AND QUARRING OPERATIONS
CHAPTER I

NOTICE OF OPENING AND CLOSING OF OPERATIONS

ARTICLE 243. –

Before starting the regular operation of a mine be it open pit or by underground works, the operator must, three (3) months in advance, notify the National Mining Authority and send it with the plans and sections required, the detailed schedule of the planned operation.

A new statement will be provided in the same form in the event of significant modifications in the provisions contained in these documents.

ARTICLE 244.

Before the opening of a well or a main gallery discovered during research works or re opening of operation, the operator must, three (3) months in advance, inform the National Mining Authority and provide it with the following documents:

1) A map giving the location of the well or the gallery over the surface.
2) A statement of the purpose of the work.

ARTICLE 245. –

If in the opinion of the National Mining Authority, the proposed work is likely to cause inconveniences, vices, abuse or danger, or contravene the provisions of this Act, it shall notify its observations to the operator.

ARTICLE 246. –

If within three (3) months, from the date of the declaration, no observation was made to the operator, it is supposed to be free to carry out the work. Otherwise, the operator may not undertake the work that has been subject to the observations of the National Mining Authority until after having informed it of the provisions it intends to take to comply with and agreed upon.

ARTICLE 247. –

If the operator fails or refuses to take the necessary measures to prevent the inconveniences that have been reported, the National Mining Authority after report of its qualified staff notifies then operator its opposition to the total or partial execution of work.

This work can only be carried out under cover of a new proposal to which no objection was made under the conditions stipulated above.

ARTICLE 248. –
In case the operator wishes to abandon all or part of the work of operating a pool or a water production well, must three (3) months in advance make a declaration to National Mining Authority by sending it plans to abandon the work and the plan of the surface as well as all information about the measures taken to ensure, in particular the conservation of mine, public safety, protection of the environment, payment of taxes, fees and charges and benefits.

ARTICLE 249. –

If the National Authority Mining believes that the proposed abandonment can not compromise the above interests and is not contrary to the conditions under which the license was granted, it acknowledges that the operator’s declaration of abandonment before the expiration of three (3) month period in the previous article. Otherwise, it offers the operator in question the work to be performed prior to abandonment.

ARTICLE 250. –

In the absence of declaration of abandonment in the forms provided, the National Mining Authority fixes, if necessary, on the recommendation of its qualified staff, the measures to be taken to safeguard public safety and protection of the environment.

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ARTICLE 251. –

In case of failure on the part of the operator work eventually prescribed by the National Authority Mining will be carried out automatically at the expense of the operator to the diligence of the AMN even if the abandonment was duly declared or not.

ARTICLE 252. –

The provisions of the preceding Article shall apply in all cases where operation is stopped permanently.

CHAPTER II

FORMALITIES TO BE COMPLETED

ARTICLE 253. –

Any holder of mining rights in Haiti must elect a domicile where all notifications will be validly made by the National Mining Authority. When some exploitation work are not provided directly by the holder but by an operator, the election of a domicile under this Article is also mandatory for said operator.

ARTICLE 254. –
Any holder of a Mining Exploitation Licence is required to place stakes at all points deemed necessary by the National Mining Authority to determine the perimeter of the Exploitation Licence.

The fulfillment of this obligation shall be recorded in the Minutes prepared by a justice of the peace in the presence of the agent of the National Mining Authority and is filed with the NMA.

If the holder of the operating license, after formal notice, refuses or neglects to mark the boundaries, it will be done automatically by the National Mining Authority and at the expense of the holder.

ARTICLE 255. -

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The operator must bring to the attention of the National Mining Authority the first and last name of the individual responsible for management of the technical work. Otherwise, if the operator itself is a physical person or its representative if it is a legal person, is deemed personally responsible for the technical direction of the work.

The number and qualifications of staff officers dedicated to the Direction of Technical work must be commensurate with the nature and extent of exploitation.

