



**Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly**

Law No. 04/L-022

ON CIVIL USE OF EXPLOSIVES

Assembly of Republic of Kosovo;

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

THE LAW ON CIVIL USE OF EXPLOSIVES

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

1. This law defines conditions and criteria of production, trade, import, export, transit, transfer, storage, use and destruction of explosives or fireworks, and also the criteria for supervision and application of this law with purpose of protection of people, property and the environment.

2. This law applies to all explosives **for civil use and** fireworks within the Republic of Kosovo and any activity where the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and other international agreements apply as are:

2.1. International agreement apply dangerous goods by rail (RID);

2.2. International Civil Aviation Organization (ICAO);

2.3. International Maritime Dangerous Goods (IMDG) Code.

3. This law includes authorised explosives, ammonium nitrate and other substances which are not themselves explosive, such as oxidizers and fuels. But this law does not include an explosive substance produced as part of a manufacturing process which thereafter reprocesses it in order to produce a substance or preparation which is not an explosive substance.

Article 2 Definitions

1. Terms used in this law shall have the following meaning:

1.1. **Civil use of explosives** - use of explosives by legal entities authorized by the competent body which are also in possession of a blast permit and permit issued by ICMM or the Ministry;

1.2. **Explosives used for commercial purposes** - any explosive, detonator, and/or other chemical or technical device used, or intended to be used, to conduct blast operations in connection with any exploration, mining or quarrying operation in line with applicable Law on Mines and Minerals;

1.3. **Explosive initiators** - all types of capsules, inflammatory and sticks, **fuses** and also pyrotechnical means which are used during the ignition of explosives, regardless of the manner of activation before mining;

1.4. **Tinder** - explosive which is burnt through means of thermal transmission;

1.5. **Products filled with explosives** – products which contain or are filled with explosives, in which is based their efficiency;

1.6. **Pyrotechnical Products** - any product containing articles or mixture of designed articles which release heat, light, gas, fog or smoke, or their combination, bringing effects through chemical reactions, exothermic, self-consistent reactions for entertainment and other purposes which are called fireworks;

1.7. **Explosive substances** - hard or liquid substances or their mixture, ready for chemical reaction, which release gases, temperatures and pressure and which may destruct the environment;

1.8. **ADR** - European Agreement concerning the International Carriage of Dangerous Goods by Road;

- 1.9. **RID** - international agreement apply dangerous goods by rail;
- 1.10. **ICAO** - International Civil Aviation Organization;
- 1.11. **IMDG** - International Maritime Dangerous Goods Code.
- 1.12. **IMP** – International Military Presence;
- 1.13. **Sale** - selling of explosives and fireworks by legal licensed entity for trade and legal entity or natural person permitted to sell fireworks of Cat 2 and 3;
- 1.14. **Trade** - circulation of explosives in the market of the authorized person;
- 1.15. **Production** - production, elaboration and modification of explosives;
- 1.16. **Supplier** - the authorized person who puts the explosives in the market;
- 1.17. **Use of explosives** - direct treatment or activation of explosives;
- 1.18. **Use of fireworks** - operating fireworks;
- 1.19. **Treatment** - packing, loading, dis-loading, transfer and destruction of Explosives;
- 1.20. **Storing** - placing of explosives or fireworks in premises designated for storing explosives where adequate security criteria shall be offered;
- 1.21. **Import** - bringing of explosives or fireworks in the territory of Kosovo;
- 1.22. **Export** - transporting explosives or fireworks [out of the territory of Kosovo](#);
- 1.23. **Transit** - every transport of explosives or fireworks through the Kosovo territory meaning;
- 1.24. **Transfer** - every act of physical move of explosives or fireworks within the Kosovo territory;
- 1.25. **UN number** - identification number and scale of danger of dangerous materials, easy flammable and exploding, enumerated in the table of European Agreement on International Transportation of Dangerous Goods;
- 1.26. **Manufacturing an explosive or fireworks** - taking process for producing an explosive or fireworks; remake recondition of explosive; later the chemical or physical nature of an explosive and break up or sort out explosives;
- 1.27. **UN Hazard Classification** - substances and Articles as which have a:

1.27.1. mass explosion hazard, (division 1.1.);

1.27.2. projection hazard but not a mass explosion hazard (division 1.2.);

1.27.3. fire hazard or a minor blast hazard presenting a minor hazard or both, but not a mass explosion hazard (division 1.3.);

1.27.4. no significant hazard, (division 1.4.);

1.27.5. very insensitive substances which have a mass explosion hazard, (division 1.5.);

1.27.6. extremely insensitive Articles which do not have a mass explosion hazard, (division 1.6.);

1.28. **Packing** – any type of closure or fixation and cover that has as intention to make it possible the manipulation, securing and transportation of it, but that exclude:

1.28.1 any envelope, box or integral part of any device;

1.28.2. any type of cradle, casing, container with integral parts, freight container or vehicle.

1.29. **Inner packing and outer packing** - inner packing means packing that directly surrounds the explosive except when the packaging is composite part of explosive material and outer packaging that directly surrounds any explosive material and that it's the only packing;

1.30. **Ammunition** - a complete device missile, shell, mine, demolition, store, charged with explosives, propellants, pyrotechnics, initiating composition or nuclear, biological or chemical material for use in connection with offence or defense, or training, or non operational purposes, including those parts of weapon systems containing explosives;

1.31. **Detonation** - a reaction which moves through the explosive material at supersonic velocity in the reacting material; the rapid conversion of explosives into gaseous products by means of a shock wave passing through the explosive; an exothermic wave which follows, and also maintains, a supersonic shock front in an explosive; decomposition reaction in which the zone of chemical reaction propagates through the initial medium at a supersonic velocity behind the shock front;

1.32. **Explosive** - explosives for civil use; initiating means of explosives; Tinder; Products filled with explosive; Pyrotechnical substances and Rough material with explosive character;

1.33. **ANFO** - an explosive type gained with mixture of ammonium nitrate and fuel oil;

1.34. **Nitromethane**- one of the most effective fuels used in this sort of explosive. ANFO It is by far the most widely used explosive in coal mining, quarrying, metal mining, and civil construction: It also sees service in improvised explosive devices, where it is also known as a fertilizer bomb;

1.34. **Ammonium nitrate** - a chemical that has a has a melting point of 170 degrees Celsius and decomposes above 210 degrees Celsius and in case of this law is categorized as a explosive under UN hazard category1;

1.35. **Inert** - a munitions that contains no explosive, pyrotechnic, lachrymatory, radioactive, chemical, biological or other toxic substances;

1.36. **NEQ** - net explosive quantity also known as net explosive content or net explosive weight of a shipment or particular item of munitions;

1.37. **SOP** - Standard Operating Procedures;

1.38. **CE marking** - the marking is a mandatory conformance mark on many products placed on the single market in the European Economic Area - EEA;

1.39. **Ministry** - the Ministry of Internal Affairs;

1.40. **ICMM** - the Independent Commission for Mines and Minerals;

1.41. **License** – authorization issued from the competent body of legal entity, by which the holder is authorized to be engaged in a special type of business or other activity in compliance with terms prescribed in the license according to this law;

1.42. **Permit** - authorization issued by the competent body to legal entity to exercise a specific operational activity according to this law.

CHAPTER II AUTHORITIES

Article 3 Competencies and responsibilities

1. The Ministry issues licenses for: production, import, export, transit, trade, uses, storage destruction, sale and transfer, and leads the administrative procedures for determination

of the locations for loading, disloading and destruction of explosives and fireworks outside the building of legal persons.

