

LAW

No. 9261, date 22.07.2004

ON SOME SUPPLEMENTS AND AMANDMENTS OF THE “MINING LAW OF ALBANIA” No. 7796, DATE 17th FEBRUARY 1994

Based on articles 78 and 83 of principle 1 of the Constitution, with the proposal of the Council of Ministers.

THE PARLIAMENT OF THE REPUBLIC OF ALBANIA

DECIDED:

In the Law nr.7796, date 17.02.1994 “Mining Law of Albania, these supplements and amendments take place:

Article 1

The title of Law changes in “ALBANIA MINING LAW”.

Article 2

In the article 3 these changes take place:

1. "Mineral" stand for every valuable substance, in solid, liquid or gas form, that is found naturally under or above the earth surface, under or above the water, in the waste of the worked mines or sterile of processing plants, slugs of black and coloured metallurgy, formed from geological processes, expect liquid oil, natural gas in gas form and water, but including sand, stones, rocks, gravel and clay. Sands, and gravel's are administrated by this law in case they are not included in definitions of the “Law on water reserves” nr.8093, date 21.03.1996.
2. After the term “Mineral” is added the paragraph: “Mining Activities” stands for all the works concerning searching, exploration, opening exploitation, treatment and marketing of mineral products, as well as maintenance, monitoring or closing of mines, having in consideration the rehabilitation of the ambient.

Article 3

At the end of article 10, is added a paragraph:

“In areas declared from Council of Minister's as “geomonuments or areas of natural specific values, mining permit is given with a decision from the Council of Minister's”.

Article 4

The second paragraph of article 16 is changed as follow:

The Mining and Processing Technology Institute, is the specialised scientific institution that provide for the concerning Ministry and General Mining Department technical assistance through projects, monitoring and other activities related to mining policies and works concerning this law”.

Article 5

The title of capture VI “State Mining Enterprises” is changed as “Companies that act in Mining Activities”.

Article 6

Article 18 is changed as follows:

“Article 18”.

Mining Activities concerning designs, administrating, search, exploration and exploitation of minerals in the territory of Albanian Republic in according with Albania legislation, are executed from trade companies, juridical persons expect the cases for seen in articles 66 and 69 of this law.

Article 7

“Article 19 is changed as follows:

Concessionaire companies included in mining activities, act according to dispositions of this Law”.

Article 8

Article 20 is changed as follows:

“Article 20

Mining Activities, in general, concerning designs, valuation” consultancy, monitoring and technique administration of the companies are realised from specialists licensed from the proper Minister according to criteria approved from the Council of Ministers.

Article 9

In the article 40 expressions “equivalent in lek of value of 300 Swiss francs” is done “30000 lek”.

Article 10

At the end of second paragraph of the article 47, after the word ”specified” are cancelled the words “from him” and are added “in the regulation approved from him”.

Article 11

In the article 48, after the words “ as a whole” is added the expression” defined in space according to three co-ordinates”.

Article 12

In the article 50, expression “equivalent in lek of the 3.000 and in maximum value, equivalent in lek of 10.000 Swiss francs per km²”, is done “300.000 lek and maximum value, 1.000.000 lek per km² (square km).

Article 13

At the end of the letter “c” of the article 52, after the words “for exploitation” are added the words “after having been licensed for such activities, according to Albanian legislation.

Article 14

In the article 63 the expression “equivalent in lek of the value of 100 Swiss francs” is substituted from “10.000 lek”.

Article 15

In the letter “b” of the article 69 the expression “which should be presented al least 30 days before the ending of period ahead” is cancelled.

Article 16

In the article 73 the expression” in lek equal the value of 1500 Swiss francs” is substituted from “150.000 lek”.

Article 17

After the article 74, is added article 74/1 as follows:

“Article 74/1

The paragraphs 2 and 3 of the article 47, the articles 53, 54, 55, 56, 57, 58, 60, 61 and 62 are applied also for the minerals of group 4, but article 59 is applied for a period at least of 30 days”.

Article 18

In the article 102, the expressions “from the equivalent in lek of 100 Swiss francs” is substituted with “30.000 lek”.

Article 19

In the article 105 the expression “not less than the equivalent in lek of 50.000 Swiss francs for every violation (of law) ”is substituted with” not less than 500.000 lek and not more than 5.000.000 lek for every violation”.

Article 20

The article 106 is changed as follows:

“Article 106”

1. The violations (of law) are administrative ones, and General Mining Directory has the right to fine as follows:
 - a) When, after giving the permit, it is verified that in the application for mining permit, there are doubtful financing information, the fine is 100.000 lek
 - b) When there are violations of the obligations defined in the mining permit, the fine is 50.000 lek
 - c) When, in an unjustified way, it is decreased the production in a mining licensed area, the fine is from 10.000 lek up to 50.000 lek
 - d) When other violation of the mining law are committed, the fine is 50.000 lek up to 100.000 lek.
2. In case the violations defined in letters “a”, “b”, “c” and “c” are repeated, and when the company cuts down the work in mine for 180 days continuously, the mining permit in cancelled.

The violator has the right to complain to proper Minister within 1 month from the date of being fined.

Article 21

After the article 106, is added the article 106/1 as follows:

“Article 106/2

Against the decision of the Minister, the subject has the right to complain according to “the law on administrative violations”.

Article 22

In the table “Group 4”, “Minerals and constructing materials” are added too the words” sands, conglomerates, tractolities and basalt’s”.

Article 23

This law enter in power 15 days after being published in the official paper.

Declared with the decree nr.4290, date 2.08.2004 of the president of the Republic of Albania, Alfred Moisiu.