TITLE XVI
GENERAL MINES POLICY

CHAPTER I

DISTANCE LIMITS AND AREAS OF PROTECTION

ARTICLE 256. –

Subject to the regulations for certain categories of works or buildings, excavations near the open mines pits are established and maintained at a horizontal distance of at least fifty (50) meters from:

1) buildings, monuments or any public or private building and the walls surrounding the cemetery and courtyards adjacent to dwelling;
2) Right of way of roads and trails open to the public;
3) canals, lakes and rivers, unless they themselves are the area of the operation;
4) Water dam;
5) Transport or storage facilities, if these structures are declared public domain and recognized as public interest;
6) catchments, wells and springs of public use use and mineral springs duly authorized;

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7) high-voltage electricity pylons;
8) Any other structures whose integrity determines the compliance of security and public safety, even if they are not specified in this list. They can in no case extend beyond the limits of the perimeter of such a right of exploitation.

ARTICLE 257. –

Exploitation of the mass must be stopped from the edges of the excavation at a horizontal distance so that the balance of neighboring land is not compromised by taking into consideration the nature and the thickness of both the exploited masses tand the overburden.

ARTICLE 258. –

Subject to regulations specific classes of works or buildings, the operator of an underground mine shall notify the National Mining Authority one month before the work reach a horizontal distance of fifty (50) meters from:
1) Operating public railways;
2) Airfield, a water dam or a bridge with more than thirty (30) feet between the abutments;
3) Any structure or building that would have been previously reported by the AMN, as maritime public domain;
4) In any case, from the perimeter of the operating title. It must also give notice to the National Mining Authority in the same timeframe and conditions, before the work reach a horizontal distance of fifty (50) feet of the building or occupied place, where the work is likely to compromise the strength of the construction.

ARTICLE 259. –

Subject to regulations specific to certain categories of works or buildings, the National Mining Authority may decide, if it deems necessary, the protective barriers in place and the circumstances in which they can be crossed or removed. This decision will be notified to the operator in the shortest possible timeframe.

The National Mining Authority may also require that underground work be stopped, as appropriate, at horizontal distances set according to each of the elements to be protected. This decision applies to an operation or set of operations whose operators are then exempt from the notice provided in the preceding Article.

ARTICLE 260. –
Within the scope of a mining title, after the owner has been ordered to produce its observations, a decision by the National Mining Authority may prohibit, restrict or impose conditions on the execution of research work and operations undertaken by the holder in the extended security area around buildings and structures referred to in Article 256 of this Act or otherwise, authorize some work in the same areas.

**ARTICLE 261. –**

The holder of a mining title whose work is affected by the measures taken under the preceding Article or the withdrawal of such measures is compensated by the State for the structures he must demolish and for those that become useless if they were built before the notification. It is understood that this allowance is subject to the submission to the National Mining Authority of the statement of expenditure that the holder has committed and the costs he has incurred for structures demolished or made unusable.

**ARTICLE 262. –**

The holder of a mining title whose work is affected by an amendment provided by Article 256 of this Act shall be compensated as provided above for the structures he must demolish and for those that become useless if they were built before the date on which the amending regulations have been brought to its attention by publication or notification.

**CHAPTER II**

**ORDER AND POLICE DIRECTIVES**

**ARTICLE 263. –**

During mining operations, the implementation of order and police directives provided for in this Act is the operator responsibility acting in his capacity as owner of the land or with the agreement of the latter under an operating license or and administrative decision.

**ARTICLE 264. –**

Access to a dangerous open pit area should be prohibited by a robust and efficient fence. Moreover, the danger will be indicated by a signs placed on the one hand, on the paths in the vicinity of the operation, on the other hand, near the closed areas mentioned above.

The above instructions are applicable to the wells openings and entrances of galleries that give access to underground works. In case the operator fails to establish or to maintain these fences after a notice of the National Mining Authority, the effort will be made automatically by the National Mining Authority and the costs paid by the Interested Party.
CHAPTER III

INSTRUCTIONS AND DISCLOSURE
TO WORKERS AND THE STAFF

ARTICLE 265. –

The operator is obligated to inform the workers and staff of the provisions of law on safety and personal hygiene, regulations and instructions relating to their employment and their work as well as those established by the operator or specialized agencies. They may obtain and acknowledge receipt of a copy of the rules of interest. The operator shall make available to staff a manual of all regulations Applicable in mining. The list of these rules and, if applicable, their subsequent effective dates, will be displayed in a very similar way to places usually used to inform the concerned individuals.