2. The Ministry issues permits for import, export, transit, transfer, use and destruction for explosives and fireworks.

3. The Ministry issues permits for retail shops for the sale of fireworks.

4. The Ministry is responsible for:

4.1. giving of instructions and consent for use of explosives and fireworks;

4.2. keeping of updated list of explosives and fireworks;

4.3. leading of procedures and issuance of licenses for production of explosives and fireworks, import, export, transit, trade, storage, destruction and use;

4.4. cooperation for preparation of professional knowledge and standard capabilities of personnel, who are required to be professionally qualified according to this law;

4.5. keeping of evidence of data about explosives and fireworks and offering of them to competent bodies;

4.6. collection, elaboration, preservation, offering and use of data in accordance with this law;

4.7. cooperation with bodies and international organizations in activities interconnected with explosives;

4.8. seeking of information regarding the violations of this law by supervisory bodies;

4.9. prohibition of production, import, export, transit, trade, storage, destruction and use of explosives or fireworks in contradiction with this law.

5. The Ministry determines in a national list the permitted and prohibited explosives and fireworks by sub-legal act.

6. The Ministry is responsible and assures that the end user possesses the certificate.

7. The Ministry will liaise with ICMM for blasting permits.

8. The Ministry will form a joint inspection team in case of an incident investigation with a mining inspector of ICMM and the Kosovo police.

9. The ministry shall be responsible for verifying the CE marking of products at the time of import.

10. The Ministry will in sub-legal act determine the exemptions to the national list of explosives for the purpose of laboratory analysis, testing, demonstrations, experiments, theatre plays, pharmaceutical products and reloading of small arms ammunition as described in the Law on Weapons.

Article 4 **General Inspection authority**

1. Inspection for implementation of this law is conducted by the inspectors of the Responsible Department of the Ministry.

2. Inspector from paragraph 1 of this Article has the power to:

2.1. request documents;

2.2. enter and search premises;

2.3. issue improvement notices;

2.4. caution;

2.5. inform the police;

2.6. assign a time limit for elimination of irregularities and to temporary stop the production, trade, loading, unloading and use of explosives and/or fireworks;

2.7. propose to competent bodies revocation of licenses for production and trade;

2.8. require written clarification regarding the subject of inspection from responsible persons or other persons;

2.9. submit criminal allegation before competent authorities for minor offence or criminal offence;

2.10. taking part in an incident investigation.

3. Content and manner of exam for certification for inspector is determined by the Ministry in a sub-legal act.

Article 5

Inspectors` Powers

1. Powers of the inspector are as follows:

1.1. to enter and search places;

1.2. to enter without users consent;

1.3. to apply for a warrant and issue of warrants;

1.4. to have access to seized items;

1.5. to require name and address;

1.6. to require attendance of persons before an inspector to answer questions;

1.7. to require production of evidence;

1.8. to give direction about contravention;

1.9. to give direction in dangerous situation;

1.10. to prevent injury and damage by taking direct action;

1.11. to examine documentation linked with the explosives or fireworks, to enter, control and examine buildings, workplaces in which the explosives or fireworks are produced, stored, traded, transferred used and destroyed;

1.12. to order elimination of irregularities;

1.13. to examine documents which prove professional qualification of personnel;

1.14. to temporarily stop the activities regarding the production, trade, storage and use of explosives or fireworks, if the prescribed criteria by this law are not fulfilled;

1.15. to stop production, trade, storage and use of explosives or fireworks, if are revealed the irregularities of security measures;

1.16. to stop the use of explosives or fireworks, if prescribed criteria by this law are not fulfilled;

1.17. to stop the use of storage facilities which does not fulfill the conditions for storage of explosives or fireworks;

1.18. to stop the production and trade of explosives or fireworks if inappropriate package is used;

1.19. to stop the use of buildings for deposit and buildings for load and unload if criteria prescribed by this law are not fulfilled;

1.20. to order other necessary measures for protection of people, property and environment.

2. Additionally to paragraph 1 of this Article inspector has the following powers:

2.1. to examine, test, measure, photograph or film anything related to the explosives or fireworks on the location or;

2.2. to take samples at the location;

2.3. to remove an explosive or fireworks or an ingredient of an explosive or fireworks for examination or testing;

2.4. to copy a document;

2.5. to take into or onto the location any person, equipment and materials the inspector reasonably requires for exercising a power under this part.

3. The powers of an inspector may be limited:

3.1. under the condition of a specific appointment;

3.2. by written notice given by the Ministry to the inspector;

3.3. by a written notice given by the chief inspector to the inspector.

4. Appeal against any measure from this Article does not stop its execution.

5. For use, destruction and storage of explosives for the underground needs, the inspection shall be done by the inspector of mines and minerals based on the authorization that this person needs according to the Law on Mines and Minerals.

Article 6 **Appointing Inspectors**

1. Ministry appoints persons that have suitable qualifications as thought necessary for carrying into effect the relevant statutory provisions within its field of responsibility and having past the inspector exam.

2. Appointment of inspectors under paragraph 1. of this Article shall be made by a decision specifying which authorizations conferred on inspectors by the relevant provisions are to be exercisable by the person appointed.
3. The appointed inspectors will be issued an official identification badge.
4. The procedure for appointing inspectors and other details will be described by sub legal act issued by the Ministry.

Article 7 **Kosovo Police Supervision**

1. Kosovo Police performs supervision of the validity of the documentation concerning trade, import, export, transit, transfer, storage and use of explosives or fireworks during transport and at the border crossings.
2. The Kosovo Police will escort every import, export, transit or transfers of explosives or fireworks from begin to end destination in close cooperation with the responsible department of the Ministry.
3. Request and escort procedures of explosives or fireworks as well as their execution together with the escort costs will be determined with sub legal act from the Ministry.

CHAPTER III **AUTHORIZED PERSONS**

Article 8 **General Criteria**

1. Only Authorised and qualified persons can use, and store explosives or fireworks for licensed legal entities.
2. Authorised person from paragraph 1. of this Article, shall fulfil the following criteria:
 - 2.1. to be at least twenty one (21) years of age;
 - 2.2. to possess with psycho-physical abilities;
 - 2.3. **to have** relevant experience and expertise;
 - 2.4. **not to be** criminally prosecuted;

- 2.5. **not to be** evidenced as user of narcotic and psychotropic substances;
 - 2.6. **to be** professionally qualified.
3. Ministry in corporation with ministry of Health issues a sub-legal act where it determines the conditions and criteria for verifying psycho-physical state and procedures for issuing certificate.
4. The Ministry issue two types of qualification certificates upon request of an applicant.
- 4.1. an qualification certificate certifies to the licensee that a person is qualified for:
 - 4.1.1. transporting explosives or fireworks;
 - 4.1.2. to store and keep explosives or fireworks.
5. The Ministry shall issue an qualification certificate to an applicant if:
- 5.1. applicant has valid working contract;
 - 5.2. the applicant fulfil the requirements, of paragraph 2. of this Article;
 - 5.3. **where the applicant is a business corporate of which the responsible person, secretary of the corporate or another partner in the business entity is not a prohibited person meaning a person who is legally authorised to possess or use explosives or fireworks.**

Article 9

Duties of the authorised persons

1. Authorised persons, within their competencies and prescribed responsibilities ensure production, trade, use, management, storage and safe destruction of explosives or fireworks in accordance with this law.
2. Trade and use of explosives or fireworks is permitted only to professionally qualified persons. The qualification is proved by a certificate of qualification.
3. Authorised persons must supply information or a document to prove their identity and are required to display an adequate knowledge of safety practices for the use and handling of explosive or fireworks.
4. Education, criteria for professional qualification, programs of professional training and professional certification are prescribed in sub-legal legal acts by the ministry.

