

REPUBLIC OF ALBANIA

THE PARLIAMENT

LAW

No. 8739, date 12.02.2001

ON ENSURING THE WORK SAFETY FOR THE EQUIPMENT UNDER PRESSURE

Pursuant to the articles 78 and 83, item 1 of the Constitution of the Republic of Albania, upon proposal of the Council of Ministers,

THE PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

SESSION I

GENERAL DISPOSITIONS

Article 1

The objective

The objective of this law is the determination of the general principles that regulate the security of people, domestic animals, or material values from the risk of gas leaks and explosion caused by the equipment under pressure.

Article 2

Definitions

In the meaning of this law, the successive terms will be understood as follows:

1. "Equipment under pressure" means standing equipment under pressure, the simple equipment under pressure and the transporting equipment under pressure, with the maximal pressure allowed above 0,5 bar.

2. "Standing equipment under pressure", means equipment, piping, security accessory, and accessory under pressure.

3. "Simple equipment under pressure" means welded equipment predefined in order to hold atmosphere or nitrogen and, not to be exposed to the flame.

4. "Transporting equipment under pressure," means equipment filled with liquid that will transported to another place in order to be unloaded.

5. "Placement in the market" means delivering of equipment under pressure or making them available to the third parties.

6. “The usage of the equipment under pressure” means utilizing them, taking them out of work, handling, transporting, repairing, adapting, maintaining, and cleaning of the equipment under pressure.

7. “Technical control” means the organized inspection in a predefined period of time and, when necessary, outside these periods, in order to verify the fulfillment of the fundamental security requirements.

8. “IPNP” means the Inspectorate for the Equipment under Pressure.

9. “Inspection body as a third party” means an entity authorized from the Inspectorate of the Equipment under Pressure, in order to accomplish the assignments predefined on the by-laws that derive from the article 3 of this law.

10. “Users’ Inspectorate” means an inspection body approved by the Inspectorate of the Equipment under Pressure and authorized by the corresponding Minister, which carries out the assignments predefined on the by-laws that derive from the article 3 of this law.

SESSION II

FUNDAMENTAL REQUIREMENTS REGARDING THE SECURITY OF THE EQUIPMENT UNDER PRESSURE

Article 3

Fundamental requirements concerning the security

1. The equipments under pressure must fulfill the principal requirements regarding the security, predefined by the by-laws of projection, production, evaluation of conformity, the handling, and the technical control for each of the equipment under pressure.

2. The Ministry of Industry and Energy draws the necessary by-laws for the implementation of the item 1 of this article.

Article 4

Placement on the market

1. The equipments under pressure are allowed to be placed in the market and be utilized only if they do not constitute a risk regarding the security of people and, when applicable, the domestic animals or material values, if they are placed without any defects, and if they are maintained as required and be used in accordance with their main destination.

2. Before the placement in the market of the equipment under pressure, their producer or the importer is required to supply every equipment under pressure with a certificate from the Inspectorate of the Equipment under Pressure, in order to verify the fulfillment of the fundamental requirements of security, based on the article 3 of this law.

The certification is possible only after the approval from the competent authority for the suitability of measuring instruments that measure the equipments under pressure.

3. It is allowed the placement on market of the equipments under pressure certified from foreign organizations, in agreements between two or more parties.

Article 5

Market surveillance

1. When the Inspectorate of the Equipment under Pressure observes that an equipment under pressure, used in accordance with its main destination, constitutes a risk concerning the security of people and, when applicable, the domestic animals or material values, undertakes the necessary measures to take the equipment out of the market and out of utilization.

The measures undertaken must be communicated immediately to the interested parties. The parties may fill complaints against the measures undertaken within 5 days near the Ministry of Industry and Energy, whose decision is determinative.

Article 6

Technical Control

1. After the installation, to the equipments under pressure are submitted the application of some technical controls concerning the working conditions, their registration from the Inspectorate of the Equipment under Pressure. When the equipment fulfills the requirements and, when the installation conditions guarantee the security of the equipment under pressure, the Inspectorate of the Equipment under Pressure releases the respective utilization license.

After the installation of the equipment under pressure in one other place or other position, to the equipment under pressure are submitted the application of some technical controls in order to have the respective employment license from the Inspectorate of the Equipment under Pressure.

2. The juristic person, who is the user of the equipments under pressure, is responsible for undertaking all the necessary measures in order to implement the periodic calibration of the measuring instruments that will be used and the periodic technical control for each of the equipments under pressure according to the types, terms and values of the pressure proves defined on the working license from the Inspectorate of the Equipment under Pressure. These controls should be repeated after the periodic technical control.

3. The Inspectorate of the Equipment Under Pressure carries out special technical controls to the equipment under pressure any time when there are presented special situations related to the making in risk of the equipment, such as modification works, defects, accidents, or following an extended period of disuse, in order to ensure the preservation of the security conditions and in order to identify and eliminate the defects on time.