ARTICLE 266. –

All mining facility must establish a system of access control, under the responsibility of one of its officers and following instruction previously approved by the National Mining Authority that allows for identification of any person in the mine.

ARTICLE 267. –

Anyone whose access to a mine is permitted in any capacity whatsoever, is required to comply with the requirements of the said regulations and instructions, as well as guidelines that would be provided by the Technical Director, Engineers and employees to ensure maximum safety and hygiene of staff assigned to the operation.

ARTICLE 268. –

No one can remain in the buildings or premises of exploitation of a mine except to carry on his employment or function in the company.

ARTICLE 269. –

It is strictly forbidden for workers to travel without special permission to other channels inside the mine other than those planned to go to their work place or to perform their work.
ARTICLE 270. -
It is forbidden order a worker to work alone or in an area where, in the event of an accident, it would be difficult to find someone to help him immediately.

ARTICLE 271. –

Work must be organized so that:
1) All workers of a team at a minimum must understand each other, through at least one of them.
2) A foreman or team leader, any worker working alone understand their supervisor.

It is understood that supervisors and workers engaged in operations involving the collective security of the mine will use the most common language spoken in Haiti.

ARTICLE 272. –

The operator must arrange for its personnel to have the appropriate work equipment, in particular a very solid shoes and resistant helmets, safety belts, gloves or other suitable equipment.

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ARTICLE 273. –

Any workstation must be visited by a supervisor at least once during the shift.

ARTICLE 274. –

In case of danger, the site manager or team leader, or alternatively, the most diligent worker should immediately alert the agent or agents assigned to monitor. Without having to wait for their arrival, he will evacuate the danger zone, keep or block accesses.

ARTICLE 275. –

Any person whose actions are likely to jeopardize the conservation of mine safety and health of workers must be immediately expelled from the mine and its dependencies, it will be the same for people clearly drunk.

CHAPTER IV

OF HEALTH AND SAFETY WORK

ARTICLE 276. –
Any holder of a mining title must respect and enforce the highest hygiene and safety standards.

The text of these regulations will be submitted first to the National Mining Authority for approval.

Once they are approved, copies of these rules are displayed in French and Creole in the most prominent places for the workers on the job site.

When some work in a mine is assigned to contractor or subcontractor, it is required to observe and enforce the regulations adopted under this article.

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ARTICLE 277. –

If a mining title holder fails to comply with regulations stipulated in the preceding article, the National Mining Authority, may with the holder consent, perform the necessary measures to ensure the health and safety of workers.

In all cases, the holder is required to take the measures prescribed in the schedule. Otherwise, they are automatically performed by the National Mining Authority at the holder's expense.

However, in an emergency or imminent danger, provisional measures may be prescribed by the National Mining Authority pending final action.

ARTICLE 278. –

The work of a mine must be conducted so that the security measures for all staff and general public safety are ensured in accordance with the standards of the Labor Code and the industry rules.

ARTICLE 279. –

All mine operating facility must be provided among other things, any of the following devices:
1) A clean and airy cloakroom;
2) Showers with a sufficient reserve of water
3) Well maintained toilets;
4) A clinic catered with medicines and any first aid kit;
5) Means and equipment to evacuate.

ARTICLE 280.
In general, the operator is required to have in its workplace all emergency means that are listed by the National Mining Authority and the Ministry of Social Affairs while applying the provisions of the Present Act related to safety.

ARTICLE 281.

When events likely to jeopardize the interests and objects referred to in this act, caused by an accident resulting in death or serious injury, happen in a mine or its dependencies, the operator shall immediately notify the National Mining Authority and any other competent institution each acting within the limits of their powers, subject to legal provisions notably those concerning social security and civil protection provisions.