CHAPTER IV PERMITTED AND PROHIBITED ITEMS

Article 10 Permitted and Prohibited Explosives or Fireworks

1. Explosive materials in the sense of this law are:
 - 1.1. commercial explosives;
 - 1.2. explosive initiating means;
 - 1.3. tinder;
 - 1.4. products filled with explosive;
 - 1.5. pyrotechnical substances;
 - 1.6. rough material with explosive character.
2. Explosives will be permitted following an assessment to determine whether it is assigned to, or excluded from, Class 1 of the UN classification scheme for the transport of dangerous goods, and given United Nations Serial Number, hazard code and compatibility group.
3. Responsible Department of the Ministry will declare an explosive to be a permitted explosive for this law.
4. If the composition or quality of a permitted explosive changes, the explosive will not be a permitted explosive.
5. Responsible Department of the Ministry will determine in a national list the permitted explosives and its categorization.
6. Responsible Department of the Ministry will determine in a separate list the permitted fireworks and its categorization.
7. Subject to paragraph 6. of this Article no pyrotechnics which consist of sulphur, phosphorus mixed with chlorate of potassium, other chlorates or which contains any such mixture shall be permitted.
8. In order to request permission of an explosive or a firework which is not on the national list of explosives or fireworks, the applicant will file a request to the Ministry.

9. Request from paragraph 8. of this Article shall fulfil the requirements of Article 13 paragraph 2. and 3. of this law and shall contain the following:

9.1. NEQ - netto explosive quantity of a single item;

9.2. UN hazard class;

9.3. composition of explosive or fireworks;

9.4. character of explosive or fireworks.

10. UN Hazards Classification and compatibility groups will be provided in a sub legal act by the Ministry.

Article 11 Exemptions

1. Exceptions from this law are related to:

1.1. permitted activities involving explosives implemented by KSF, KP, Kosovo Custom and NGOs authorized for mine-clearing in accordance with the laws in force;

1.2. any explosive nuclear and biological device;

1.3. explosives used for airbag inflators.

2. The manufacture of explosives for the purpose of laboratory analysis, testing, demonstrations or experimentations but not for practical use or sale where the total quantity of explosives being manufactured at any time does not exceed one hundred (100) grams.

3. According to paragraph 1. of this Article the acquisition or retention of explosives for which an explosive certificate is required in accordance with this law, shall not be permitted.

4. The making or unmaking of small arms ammunition, or the preparation of cartridges for use with firearms which are to be used at historical re-enactment events, where the total quantity of primer and propellant used at any one time does not exceed two (2) kilograms and, for these purposes, the quantity of propellant used includes propellant removed from cartridges.

5. The preparation, assembly and fusing of firework displays at the place of intended use fireworks in quantities of no more than ten (10) kilograms at a time, at a site in relation to

which a person holds license or registration for the storage of explosives, for the purpose of a firework display to be put on by that person.

6. The preparation, assembly and fusing of explosives commissioned for use in theatrical, television, or cinematic special effects.

7. The reprocessing of an explosive to form a pharmaceutical product which is not in itself an explosive.

8. The permit for use of explosives prescribed in this law and issued by the Ministry does not include the blast permit for use in mines and quarries in accordance with the Law on Mines and Minerals which is the responsibility of ICMM.

Article 12 **Ammonium Nitrate**

1. The risk of fire or explosion is greatly increased if ammonium nitrate is mixed with combustible or incompatible materials, such as powdered metals, alkali metals, urea, chromium or copper salts, organic and carbonaceous materials, sulphur, nitrites, alkalis, acids, chlorates and reducing agents.

2. The Ministry will prepare guidance on storage of ammonium nitrate and other type of fertilizers that contain nitrogen.

3. The Ministry with a sub-legal act determines minimize the risk of explosion; however they can also reduce the risks associated with oxidizing properties and the release of toxic gasses in a fire.

4. Fertilizers that contain 28% or less nitrogen do not normally present an explosion hazard and therefore, to identify the precautions required, ammonium nitrate based fertilizers can be divided into two groups:

4.1. fertilizers that contain more than 28% nitrogen. Most of these are straight ammonium nitrate types, although they include a small number of compound fertilizers;

4.2. fertilizers that contain 28% or less nitrogen. Compound fertilizers form the major proportion of this group. The straight nitrogen types are usually a mixture of ammonium nitrate with limestone or similar inert materials.

CHAPTER V PLACING ON THE MARKET IN KOSOVO

Article 13 General conditions

1. Responsible person of the legal entity shall supply any person with explosives or fireworks with a purpose of their distribution, use or import, except for re-export, from outside the Republic of Kosovo, if:

1.1. the explosives or fireworks satisfy the essential safety requirements that apply to those explosives or fireworks conform to this law;

1.2. the explosives or fireworks should be in conformity with the national list;

1.3. the CE marking shall be affixed to the explosives or fireworks in accordance with relevant regulations;

1.4. besides the CE marking the package for explosives or fireworks has been foreseen with the following markings:

1.4.1. UN hazard classification;

1.4.2. name and address of the Manufacturer;

1.4.3. country of production;

1.4.4. year of production;

1.4.5. name and type of the Article.

1.5. Besides the CE mark fireworks will be labelled with the following markings:

1.5.1. name and address of the manufacturer;

1.5.2. country of production;

1.5.3. year of production;

1.5.4. name and type of the Article;

1.5.5. minimum age limit of persons that are permitted to purchase;

1.5.6. minimum safety distance;

1.5.7. safety advice, if any.

1.6. Instructions of the explosive or fireworks shall be produced on the official languages of the Republic of Kosovo.

2. The explosive or fireworks may be put in the market and in use, after the producer or supplier have issued with the permit before hand and with the instructions for use and secure destruction, by the Ministry.

3. Producer or supplier should hand over a document on adaptability to the competent body according to the EU Directive, for placing the explosives and fireworks in market.

4. The Ministry with sub-legal act describes the procedures and the forms for placing explosives or fireworks in the market as well as the requirements for CE marking and marking of packages.

CHAPTER VI SALE OF EXPLOSIVES

Article 14 Sale of permitted explosives

1. During sale of permitted explosives all requirements for transfer and permits will be applicable in accordance with this law.

2. A licensed legal entity can sell an explosive if the licensee holds a license or permit for sale in explosives.

3. Ministry may take samples of explosives in the market in order to perform examinations in appointed and non-appointed period of times to conclude their adaptability.

4. Ministry may take samples of explosives to assess their adaptability with the prescribed technical criteria.

5. In case that further use of an explosive represent risk for life of people and environment, the Ministry temporarily may prohibit the sale of explosives until the assessment on adaptability is done.

6. If taken samples are not in accordance with the prescribed technical criteria, the Ministry shall prohibit sale of such explosives.

7. The producer or supplier shall cover expenses of examination.

8. Documents and foreign adaptability marks will be valid in the Republic of Kosovo, after they have been confirmed by the explosive inspectorate of the Ministry according to Kosovo's technical criteria for explosives. The explosive inspectorate can during this process if necessary be supported by the Kosovo Police Forensic Laboratory.

9. Ministry by sub-legal act determines the technical criteria for explosives and procedures of assessment of adaptability enlisted in paragraph 4. to 8. of this Article, and also procedure and criteria for admission of foreign documents on adaptability.

Article 15 **Sale of fireworks**

1. Fireworks are sold only by authorised and licensed person's entities for trade or retail in fireworks.

2. Fireworks shall be categorized by the manufacturer according to their type of use, or their purpose and level of hazard, including their noise level as follows:

2.1. fireworks of category 1 which present a very low hazard and negligible noise level and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings;

2.2. fireworks of category 2 which present a low hazard and low noise level and which are intended for outdoor use in confined areas;

2.3. fireworks of category 3 which present a medium hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to human health;

2.4. fireworks of category 4 which present a high hazard, which are intended for use only by persons with specialist knowledge commonly known as fireworks for professional use and whose noise level is not harmful to human health.

