

## DECISION

No.52, date 29.1.2004

### REGARDING THE PROCEDURES FOR PROVIDING THE PERMISSION OF THE CIVIL USE FOR THE EXPLOSIVE MATERIALS

In pursuance of the article 100 of the Constitution and the paragraph 1 of the article 9 of the law no.9126, date 29.7.2003 "On the civil use of the explosive materials in the Republic of Albania", with the proposal of the Minister of Industry and of Energetic, the Council of Ministers

#### DECIDED:

1. The permission for the civil use of the explosive materials from physic or juristic persons, private or public, locals or foreigners, shall be provided by the Ministry of Industry and Energetic.
2. The permission for the civil use of the explosive materials shall be given for the subject licensed from the respective institutions in the areas of mineralogy, geology, hydrocarbons and construction, which need the usage of the explosive materials for the realization of their activity.
3. The interested subject, which requires to receive the permission for the civil use of the explosive materials, shall fulfil the following requirements and conditions:
  - It shall be registered in the court as a juristic or physic person;
  - It shall have a confirmation from the organism of the local government of the area where the explosive material will be used, which confirms that in the area where the activity of the explosive materials will be performed there are not objects which can be put in danger from the use of the explosive materials;
  - It shall have the permission for exercising the activity, based on the paragraph 2 of this decision;
  - It shall have the topographic map of the area with the rating 1:25000 and the plainer of the work development, with the coordinates of the object where the explosive materials will be used;
  - It shall have determined the type, the quantity and the physical-chemical characteristics of the explosive materials;
  - It shall have done the calculation of the dangerous area and the technical passport concerning the work with the explosive materials;
  - It shall ensure the work security measures, in accordance with the technical regulation concerning the work with the explosive materials;
  - It shall have the approval for the warehouse of the explosive materials from the police commissariat that covers the territory where the permission is required or a contract with a subject that possesses a warehouse approved by this commissariat;
  - It shall have the work contract with the technical director, engineer or mining technician, geologist engineer, construction engineer, and a notarized photocopy of the diploma;

- It shall have the work contract with the fire-fighter and the notarized photocopy of the fire-fighter certificate;
  - It shall have the certification for the registration of the subject near the RISHM (the sector of the mining inspection - salvation);
  - It shall have the annual program for the qualification of the employees that are responsible for performing the work processes related to the explosive materials.
4. In order for the subject to be supplied with the permission based on this decision, they shall present a written request that contains:
- the first and the last name of the applicant and the legal act of the representation as a juristic or physic person;
  - the complete address of the juristic or physic person (phone/fax, mobile);
  - the activity to be performed by the juristic or physic person with the explosive materials.
5. The permission for the civil use of the explosive materials shall be given within 30 day from the day of presenting the written application from the applicant. When the requirements of the point 3 of this decision are not fully fulfilled, the request shall be refused in writing.
6. The term of the permission for the civil use of the explosive materials is the same as the term of the license for exercising the activity in the areas established in the point 2 of this decision and, if there are not sanctions for the extraction of the permission, it shall be renovated together with the renovation of the license for exercising of the activity.
7. The permission shall be derogated when:
- the subject, during the usage of the explosive materials, does not fulfil the technical regulations of their usage and puts into danger the life of people, animals or material values;
  - the subject makes a penal action related to the exercise of the activity of using the explosive materials.
8. The person that receives the permission for the civil use of the explosive materials is obliged to exercise its activity within the object for which he has received the permission. The permission given cannot be transferred to other persons.
9. The persons supplied with the permission for the civil use of the explosive materials are obliged to fulfil the technical regulations and measures approved in the respective regulations.
10. The inspection of the civil use of the explosive materials shall be performed by the sector of the mining inspection – salvation (RISHM) and the national specialized organisms foreseen by the law.
11. The Ministry of Industry and Energetic is in charge for the implementation of this decision.

This decision enters into power after its publication on the Official Journal.

**PRIME MINISTER**

Fatos Nano