ARTICLE 282.

In case of a fatal accident and if the National Mining Authority considers it necessary, if to an individual or a group having led to serious injury, it may dispatch its agents to visit the accident site in the shortest possible time, to investigate the circumstances and causes of the accident, prepare an appropriate report, and along with officials of the mine take emergency steps as necessary.

ARTICLE 283.

It is forbidden to temper with the scene of a fatal accident, or serious injury before the visit of representatives or delegates of the National Mining Authority, except for purposes of emergency repairs of the site or protection of the operations and subject to the requirements of Article 281.

ARTICLE 284.

When it is necessary to carry out rescue work for people presumed to be alive, the procedure can be done as in the case of imminent danger under the provisions of Article 305 below. The costs of the rescue will be borne by the operator.

ARTICLE 285.

It is forbidden to hire or employ any person in a mine under the age of eighteen (18) years in the following areas: underground at the face of an open pit, operation of machines for hoisting or moving objects, the elevators used to raise or lower people, crushing, the mill, the section handling chemicals or toxic products and finally blasting.
CHAPTER V
ADMINISTRATIVE MONITORING AND CONTROL

ARTICLE 286. –

The National Mining Authority (NMA) ensure compliance with and enforcement of this Act and its implementing regulations. For this, the operator shall submit to the NMA among other things:
1) An annual updated operational plans;
2) Tender, in a manner and time frame fixed, all information considered relevant to the exercise its right of control.

ARTICLE 287. –

The National Mining Authority develops, collects, distributes and retains documentation of minerals or fossils, minerals resources and geology. In particular, it has the power to make at any time and in any place an Audit Operations of the indices of presence and characteristics of all deposits. It has a permanent right of access to work and facilities placed under its control.

ARTICLE 288. –

The National Mining Authority shall maintain a register in which are noted, among other things for each valid mining license, the following information:
1) A statement of all administrative actions, civil and criminal related to this title;
2) Any other information required by the implementing regulations.

ARTICLE 289. –

Whoever undertakes drilling, underground work or excavation work whatever the objective whose depth exceeds ten (10) meters, is required to notify the National Mining Authority in a statement providing all necessary supporting data.

ARTICLE 290. –

The National Mining Authority has the right of access to all drilling and underground excavation work, during or after their execution, regardless of their depth, and obtain all documents and information of geological, geotechnical, hydrological, topographical, chemical or mining.

ARTICLE 291. –

Holders of mining licenses are required to notify immediately the National Mining Authority the discovery all substances covered or not by their license.
They must also inform the NMA information about the geological, topographical, mining and whatever else that they have gathered during their work in the scope of their title, whether or not authorized to do so under the regulations of the implementing this Act.

ARTICLE 292. –

The information collected will be shared with the National Mining Authority and kept confidential. They may only be published under the conditions stipulated in Article 115 of above Act.

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ARTICLE 293. -

The holder of an exploration permit is free to dispose of samples collected from its work to carry out all necessary laboratory studies. The extraction and exportation of large samples needed industrial testing will be subject to the prior written approval of the National Mining Authority.

ARTICLE 294. –

The operator is required to make available to the National Mining Authority, upon request, all facilities considered necessary for the control and inspection of the mine, to conduct its investigations or supervision work performed automatically in accordance with the provisions of this Act and its implementing regulations.

It must provide to the qualified agents of the National Mining Authority all the information necessary and possible on the state of the mining operation, including safety and personal hygiene.

ARTICLE 295. –

The operator is also required to submit to the National Mining Authority in the manner and at the periods set by the Authority, the information relating to the mining operation in order to facilitate control.

ARTICLE 296. –

The National Mining Authority delegates agents at its expense to make periodic visits in operating mines to observe how the work is carried out and, if necessary, to inform the operator of the defects of such works or improvements to be made and to bring to the attention of the competent authority defects, abuses or dangers that would have been recognized while providing policy measures which they have determined to be of value and, if necessary impose temporary suspension of operation, pending
further decisions of the higher court. These periodic visits do not exclude the exercise by the National Mining Authority of any other form of control within its jurisdiction.