3. Theatrical pyrotechnic Articles divided as follows:

3.1. pyrotechnic Articles for stage use which present a low hazard category T1;

3.2. pyrotechnic Articles for stage use which are intended for use only by persons with specialist knowledge category T2.

4. Other pyrotechnic Articles divided as follows:

4.1. pyrotechnic Articles other than fireworks and theatrical pyrotechnic Articles which present a low hazard of category P1;

4.2. pyrotechnic Articles other than fireworks and theatrical pyrotechnic Articles which are intended for handling or use only by persons with specialist knowledge category P2.

5. Fireworks are produced in different types but are mainly belonging to one of the following types:

5.1. F1 Cake is a firework that is constructed from many cardboard tubes glued together. Each tube normally contains a single shot, and these are all connected by an internal fuse. Once the cake is lit, the fuse burns from tube to tube, igniting each shot in turn. Thus, a 16 shot cake will have 16 tubes etc. Cakes are designed to be set up on the ground. They remain on the ground but each shot is blown out of the tube and into the air above.

5.2. F2 Candle is the traditional name for a firework that has been around for centuries. In its simplest form, it's just a card tube with a shell sitting inside it. The fuse runs into the tube and ignites a lifting charge, popping the shell out of the open top and into the air, where it then explodes with its effect. The candle itself remains on the ground.

5.3. F3 Rocket comprise of three main sections. The head, normally made of card or plastic, contains the effect itself. This is mounted on top of a cylindrical "motor", which the fuse ignites. The motor contains solid fuel propellant and can accelerate the rocket to several hundred miles an hour in some cases. When the motor has burned through, a reverse charge explodes into the head, igniting the payload. These components are mounted on a long stick, normally made of wood or dowel. The stick is inserted into a launch tube which is normally a piece of plastic piping or conduit.

5.4. F4 Fountains resembles a volcano in shape. All fountains create a column of sparks from ground level and except for crackling versions, are quiet in operation and giving just a sound "roar".

5.5. F5 Mine is the most powerful firework you can buy because the whole contents explode at once. Whereas the contents of a cake, candle or other firework go off "bit by bit", in a mine the whole lot is packed loosely in a single card tube. The fuse ignites this and the explosion shoots out of the end of the tube, into the air and occur from ground level.

5.6. F6 Wheel is a card or plastic disc with a number of rocket-like thrusters or fountains mounted around the circumference. Each one burns to provide both sparks, and thrust, spinning the wheel around. The fast motion of many wheels adds to the effect.

5.7. F7 Sib (A single ignition box) is essentially just a very large cake but with a wider variety of effects. The outer tubes in some are also angled slightly, so the box provides coverage to the left and right of the display area too.

5.8. F8 others include sparklers, lance work, waterfalls and pigeons.

5.9. Low explosives are compounds where the rate of decomposition proceeds through the material at less than the speed of sound.

5.10. Gunpowder, also called black powder, is a mixture of sulfur, charcoal, and potassium nitrate. It burns rapidly, producing volumes of hot solids and gases which can be used as a propellant in firearms and as a pyrotechnic composition in fireworks. Gunpowder for the use of firearms will be exempted from this law and will be regulated according to the law on weapons.

6. Fireworks of Category 1, 2 and 3 of paragraph 2 of this Article, can be sold to persons **from the age as following:**

6.1. category 1: twelve (12) years;

6.2. category 2: sixteen (16) Years;

6.3. category 3: eighteen (18) Years;

6.4. category T1 and P1: eighteen (18) years.

7. Fireworks Category 4 from paragraph 2 of this Article of category T2 paragraph 3. and P2 paragraph 4. of this Article can only be sold by licensed and authorized persons.

8. Fireworks suppliers must keep evidence of every transaction over fifty (50) Kg for a minimum of three (3) years.

CHAPTER VII SAFETY MEASURES

Article 16 General conditions

1. According to the provisions of this law, all measures for protection of human health and life, property and environment should be applied, when the explosive or fireworks is used.

2. Licensee who is involved in the activity of production, trade, use, storage and destruction of explosives or fireworks, should guarantee the security of persons and property and should undertake all **measures as foreseen in compliance with Article 28 of this law**.
3. Measures from paragraph 2 of this Article are defined in respective documentation foreseen in Article 40 of this law.
4. Licensee prepare an emergency plan of measures for cases of accidents or other emergent cases such as: explosion, fire and breach.
5. The plans shall contain relevant contact information of local emergency response agencies.
6. Licensee informs all persons involved in any kind of activity with explosives about the security measures submitted in its general documents, and in its plan of measures, and to ensure to them training to deal with accidents and other emergent acts.
7. Training must occur **every six (6) months** for all employees or persons involved in working with explosives.
8. Buildings planned for production, trade and storage of explosives should be physically and technically secure and should be outside of urban zones with exemption of allowed storages for retail shops for sale of fireworks. Building spacing requirements should be defined and submitted to the ministry for approval and to ensure the proper spacing for the explosives storage.
9. Each licensee involved in the activity of use of explosives in any way, organizes and supervises the execution of measures and conditions **described by this law**.
10. Each licensee who is involved in the activity of production, trade and use of explosives, is obliged to inform immediately the nearest police station for type and quantity of any lost or stolen explosive.
11. Any licensee who manufactures or stores explosives must take reasonable precautions and use reasonable care to avoid endangering any person's safety, health or property.
12. Every licensee who stores explosives at a site shall ensure that the separation distance prescribed is maintained between a store and a building or other place not within that site to which that Schedule applies.
13. Ministry with sub-legal act will determine the criteria for the explosive storage distances and security criteria for storage and placement of explosives.
14. Every licensee shall ensure that access of unauthorised persons to explosives is prohibited.

Article 17
Protection from Fire

1. Any licensee that manufactures or is responsible for the storage of explosive materials shall establish and maintain documented fire prevention policies and SOP's. should include the following:

1.1. no smoking within twenty (20) m of the magazine. NO SMOKING / NO NAKED LIGHTS signs shall be prominently displayed around the storage;

1.2. grass shall be cut down and kept short in the area around the storage;

1.3. flame or spark producing equipment shall not be used within twenty (20) m of storage. Where such equipment is required to carry out repairs to the storage, all explosives shall be removed;

1.4. paints, oils, petrol or any other flammable materials shall be prohibited to be stored with explosives. Authorized cleaning materials may be used in the magazine for maintenance but are to be removed when not in use;

1.5. empty containers of any type are not to be stored with explosives;

1.6. a minimum of two water fire extinguishers shall be in a prominent position outside each explosives store;

1.7. all fire fighting equipment is to be maintained in a fully serviceable condition;

1.8. lightning protection should be used in accordance to EU standard EN 62305;

1.9. a board listing Articles that are not permitted into the storage shall be prominently displayed at the entrance to the storage. Details of the prohibited Articles are as follows:

1.9.1. lanterns, oil lamps, and stoves and all flame or fire producing supplies;

1.9.2. cigarette lighters, or other portable means of producing a spark or flame;

1.9.3. smoking;

1.9.4. inflammable liquids and solvents other than those authorized for maintenance work on containers or contained in the tank of a vehicle;

1.9.5. food and drink;

- 1.9.6. radio equipment of all types including mobile phones;
- 1.9.7. firearms with the exception of those carried by guards;
- 1.9.8. medicines other than those forming part of a first aid kit;
- 1.9.9. ammunition not allowed to be stored;
- 1.9.10. any unprotected power source.

Article 18 Protection from Explosive Explosion

1. Any licensee in control of or working at an explosives site must take **necessary** precautions and use reasonable care to prevent an explosions incident at the site.
2. The licensee ensures a notice warning persons at the factory of their liability to penalties for an offence always conspicuously displayed so anyone entering the site can easily see and read it.