4. The results of the technical controls are registered and given in disposition to the Inspectorate of the Equipment under Pressure and the State Inspectorate of Labor. In the cases when another subject will use the equipment under pressure, such equipment will be accompanied by the physical testimony for the implementation of the last technical control.

5. The technical controls are performed by the Inspectorate of the Equipment under Pressure, from an inspection body, a third party, or from an users' inspectorate.

SESSION III

THE HANDLING OF THE EQUIPMENT UNDER PRESSURE

Article 7

Employers' Responsibilities

1. The employer undertakes the necessary measures in order to ensure that the equipment under pressure that is given in disposition to the employees be suitable for the work to be done, ensuring the safety and the health of the employee during the usage.

2. The employee should employ the equipment under pressure that fulfills the requirements of item 1, article 3 of this law.

3. The employer undertakes all the necessary measures regarding the equipment under pressure, during the handling, the maintenance in a certain level, in order to fulfill the requirements of item 2 in article 3 of this law.

Article 8

The required access of information for the employees

1. The employer undertakes the necessary measures in order to enable the employees to have access to the necessary information and the available guidelines for the usage of the equipment under pressure at their disposal.

2. The information, the data, and the working instructions for the equipment under pressure must contain at least the security and safety indicators, regarding:

- a. the operation conditions for the equipment under pressure;
- b. the abnormal foreseen situations;
- c. how to give the first medical help in case of accidents.

3. The information and the guidelines for the usage of the equipment under pressure should be understandable for all the employees.

Article 9

Employee qualifications

1. The employer undertakes the necessary measures to ensure that:

- a. The employees in charge for the manipulation of the equipment under pressure receive the adequate instructions even for the risks foreseen from such procedure;
- b. The employees in charge for the repairs, modifications and maintenance services have the necessary qualification and receive the adequate instructions in order to accomplish this assignment.

2. Besides the requirements from item 1 of this article, the employees in charge for the manipulation of the steam furnaces and the welders of the equipment under pressure shall pass through an examination process and after that, obtain a license from the Inspectorate of the Equipment under Pressure.

Article 10

Failure surveillance

1. In every failure case for the equipment under pressure or accident caused by the equipment under pressure, the employer or his representative is responsible to notify the Inspectorate of the Equipment under Pressure concerning the surveillance of the failure.

2. It is not allowed to repair or change the placement of the equipment under pressure damaged before the completion of its surveillance, with the exception in the cases when this may cause compromise of people's life, environment pollution, and ulterior damage of the equipment under pressure.

3. The employer or its representatives are constrained to supply the Inspectorate of the Equipment under Pressure with all the information related and that may help to the implementation of the surveillance.

4. In cases of work accidents, the inspector from the Inspectorate of the Equipment under Pressure collaborates with the work inspector in decisive level for the surveillance of the accident.

SESSION IV

THE INSPECTORATE FOR THE EQUIPMENT UNDER PRESSURE (IPNP)

Article 11

The Inspectorate of the Equipment under Pressure surveys the implementation of the dispositions of this law and of all the by-laws derived from its implementation.

Article 12

The Status

1. The Inspectorate of the Equipment under Pressure is a juristic person and constitutes a specific voice for the budget of the Ministry of Industry and Energy.

2. The organization, the functioning, and the structure of the Inspectorate of the Equipment under Pressure are approved with a decision from the Council of Ministers.

3. The Inspectorate of the Equipment under Pressure is administrated from the Head Inspector, who is nominated and dismissed from the Minister of Industry and Energy.

Article 13

The IPNP Assignments

Besides the requirements for accomplishing the prerequisites of the articles clarified above, the Inspectorate of the Equipment under Pressure carries out the following assignments:

- a. IPNP controls the accomplishment of the security requirements for the equipment under pressure for the purpose of licensing and registering of the activity from the responsible authorities.
- b. IPNP approves the project for the placement of the furnaces and the standing equipment under pressure.

- c. IPNP authorizes inspection bodies as third parties to perform the assignments explained from the article 3 of this law and the technical regulations.
- d. IPNP performs inspections to the private or public subjects that carry out some sort of activities with the equipments under pressure.
- e. IPNP gives its approval for the licensing from the Minister, for the users' inspectorates so that they can undertake the assignments explained from the article 3 of this law.
- f. IPNP keeps the evidences regarding the technical state, the failures, and registration of the equipments under pressure.

Article 14

The IPNP Rights

1. For the completion of the assignments defined from this law, the Inspectorate of the Equipment under Pressure has the right to enter in any time in the locations where the equipments under pressure are placed.
2. When the Inspectorate of the Equipment under Pressure observes any infractions from the provisions of this law and the related regulations;
 - a. It leaves an act control with assignments and deadlines for the elimination of the infraction;
 - b. When they think that the equipment under pressure does not guarantee the safety, they leave an suspension act;
 - c. They suspend the patent or the utilization license for a determined period of time or permanently;
 - d. They also undertake administrative measures with penalties, based on the article 17 of this law, whereas, in cases of serious infractions of the regulations, with severe consequences on peoples' lives, they ask for court actions to be undertaken.
3. The Inspectorate of the Equipment under Pressure, based on the users' request, postpones the deadlines for the implementation of the technical periodic control for a determined period of time, when it is justified with the measures undertaken.
4. The Inspectorate of the Equipment under Pressure asks for the intervention of the public order forces when:
 - a. The inspector is threatened during its assignment;
 - b. The suspension order for an equipment under pressure is not implemented, which constitutes an open danger for peoples' lives;
 - c. The inspector is not allowed to enter the locations where equipments under pressure are placed.
5. The Inspectorate of the Equipment under Pressure collaborates with people or respective public or private services, in order to carry out surveys for creating working groups and performing specific controls.