ARTICLE 297. -

During visits of operating sites, skilled workers of National Mining Authority provide, if applicable, the operator written comments on the work to be done, especially about safety, health or cleanliness. They may also require the report on progress status. The operator will have to submit its observations within the time allotted.

ARTICLE 298. –

If, after notification, the operator does not comply with the measures imposed in the time limit alloted, it is summoned automatically by the National Authority Mining and at the expense of the operator concerned, without prejudice to all other legal provisions relating thereto.

ARTICLE 299. –

Any commencement or closing of research work or mining is subject to prior notification to the National Mining Authority in accordance with the requirements of Article 243 of this Act.

This written notification must be filed at least three (3) months prior to the commencement or closing of the work.

ARTICLE 300. –

Any significant change in the mining method adopted, any significant change in the scope of work, and any change in the program are subject to prior notice to the National Mining Authority at least three (3) months in advance. If the National Mining Authority considers that these changes are likely to affect the interests of the State relating to public safety, environmental protection, or the hygiene and safety in working conditions of the workers, the financial and economic terms of the mining operation, it may reject the program or propose modifications needed.

ARTICLE 301. –

The work of the mines must be conducted and completed according to usual mining rules in conformity with the provisions of this Act and its implementing regulations.

ARTICLE 302. –
Special rules relating to the implementation of research and mining work, including the use of explosives can be determined by the National Mining Authority.

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Failure to comply with these rules the National Mining Authority may order the suspension of the work involved until they are met.

ARTICLE 303. –

The holders of mining rights must comply with the measures prescribed by the regulations and decisions taken in cases of imminent danger by the National Mining Authority in order to eliminate the dangers that their work could have caused to public safety, the environment or preservation of the mine or mines nearby, springs, highways or public works.

ARTICLE 304. –

In case of danger or refusal of interested operator to comply with the requirements of the preceding article, the National Mining Authority may take, automatically and immediately the necessary measures, at the expense of those concerned. It may also, if necessary, send for this purpose all relevant requests to local authorities.

ARTICLE 305. –

If it occurs in a mine acts the nature of which compromise the interests referred to in Article 303 of this Act, the operator must immediately notify the National Mining Authority.

TITLE XVI

OFFENCES, PENALTIES AND REMEDIES

ARTICLE 306. –

Whoever tampered with the contents of a mining title shall be liable in addition to the penalties prescribed by the Penal Code, the payment of a fine of Gdes. 10,000 to 25,000.00, Gdes adjudicated by the competent court.

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Shall be punished by a fine of ten thousand (10,000.) To twenty-five thousand , anyone (about 25,000.) Gourdes, all persons that:
1) Make a false statement to obtain improperly and fraudulently a mining title;
2) Has destroyed, moved or modified in an unlawful manner one or more stakes defining the scope of a mining title.
3) Will be charged a penalty of one thousand gourdes per day of delay any holder who has filed an application for renewal after the expiration of the period provided for in Articles 38, 55 and 121 of this Act.

ARTICLE 307. –

Shall be punished by a fine of One Hundred Thousand (100,000 -) To Two Hundred Thousand (200,000 -) Gourds, anyone who engages in exploration or exploitation of mine without a license in accordance in Article 17 of this Act or outside the limits of the scope of its title or undertaking work of mining operation with an exploration license.

The same penalties shall apply to any violation of sections 188, 196, 203.281 and 291 of this Act.

ARTICLE 308. –

Shall be punished by a fine of Twenty Thousand (20,000 -) To Hundred Thousand (100,000 -) Gourds, any violation of the provisions of Articles 256 to 260 of this Act.

ARTICLE 309. –

Shall be punished by a fine of Ten Thousand (10,000 -) To Fifty Thousand - Gourdes - Any violation of the provisions of Articles 24, 115, 170, 172 and 173 of this Act;

TITLE XVII

FINAL PROVISIONS

CHAPTER I

SPECIAL PROVISIONS

ARTICLE 310. –

There is established a fund called "Fund for the Promotion and Development of Mineral Substances (FPDSM)" , managed by the National Mining Authority. This Fund is intended to finance promotional activities of such substances of the country and control of mining throughout the national territory.