Article 19 Storage

1. Storage places for explosives and retail shops will be licensed by the Ministry.
2. Legal entity shall fulfil the requirements from Article 16 of this law.
3. Any person who stores explosives, including any handling, on-site transport and testing of an explosive which is associated with that storage, shall take all appropriate measures:
 - 3.1. to prevent an unplanned fire or explosion;
 - 3.2. to limit the extent of fire or explosion including measures to prevent the spreading of fires and the communication of explosions from one location to another
 - 3.3. to protect persons from the effects of fire or explosion.
4. Legal persons should inform all persons involved in any kind of activity with explosives about the security measures submitted in its general documents, and in its plan of measures, and to ensure to them training to deal with accidents and other emergent acts.

5. Every person who stores explosives at a site shall ensure that the external or internal separation distance is maintained between explosives and a store and a building or other place not within that site. Explosives spacing and distance requirements for storage will be determined by the Ministry with sub-legal act according to Article 28 of this law.
6. Buildings for production and storage shall be built and equipped that way so to ensure the protection of people, property and environment.
7. Explosives are stored in the static or mobile objects dedicated for storage.
8. Buildings for production and storage shall be secure against unauthorised access.
9. The Ministry with sub-legal act shall determine criteria for buildings for production and storage and criteria for locations for loading and unloading of explosives or fireworks.
10. Retail shops of fireworks shall also fulfil special technical and security criteria, which are determined in the Law on Fire Prevention.

Article 20 **Storage design**

All occupiers of premises storing explosives or fireworks are to take due precautions to prevent access to the explosives or fireworks by any unauthorised persons.

Article 21 **Explosion Danger Areas and Separation Distances - Safety**

Separation Distance shall be based on the storage construction, hazard classification and quantity storage. Separation distances and spacing requirements for storage are annotated in the safety guidance explosives or safety guidance fireworks.

Article 22 **Unauthorised Access**

1. Buildings for production and storage shall be secure against unauthorized access.
2. No person shall without the permission of the licensee, enter:
 - 2.1. any storage, in or at a site;
 - 2.2. any building used for the manufacture of explosives or fireworks in or at a site;

- 2.3. any site with clearly marked boundaries at which explosives or fireworks are stored or manufactured.
3. A person in possession of firearm must not enter a storage.
 4. Paragraph 2 of this Article shall not apply to explosives that are under the control of the ministry.
 5. Authorisation can be given only to the Ministry inspectors for explosives.

Article 23

If a person enters unlawfully or carries a firearm in a licensed location for explosives or fireworks, an inspector, a security provider or the licensee must immediately inform the police.

Article 24 **Handling and use of general explosives**

1. Before an employer allows an employee to handle or use explosives, the employer must ensure, the person is an appropriate person.
2. A person who is doing **an act** involving explosives or firework must take reasonable precautions and use reasonable care to avoid endangering any person's safety, **health or property**.
3. Legal persons may use explosives only in locations and for purposes assigned in the license for use of explosives.
4. Use of explosives in any location shall be conducted only with the permission from the Ministry. Measures implemented by the Ministry shall be regulated with sub-legal act.
5. Exceptionally from paragraph 3. of this Article, in special cases the Ministry may decide otherwise.
6. Explosives or fireworks may be destroyed only in the locations where it is permitted and the NEQ of explosives does not exceed fifty (50) kg, or the amount determined in accordance with the instructions of producer.
7. Explosives or fireworks are destroyed only by personnel professionally qualified, after obtaining of consent by the Ministry.

8. Un-used explosives that were brought to the location where the blast takes place from the storage room will not be brought back to the storage room but destroyed in the authorised location blast.

9. Locations for loading and unloading of explosives outside of the objects of producer or supplier are determined by the Ministry in agreement with municipality.

10. Legal entity shall fulfil the requirements from Article 16 paragraphs 1. to 10. of this law.

11. Failure to comply with this section may be ground for suspending or cancelling an authority holder's authority.

Article 25

Handling and use

A person shall not prepare an explosive or fireworks for use, handle or use an explosive or firework, other than in the way prescribed under this law.

Article 26

Transport of Explosives - Safety

Explosives shall be transported only in accordance with agreements in paragraph 2. of Article 1 of this law.

Article 27

Disposal and Destruction

1. Any person who disposes of explosives or fireworks or decontaminates explosive-contaminated items shall ensure, so far as is reasonably practicable, that they are disposed of or decontaminated safely.

2. The use of one of four methods, burning, detonation, dissolving or diluting by a solvent or chemical destruction will depend on the nature of the explosive and its hazards, and the type and position of the disposal site. Burial and dumping at sea are not suitable methods of disposing of explosives or fireworks.

Article 28
Additional Safety Requirements

1. The Ministry will in a sub-legal act determine the following safety measures and will further be called Safety guidance explosives SFE respectively Safety Guidance Fireworks SFF.

1.1. Safety Guidance for Explosives contains safety for:

- 1.1.1. fire prevention;
- 1.1.2. explosion prevention;
- 1.1.3. safety manufacture;
- 1.1.4. safety explosion danger areas and separation distances;
- 1.1.5. access to explosives;
- 1.1.6. removal of trespassers;
- 1.1.7. handling and use of explosives;
- 1.1.8. transport of explosives;
- 1.1.9. disposal and destruction.

1.2. Safety Guidance Fireworks contains safety for:

- 1.2.1. fire prevention;
- 1.2.2. safety explosion prevention;
- 1.2.3. safety Manufacture;
- 1.2.4. explosion danger areas and separation distances;
- 1.2.5. access to fireworks;
- 1.2.6. removal of trespassers;
- 1.2.7. handling and use of fireworks;
- 1.2.8. transport of fireworks;

1.2.9. disposal and destruction.

CHAPTER VIII LICENSES AND PERMITS

Article 29 General specifications

1. A general license **is** issued by the Ministry upon request of the applicant.
2. The general license **is** issued to legal entities applicants in the following fields:
 - 2.1. license for manufacturing of explosives and fireworks;
 - 2.2. license for import, export, transit and transfer of explosives and fireworks;
 - 2.3. license for use of explosives and fireworks.
3. The following permits can be issued to legal entities that apply for:
 - 3.1. permit for import, export, transit or transfer of explosives and fireworks;
 - 3.2. permit for retail shop to sell explosives;
 - 3.3. permit for storage;
 - 3.4. permit for destruction;
 - 3.5. permit for manufacturing;
 - 3.6. permit for firework display;
 - 3.7. permit for production building;
 - 3.8. permit for use.(blast permit)
4. General criteria for request for a applicant legal entity for the licenses of paragraph 1. of this Article are.
5. Request from paragraph 1 of this Article shall have attached the following documents:
 - 5.1. business certificate;

- 5.2. court certificate that the legal entity is not forbidden or terminated by final court decision of the competent court;
- 5.3. bank warranty for five (5) years of ten thousand (10.000) €
6. The Ministry will reply within thirty (30) days on the request for license.
7. The Ministry will reply within fifteen (15) days for the request for permit.
8. Appeal is applicable in line with the law on administrative procedure and other relevant laws.
9. Licenses are valid for a period of five (5) years.

Article 30 **Foreign legal entities**

Legal entities from foreign countries, are eligible to apply for licence in the Republic of Kosovo, on condition that they meet the same criteria as national applicants in accordance with this Law and other relevant laws in force.

Article 31 **License and permit for manufacturing**

1. Legal person may start manufacturing of explosives or fireworks, after it is issued a licence and permit for manufacturing of explosives or fireworks by the Ministry.
2. Licence for manufacturing of explosives or fireworks is valid five (5) years from the date of issuance, be in limited timeframe and be subjected to other limitations in order to ensure protection of health and life of people, protection of property and environment.
3. To the request for licence for manufacturing of explosives or fireworks as described in paragraph 1 of this Article shall be attached:
 - 3.1. data about the type of explosives or fireworks which are planned to be manufactured;
 - 3.2. data about the process and technology of the manufacture;
 - 3.3. certificate of authorised or qualified persons;
4. Before beginning the manufacturing of an individual product i.e. explosive or fireworks, the license legal entity for manufacture shall request a permit for manufacture of explosives or fireworks.

