

DECISION

No.597, date 10.9.2004

CONCERNING THE PROCEDURES FOR GIVING THE LICENSE CONCERNING IMPORTING, EXPORTING AND PRODUCTION OF THE EXPLOSIVE MATERIALS FOR CIVIL USAGE.

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 Ministry of Defence issues the permission for importing, exporting and production of the explosive materials for civil usage from physic or juristic persons, private or public, locals or foreigners.
2. The permission for importing and exporting of the explosive materials for civil usage shall be given within 30 days from the presentation of the written request, while the permission for the production of the explosive materials for civil usage shall be given within 6 months from the day of the presentation of the written request.
3. The term for the permission for importing and exporting of the explosive materials for civil usage is 1 (one) year, the term for the production of the explosive materials for civil usage is 8 (eight) years with the right for renewal.
4. In order to provide the permission for importing, exporting and production of the explosive materials for civil usage, in the Ministry of Defence it shall be established the Permission Providing Commission, the content and the functioning of which shall be determined by the regulation approved by the Minister of Defence.
5. The juristic person that requires to be provided the permission for importing the explosive materials shall have the following documents:
 - a) The document that verifies the court registration as a juristic person.
 - b) The necessary documentation for the types and quantities of the explosive materials from the manufacturing factory.
 - c) The documentation concerning the conformity assessment and the respective documentation with the technical data concerning the composition of the explosive materials accompanied with photos (pictures).
 - ç) The permission from the Regional Environment Agency related to the safety and protection of the environment.
 - d) The service contract related to the physical protection and transportation, through third parties, if there is not a license for these services.
 - dh) The permission from the Ministry of Public Order concerning the storage and transferring of the explosive materials that will be used during their work.
 - e) A copy of the previous permission for importing (if it exists), the invoices and the list of the explosive materials that he/she has used previously, the declaration regarding the explosive materials existing in the warehouse, as well as their quality status.
6. The juristic person that requires to be provided the permission for exporting the explosive materials shall have the following documents:

- a) The document that verifies the court registration as a juristic person.
- b) A copy of the contract with the respective subject accompanied with the nominations, gross and net weight.
- c) The list based on the nomination with the technical data, accompanied with pictures, usage labels placed by the manufacturing factory.
- ç) The Certificate of the end-user.

7. The juristic person that requires to be provided the permission for producing the explosive materials shall have the following documents:

- a) The document that verifies the court registration as a juristic person.
- b) The permission from the Regional Environment Agency related to the safety and protection of the environment.
- c) The production patent with the types of the explosive materials based on the conformity assessment (annex A, law no.9126, date 27.9.2003).
- ç) The project regarding the construction of the factory based on the standard required in the region where this factory will be located.

This person shall also fulfil the following criteria:

- d) The engineering – technical personnel (mechanic, chemists etc.) shall have good experience in the area of the production of the explosive materials for no less than 5 years.
- dh) The designing engineers shall have a relevant work experience for non-less than 3 years in this sector and shall have participated in the designing of non-less than three technologic lines.
- e) He/she shall have the necessary transportation equipment and shall take the appropriate measures for the protection against fire, based on the legislation in power.

8. The explosive materials for civil usage shall be imported in the Republic of Albania only after being inspected from the organisms authorized by the Minister of Defence, based on the conformity procedures.

9. The permission shall be derogated when:

- a) the subject makes a penal action related to the exercise of the activity of importing, exporting and production of the explosive materials for civil usage or that jeopardize the life and the health of people;
- b) the physic or juristic person, during the importing, exporting or manufacturing of the explosive materials for civil usage, disobeys the technical regulations related to the production, transportation, usage and the conformity of the explosive materials by jeopardizing the life of people, animals and environment, as well as when he/she does not fulfil the criteria established by this decision.

10. The financial tariffs for providing the permission for importing, exporting and production of the explosive materials for civil usage shall be established by a Joint Order released by the Minister of Finances and the Minister of Defence.

11. The Minister of Defence, the Minister of Environment Protection and the Minister of Finances are in charge for the implementation of this decision.

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

Prime Minister
Fatos Nano