ARTICLE 311. –
Unofficial Translation

In managing of the fund, an account will be opening at the Bank of the Republic of Haiti and funded by:

1) The cost of reimbursement paid to the Haitian State by any company prospecting concentration and deposits;
2) Five per cent (5%) of the amount of all rights, royalties and taxes specific to the mining industry, including:
   2.1 - The Grant and Renewal of Permit Fee;
   2.2 – Annual mining tax;
   2.3 - Superficiary fee;
   2.4 - Tréfoncière fee if it is a property of the State;
   2.5 - The Special Mining Law;
   2.6 - 25% of the proceeds from penalties and fines.
3) Ten percent (10%) of all duties, taxes and charges levied under the quarrying

Article 312. –

Amounts deposited to the said account shall be managed in accordance with the requirements of the law on the budget and public accounting.
ARTICLE 313. –

Mining being a particular sector, tax benefits allowed under Haitian laws to certain types of undertakings, may in no case be considered in the context of the implementation of this Act.

CHAPTER II

TRANSITIONAL PROVISIONS

ARTICLE 314. –

The valid exploration license granted under Decree of 3 March 1976 encouraging mineral exploration on the territory of the Republic readjusting the existing legal structures to reality in the mining industry are taken into consideration as follows:

1) The holder of a prospecting license shall file with the AMN a report on the status of exploration work completed to date within a period not exceeding three (3) months from the date of the enactment of this Act. The report will accompany an application for exploration permit;

2) The report will be analyzed by the AMN which notifies the holder of the exploration license its opinion on the report within a period not exceeding 90 days;

3) In case of a favorable opinion the holder of the exploration license is authorized to proceed with the procedures under this Act to obtain an exploration permit;

4) In the event of an unfavorable opinion holder pays all the rights conferred by the exploration license.

ARTICLE 315. –

Invalid Prospecting permits which were granted under Decree of 3 March 1976 encouraging mineral exploration on the territory of the Republic readjusting the existing legal structures to reality in the mining industry, are considered the follows:

1) The holder of a prospecting license which had already begun the negotiation process for obtaining a mining agreement with the Haitian government under the Legislative Decree of 3 March 1976 encouraging mineral exploration on the territory of Republic readjusting the existing legal structures to reality in the mining industry are authorized from enactment of this Act to seek from the AMN an exploration permits in accordance with this Act;

2) The holder of an invalid prospecting license who had not yet begun the negotiation process will be considered holders of exploration license mentioned in the previous article.

ARTICLE 316. –

All exploration permits granted by Decree of 3 March 1976 encouraging mineral exploration on the territory of the Republic readjusting the existing legal structures to
realities of the mining industry is automatically converted to exploration licenses in accordance with this Act. However, the holder of an exploration license may choose to continue working under the auspices of the Convention that it signed with the Haitian government.

**ARTICLE 317. –**

Every holder of a prospecting license has a period of six months from the enactment of this Act to notify the AMN its choice to continue working under the auspices of the Convention that it has signed with State or be subject to this Act. In this case, AMN delivers an exploration license within a period not exceeding one (1) month after it had notified its choice.

**ARTICLE 318. –**

Any holder of an exploitation license granted by Decree of 3 March 1976 encouraging mineral exploration on the territory of the Republic readjusting the existing legal structures to reality in the mining industry is entitled to a license to operate in accordance with this Act. But he is free to continue working under the auspices of the Convention he signed with the state or be subject this Act.

**ARTICLE 319. –**

Any quarrying permit is automatically subject to this Act.

**CHAPTER III**

**REPEAL OF PROVISIONS**

**ARTICLE 320. –**

This Act repeals any law or provision of law, decree laws or provisions of decree law, any order or decree provision contrary to it.

**ARTICLE 321. –**

This Act shall be published and executed at the behest of the Minister of Public Works, Transport and Communications.