5. The request from paragraph 4. of this Article shall contain the following:

- 5.1. copy of license for manufacture;
- 5.2. permit for safe storage;
- 5.3. permit for buildings where the explosives are produced;
- 5.4. emergency plan;
- 5.5. safety plan location.

6. In the frame of issued manufacture licence, produced explosive is subjected to testing after six (6) months in the first year and continues for every twelve (12) months.

7. **Criteria from** paragraph 1. and 4. of this Article shall not apply to:

7.1. the manufacture of explosives for the purpose of laboratory analysis, testing, demonstration or experiment where the total quantity of explosives being manufactured at any time does not exceed one hundred (100) grams;

7.2. the making or unmaking of small arms ammunition or the preparation of cartridges for use with firearms which are to be used at historical re-enactment events, where the total quantity of primer and propellant used at any one time does not exceed two (2) kilograms and for these purposes, the quantity of propellant used includes propellant removed from cartridges;

7.3. the preparation of shot firings charges in connection with their use;

7.4. the preparation, assembly, disassembly and fusing of firework displays at the place of intended use;

7.5. the preparation, assembly and fusing of fireworks, in quantities of no more than ten (10) kilograms at a time, at a site in relation to which a legal entity holds a licence for the storage of explosives for the purpose of a firework display to be put on by the responsible person of legal entity;

7.6. the preparation, assembly and fusing of explosives commissioned for use in theatrical, television or cinematic effects;

7.7. the reprocessing of an explosive to form a pharmaceutical product which is not in itself an explosive;

7.8. the mixing for immediate use of ammonium nitrate with fuel oil or ammonium nitrate blasting intermediate with another substance at a mine or quarry to produce an explosive which is not cap-sensitive;

- 7.9. the use of desensitised explosives in the manufacture of products which are not in themselves explosives;
- 7.10. the manufacture of explosives by a company which is a wholly-owned subsidiary of another company at a site in relation to which that other company holds licence to manufacture explosives and that manufacture by the wholly-owned subsidiary is in accordance with the conditions of that licence.
8. Permit for manufacture of explosives and fireworks is valid for twelve (12) months.

Article 32
License and permit for import, export, transit and transfer of explosives or fireworks

1. Explosives or fireworks shall be placed on the market if they fulfil the requirements from Article 13 paragraph 2. of this law.
2. Besides the requirements of Article 13 paragraph 1. and 2. of this law for placing in the market explosives and fireworks the following criteria shall be fulfilled:
 - 2.1. CE marking shall be affixed to the explosives and the package:
 - 2.1.1. of durable nature such that it will remain visible, easily legible and indelible during normal transport or storage;
 - 2.1.2. is affixed either to the explosives themselves or where that is not practicable to an identification plate which is attached to the explosives and which is so designed as to make its reuse impossible;
 - 2.1.3. where neither of the above is practicable to the packaging of the explosives; and
3. To the request for licence for import, export, transit or transfer of explosives or fireworks shall be attached the following:
 - 3.1. business certificate;
 - 3.2. ADR certificate.
4. Before importing, exporting, transit or transfer of an individual product i.e. explosive or fireworks, the licensed legal entity for import, export, transit or transfer shall request a permit for import, export, transit or transfer of explosives or fireworks.
5. The request from paragraph 3. of this Article shall contain the following:

- 5.1. name and address of legal person and responsible person;
 - 5.2 name of explosive and identification number of UN;
 - 5.3. name and address of producer;
 - 5.4. name and address of supplier or deliverer of explosive and name and address of buyer or receiver of the explosive;
 - 5.5. name and address of the driver of vehicle, type of vehicle and number plates of vehicle;
 - 5.6. quantity of explosives;
 - 5.7. table of security data;
 - 5.8. identification information of explosives or fireworks;
 - 5.9. date and time of import, export and transit;
 - 5.10. time and place of expected stopping;
 - 5.11. entry and exit border crossing if applicable and route of transport;
 - 5.12. purpose of transfer if applicable.
6. The request from paragraph 5. of this Article shall contain the following documents:
- 6.1. copy of license for import, export, transit or transfer;
 - 6.2. licence of import or transit of the countries to which the explosives are exported or through which the transit of explosives ;
 - 6.3. end user certificate.
7. Proof of adequate conditions for transport in accordance with international norms will be requested.
8. Ministry determines special security measures for import, export or transit through territory Republic of Kosovo.
9. Responsible persons of legal entity who transport explosives or fireworks are obliged to be in possession of the permit for Import, Export, Transit or transfer and to present it to the Kosovo Police upon request.

10. Export of explosives will be supervised by the Ministry in accordance with relevant laws in force.

11. Permit for export, import, transit or transfer is valid for the period of thirty (30) days for negotiation and contracting and is useable for one day only and **that is the day of transporting the item.**

12. In case of risk for public safety, and in order to prevent illegal use of explosives, the Ministry may limit or prohibit the import, export, transit or transfer of explosives.

13. Ministry may also temporarily limit or prohibit transfer of explosives or fireworks in the entire territory or in a part of territory of Kosovo, with purpose of protection of public safety.

Article 33

License and permit for use of explosives and fireworks

1. Legal person may use explosives or fireworks, if it is issued a licence for use of explosives or fireworks by the Ministry.

2. Licence for use of explosives or fireworks is valid five (5) years from the date of issuance, be in limited timeframe and be subjected to other limitations in order to ensure protection of health and life of people, protection of property and environment.

3. To the request for licence for use of explosives or fireworks will be attached the following documents:

3.1. data about the type of explosives or fireworks which are planned to be used;

3.2. data about the process and technology of the use;

3.3. certificate of authorised or qualified persons.

4. Before using of an individual product i.e. explosive or fireworks, the license legal entity for manufacture shall request a permit for use of explosives and Cat 4 or T2.

5. The request from paragraph 4 of this Article shall contain the following:

5.2. copy of permit for safe storage;

5.2. emergency plan;

5.3. safety plan location.

6. Permit for use of explosives is valid for a limited period of time (time needed for the process).
7. A permit for firework display Cat 2 and 3 may be issued to a natural person by the local police station upon request.
8. The request from paragraph 7. of this Article shall contain the site location map
9. The local police will decide on the request within eight (8) days.
10. A permit for firework display Cat 4, T1 and T2 may be issued to a licensed legal entity by the Ministry upon Request.
11. The request from paragraph 10. of this Article must contain site location map.
12. The Ministry will decide on the request within eight (8) days.
13. Permit is valid for one day or the number of days approved by the Ministry.
14. The Ministry has the right by public announcement to prohibit the use and sale of fireworks for Cat 2, 3 and 4 when necessary during dry **climate** periods and the risk for fire is too high.

Article 34

Permit for sale of explosives or fireworks

1. A permit for sale of explosives or fireworks can be issued by the Ministry upon request:
 - 1.1. for sale of explosives for legal entities and between legal entities only in special occasions;
 - 1.2. for sale of fireworks for retail shops.
2. The request from paragraph 1. of this Article shall contain the following:
 - 2.1. copy of business certificate;
 - 2.2. court certificate that the legal entity is not forbidden or terminated by final court decision of the competent court;
 - 2.3. copy of permit for storage;
 - 2.4. copy of certificate of the qualified person according to Article 8 of this law;

2.5. emergency plan;

2.6. safety Plan Location.