Article 15

Financial Resources

1. The financial resources for the Inspectorate of the Equipment under Pressure are considered:
 - a. The state budget;

- b. The designated income realized from the services to the third parties.
2. The Inspectorate of the Equipment under Pressure realizes its income from the services performed to the private and public subjects from:
 - a. The main activity based on the articles 4, 6 and 9 of this law. The Ministry of Finances in collaboration with the Ministry of Industry and Energy determine the fees for these services.
 - b. The designated incomes realized from the services to the third parties. These incomes are deposited in the account of the Inspectorate of the Equipment under Pressure and are used from the Inspectorate of the Equipment under Pressure to cover its expenses, while 10% of them goes to the State Budget. The Ministry of Industry and Energy determines the fees for these incomes.

Article 16

The independence and the transparency

1. The Inspectorate of the Equipment under Pressure, the Head inspector and other inspectors cannot be designers, producers, supplier, fitter, and user of the equipment under pressure that are controlled by them. Neither can they be their representatives.

They cannot get directly involved on the designing, production, marketing, trading, or maintenance of the equipment under pressure. Neither can they represent the parties that participate these activities.

This does not exclude the possibility of exchanging of the technical information and data, between the producers, the designers, and the users of the equipments under pressure and the Inspectorate of the Equipment under Pressure.

2. The inspectors of the Inspectorate of the Equipment under Pressure shall accomplish the evaluation procedures with a professional ability and with a complete technical responsibility and must be free of any pressure or incentive, especially of financial nature, which can influence their judgment or the inspection result, particularly if they come from people of groups interested about the inspection outcome.

3. The inspectors of the Inspectorate of the Equipment under Pressure shall fulfill the requirements of the standards in power relating to the inspection bodies, concerning the professional education, the knowledge of the necessary requirements regarding the inspections to be performed, the experience on these inspections, and the ability to draw certificates, reports, and records to concretize the inspections performed.

4. While performing their assignments, the inspectors must be impartial.

5. The IPNP personnel respect the professional confidence concerning everything they learn while performing the activities based on this law. In cases when the IPNP personnel, while performing the activities, reveal any confidence concerning the production, the commercialization, or work processes, they will be penalized based on the disciplinary measures determined from the internal regulatory for the Inspectorate of the Equipment under Pressure.

Article 17

Administrative infractions

1. There will be considered as administrative infractions the following cases:
 - a - The violations concerning the articles 3, 4, 6, 7, 8, 9 and 10 of this law when they jeopardize the life of people, domestic animals and the material values;

b - The repeated violations indicated on the act controls prepared from the Inspectorate of the Equipment under Pressure;

c - Exceeding the deadlines defined from the Inspectorate of the Equipment under Pressure for eliminating the infractions.

2. When the violation does not constitute a criminal act, the employer or the employee in charge for the technical surveillance, is given a penalty for administrative infraction.

a - The IPNP inspector that observes the violation prepares immediately a report concerning the infraction and proposes to the head inspector to penalize the violator with a fine.

3. The fine value may go from 2 000 to 500 000 Albanian lek. The fine calculation is done based on the regulations determined from the Inspectorate of the Equipment under Pressure and approved by the Minister of Industry and Energy.

4. The Head inspector is the person responsible for supervising the commission that inspects the fines of the Inspectorate of the Equipment under Pressure. This commission examines all the administrative violations no later than 15 days from the report date.

5. The examination of the administrative violation is performed with the presence of the violator. When the violator has been notified, and he does not have justifications for its absence, the examination may be performed in his absence.

6. The violator may fill complaints against the decision of the IPNP Commission for the examination of the penalties within 5 days from the date of the decision. These complaints can be filled in the Court of the respective District where the violation has happened. The court decision is final.

Article 18

The penalty execution

1. The fine must be paid from the violator within 5 days from the final decision.

At the end of this deadline, for every day of delay, the violator pays a late fee of 2 percent until it becomes one month. If the fine is not paid in full, after this deadline, the law nr... “For the administrative violations” must be applied.

2. The fines are deposited at the State Budget.

Article 19

The Nullification

The enactment no 2179, date 05.12.1955 “For the State Inspectorate of the Equipment under Pressure” and every other enactment that interferes with this law, shall be abrogated.

Article 20

This law enters into power after 15 days from its publications in the Official Gazette.