3. The Ministry will decide within maximum thirty (30) days regarding the permit for sale of explosives or fireworks.

4. The right to appeal is applicable in accordance with the Law on Administrative Procedures.

4. The permit for sale of explosives is valid for five (5) years.

Article 35 **Permit for storage**

1. Legal entity shall store explosives or fireworks only if she/he holds a permit for a safe storage and complies with the conditions of that permit.

2. Exemptions of paragraph 1. of this Article are:

2.1. black powder not more than five (5) kg, conventional black powder;

2.2. fireworks Cat 2 and 3 not more than one (1) kg.

3. The permit can be issued to a legal entity applicant based upon request.

4. The request from paragraph 3. of this Article shall contain the following:

4.1. a copy of the relevant permit for trade, production or use of explosives or fireworks;

4.2. project plan in accordance with Article 19, 20 and 21 of this law;

4.3. extract out of cadastre plan of local municipality (1:25.000);

4.4. detailed sketch of the storage place in 1:1000;

4.5. proposed type of explosives UN Hazard group and NEQ;

4.6. risk assessment.

5. The Ministry will decide with thirty (30) days on the request.

6. The permit for storage is valid for five (5) years.

Article 36
Permit for destruction

1. Destruction shall be in accordance to the procedures described in Article 24 and 27 of this law.
2. A permit for destruction is not applicable for the procedures implemented on a determined licensed blast location where left over of explosives are destroyed after they have left the storage.
3. A permit for destruction may be granted to a licensed legal entity for manufacturer or use or a legal entity permitted for trade upon request.
4. The request from paragraph 3. of this Article shall contain the following:
 - 4.1. copy of relevant license or permit;
 - 4.2. location of destruction;
 - 4.3. proposed process for destruction.
5. The Ministry will decide with thirty (30) days on the request.
6. The permit for destruction is valid for one day or for the number of days approved by the Ministry.

Article 37
Permit for production building for explosives and fireworks

1. The permit can be issued to a legal entity applicant based upon request.
2. The request from paragraph 1. of this Article must contain the following:
 - 2.1. a copy of the permit, for production or use of explosives or fireworks;
 - 2.2. project plan in accordance with Articles 19, 20 and 21 of this law;
 - 2.3. extract out of cadastre plan of local municipality (1:25.000);
 - 2.4. detailed sketch of the storage place in 1:1000;
 - 2.5. proposed type of explosives UN Hazard group and NEQ;
 - 2.6. risk assessment;

- 2.7. installation of electric security system in accordance with European standards.
3. The Ministry will decide with thirty (30) days on the request.
4. The permit for storage is valid for five (5) years.

CHAPTER IX

AMENDING AND REVOCATION OF LICENSES AND PERMITS

Article 38

Amending licenses and permits

1. The Ministry may amend the license or permit:
 - 1.1. where there has been a change in separation distances **according to Article 21 of this law;**
 - 1.2. when a variation is necessary to ensure safety;
 - 1.3. when a variation is in relation to any data of the legal entity.
2. A licence or permit may be varied by the Ministry, without the agreement of the licensee.
3. A licensee may apply to Ministry for an amendment of the licence or permit at least fifteen (15) days before the holder wants the amendment of the permit or licence to take effect.
4. The Ministry may amend the license or permit only if determines that the amendment is desirable in the interest of the effective administration of this law, in case licence must promptly give a written notice regarding the decision and the amendment.
5. If the Ministry decides not to amend the licence or permit, the Ministry must promptly give the licensee a written notice stating:
 - 5.1. the decision;
 - 5.2. the reason for the decision;
 - 5.3. the holders right to appeal according to the Law on Administrative Procedure.

Article 39
Revocation of license and permits

1. The Ministry will revoke the issued licence or permit:
 - 1.1. where there has been a change in the site or if the place in which explosives are manufactured or stored is no longer suitable for manufacturing or storage of explosives or fireworks;
 - 1.2. if the Ministry obtains information after having issued a license or permit that the licensee is not a fit person for that type of license or permit; or
 - 1.3. by agreement with the licensee or responsible person;
 - 1.4. licensee does not comply with the criteria anymore, determined by this law;
 - 1.5. licensee does not exercise the activity of production of explosives within one (1) year from the issuance of licence for production of explosives, or interrupts its activity for more than two (2) years.
2. A person whose licence is revoked shall ensure that all explosives are removed from a site within twenty (20) days after revocation of a licence:
3. The licence shall be returned to the Ministry within thirty (30) days of the date that the revocation takes effect.
4. All evidence, which is kept on the basis of provisions of this law, is sent to the Ministry by the licensee, not later than eight (8) days after the decision on revocation becomes final.
5. In case of revocation of the license the confiscation will take place in accordance with Penal Code, **if the legal entity does not cooperate with competent body.**

CHAPTER X
EVIDENCING AND RECORD KEEPING

Article 40
Record keeping

1. The Ministry shall maintain a register containing:
 - 1.1. the name and the address of the licensee and the responsible person;

- 1.2. the address of the site where the explosives are manufactured, stored or used;
 - 1.3. the hazard type and maximum amount of explosives or fireworks which may be stored at one time;
 - 1.4. the nature of the business of the licensee and the intended use of explosives or fireworks;
 - 1.5. the kind of explosives or fireworks manufactured or stored;
 - 1.6. a plan in a suitable scale to show the separation distances or a condition of the licence to be maintained around the store or the building where explosives or fireworks are manufactured;
 - 1.7. a map in a suitable scale to show the location of any stores;
 - 1.8. the type of storage concerned, including the material out of which it is constructed.
2. Licensee for the manufacturing of explosives or fireworks is obliged to inform the Ministry for every start or interruption of the process of manufacturing, trade or use of explosives or fireworks.
 3. Licensees are obliged to inform the Ministry for every change in the process of manufacturing, trade or use of explosives or fireworks.
 4. Ministry with purpose of possession of data keeps:
 - 4.1. evidence for licences issued for production, trade, import, export, transit, transfer, storage and use;
 - 4.2. evidence for revoked licences for production, trade, import, export, transit, transfer, storage and use;
 - 4.3. evidence for taken samples of explosives;
 - 4.4. evidence of explosives with instructions for use, for which is given permission by the Ministry;
 - 4.5. evidence of issued permits.
 5. The Ministry will prescribe with a sub-legal act the manner, the form and the content of evidence keeping.

Article 41
Records for Manufacture, Trade, Sale and Use

1. Any licensee who acquires possession of or keeps any explosive or fireworks shall make and maintain an up to date record preserved in safe place for a period of twenty (20) years from the date of the latest entry in it.
2. Any licensee who is a manufacturer of explosives or fireworks keeps the evidence for the types and amount of produced, sold and destroyed explosives or fireworks. Records for manufacturing will be kept for minimum thirty (30) years.
3. Any licensee which is engaged in the activity of trade, import, export, transit, transfer and use of explosives or fireworks should necessarily keep evidence for the types and amount of purchased, sold, destroyed and returned explosives or fireworks.
4. Manner of keeping the evidence, format and content of data are prescribed in a subsidiary legal act by the Ministry.
5. The Ministry may inspect the document or thing and make copies of, photograph, or take extracts from, the document or thing if it is relevant to the inquiry.
6. For each type of explosive or fireworks, the licensee shall keep:
 - 6.1. adaptability statement;
 - 6.2. technical specifics;
 - 6.3. instructions for use, storage and destruction;
 - 6.4. mark of the class of explosive-pyrotechnical products;
 - 6.5. mark of data on security.

Article 42
Reporting Loss of Explosives

1. Any licensee who acquires possession of, keeps, loads, unloads or transports explosive or fireworks shall ensure that the loss of any explosive or fireworks is reported to the ministry and Kosovo police:
 - 1.1. the date and time that the loss was first discovered;
 - 1.2. the place at which that discovery was made;
 - 1.3. a description of each type of explosive or fireworks that has been lost;

1.4. for each type of explosives or fireworks lost, the number of Articles lost and the total nominal mass.

CHAPTER XI INCIDENTS AND ACCIDENTS

Article 43 Reporting of incidents

The licensee whose explosives or fireworks are involved in an explosives or fireworks incident must immediately give the Ministry and the Police verbal notice followed by written notification of the incident and any loss of life, personal injury or property damage caused by the incident.

Article 44 Investigation of incidents with explosive

1. The inspector shall investigate an explosive or fireworks incident in close cooperation with the Kosovo Police and the ICMM Inspector in case of an explosive incident at a mining location.
2. The licensee must ensure that the site of the incident is not interfered with until all relevant details about the incident have been recorded:
 - 2.1. **should photograph the site;**
 - 2.2. sufficient measurements have been taken to allow the development of an accurate plan of the site;
 - 2.3. a list of witnesses to the incident has been compiled.
3. Investigation of explosive accidents **and incidents** shall be regulated with sub-legal act.

CHAPTER XII SPECIAL PROCEDURES

Article 45 Risk assessment

1. Each legal entity in control of an explosive site or firework display must carry out an risk assessment.
2. The Ministry may give a written notice requiring persons in control or working at sites to take steps reasonably necessary to prevent, remove or minimize danger.
3. The notice from paragraph 2. of this Article shall contain the following:
 - 3.1. the situation the inspector determines is causing the danger:
 - 3.2. the reasons for causing the danger.
4. The Ministry will determine in a sub-legal act the way for risk assessment.

Article 46 Emergency Procedures

1. Every operator of a site shall prepare an on-site emergency plan.
2. Emergency plan shall be updated annually.
3. Emergency plan shall be testes annually.
4. The Local authority is responsible to ensure the participation of emergency services during the testing from paragraph 3. of this Article.

Article 47 Protection of airspace

1. The Ministry and ICMM will ensure coordination with the competent body for aviation security for every specific case of civil use of explosives.
2. The specific procedures required to preserve aviation security will be described in sub-legal act.

CHAPTER XIII

PUNITIVE PROVISIONS

Article 48

Fines

1. Authorised person, for minor offence, is fined with an amount of one thousand (1000) € to seven thousand (7000) € if it:

1.1. does not inform the nearest police station about the stolen or lost explosives, according to paragraph 8. of Article 16 of this law;

1.2. does not deliver evidence to the Ministry in the foreseen time limit, paragraph 3. of Article 39 of this law;

1.3. does not inform Ministry for start or interruption of production, according to the paragraph 2 of Article 40 of this law;

1.4. does not show the licence on request of police officer, paragraph 8 Article 32 of this law;

1.5. does not keep evidence, according to Article 41 of this law.

2. Authorised person for minor offence will be fined in an amount of five thousand (5,000) € to fifteen thousand (15,000) € if:

2.1. puts explosives in the market or starts to use before the Ministry have given permit and instructions for use and destruction, according to the paragraph 2. of Article 13 of this law;

2.2. manufactures explosives or fireworks after the expiry of the timeframe of licence, in contradiction with paragraph 2. of Article 31 of this law;

2.3. does not possess data determined in paragraph 6 of Article 41 of this law;

2.4. sell explosives in contradiction with paragraph 2 of Article 14 of this law;

2.5. transfers explosives or fireworks in contradiction with paragraph 1. and 3. of Article 32 of this law;

2.6. may use explosives in contradiction with paragraph 4. Article 24 of this law.

3. Authorised person will be fined for minor offence in an amount of ten thousand (10,000) € to thirty five thousand (35,000) € if:

- 3.1. does not ensure protection of life and health of people, property and environment according to paragraphs 1. and 2. of Article 16 of this law;
- 3.2. does not guarantee physically and technically secure objects for the production, trade and depositing of explosives, according to the paragraph 6. of Article 16 of this law;
- 3.3. puts explosives in the market or starts to use explosives, in contradiction with paragraph 1. of Article 13 of this law;
- 3.4. permits use of explosives from un-qualified personnel, in contradiction with Article 9 of this law;
- 3.5. manufactures explosives or fireworks in contradiction with Article 31 paragraph 1. and 3. of this law;
- 3.6. manufactures explosives or fireworks in contradiction with paragraph 2. of Article 31 of this law;
- 3.7. uses explosives in contradiction with paragraph 4. Article 24 of this law;
- 3.8. exports explosives or fireworks in contradiction with paragraph 1., 3. and 4. Article 32 of this law;
- 3.9. imports explosives or fireworks, in contradiction with Article 32 of this law;
- 3.10. transfers explosives or fireworks in contradiction with limitations, paragraph 11. Article 32 of this law;
- 3.11. does not ensure the protection of life and health of people in accordance with paragraph 5 Article 24 of this law;
- 3.12. does not destroy un-used explosives, paragraph 10. Article 24 of this law;
- 3.13. destroys explosives in contradiction with paragraph 7. Article 24 of this law;
- 3.14. destroys explosives in contradiction with paragraph 8. Article 24 of this law;
- 3.15. store explosives or fireworks in contradiction with paragraph 1. Article 35 of this law;
- 3.16. allows that explosives be used by un-qualified personnel, in contradiction with paragraph 2. Article 9 of this law;
- 3.17. do not inform the Ministry according to paragraph 3. Article 40 of this law.

4. Confiscation of explosive shall be ordered as a secondary punishment for small minor offences from sub-paragraphs 2.4 of paragraph 2 and subparagraph 3.7 of paragraph 3 of this Article.

Article 49

1. Employees of Authorised Bodies, for minor offences is punished by fine in amount of one hundred (100) € to five hundred (500) € if he or she:

1.1. manufacture explosives or fireworks in contradiction with paragraph 1. and 3., Article 31 of this law;

1.2. sells explosives or fireworks in contradiction with paragraph 2. of Article 14 of this law;

1.3. may use explosives in contradiction with paragraph 4. Article 24 of this law.

2. Police official in accordance with criminal legislation confiscates temporarily products from sub-paragraph 1.3 of paragraph 1. of this Article in the place of occurrence of minor offence.

3. Confiscation of explosive may be ordered as secondary sanction for minor offence from this Article.

Article 50

Employees of Authorised Bodies will be punished with fine in amount of one hundred (100) € at the place of the commission of minor offence if he does not present licence on the request of police officer.

CHAPTER XIV TRANSITIONAL AND FINAL PROVISIONS

Article 51

1. A memorandum of understanding can be signed in order to acquire professional knowledge in cases that specific expertise is required.
2. Specific terminology on explosives for civil uses according to EU standard 13857 -1: 2003 is described with sub-legal act by Ministry.

Article 52

All means realised in the basis of this law are deposited to the Republic of Kosovo Budget.

Article 53 Supervision

Supervision for application of this law is conducted by the Ministry, police, customs and other supervisory and inspection bodies, each of them in accordance with their competencies.

Article 54 Existing Licences

1. Licence or Permit before entry into force of this law shall continue to be valid if:
 - 1.1. is valid;
 - 1.2. has not expired and legally is terminated in accordance with terms and conditions.
2. Request for a license or permit that is submitted before entering into force of this law, and for the same one has not passed the decision procedure, should proceed and be subject to the provisions of this law.
3. Licenses or permits pursuant to paragraph 1. and 2. of this Article are determined six (6) months after entering into force of this law.

Article 55
Abrogation

Upon entry into force of this Law, the Law on Civil Use of Explosives no. 03/L-005 is abrogated.

Article 56
Entry into force

This law enters into force six (6) months after its publication in the Official Gazette of the Republic of Kosovo.

Law No. 04/L-022
29 July 2011

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI