

Legal News

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NEW LAW ON SAFETY IN MINING AND UNDERGROUND WORKS OF HYDROPOWER ACTIVITIES

Object, purpose and entry into force

On 22.12.2016, the Albanian Parliament approved the law no. 135/2016 “On health and safety in the workplace, emergencies and the salvation in the mining activity and in underground works of hydropower activities”, (hereinafter the “*Law 135/2016*”). Law 135/2016 was published in the official gazette no. 265, dated 12.01.2017 and entered into force 15 days after its publication. This law abrogates law no.8741, dated 15.02.2001 “On the safety at work in mining activities”.

Law 135/2016 defines the general principles governing health and safety at work in the mining activities and underground works of hydropower activities, and guarantees the safety and protection of the health of employees and other persons working in these sectors.

Pursuant to this law entities engaged in activities, studies or projects in the mining sector and underground works of hydropower activities are obliged to fulfill the requirements of safety in the workplace provided in the law and the secondary legislation. The Council of Ministers within 6 months from the entry into force of the Law 135/2016 will approve the secondary legislation, providing detailed requirements on health and safety measures.



National Authority for Safety and Emergencies

Every entity owning a mining license, which has a contract related to specialized services in a mining, as well as those that have contractual agreements to perform underground works of hydropower activities, prior the initiation of the activity, must register with the National Authority for Safety and Emergencies in Mines (AKSEM). Upon their registration, entities should declare the responsible persons in charge for administrative guidance, technical guidance and safety issues, and report within 5 working days on any change of the responsible persons.

Every job position, object, installation and plant, related to mining activities should be under the supervision of a person in charge. Entities shall immediately notify AKSEM on any event of an accident or risks of loss of life, and serious emergencies, which require the intervention of the emergency and rescue corps, as well as the scene examination by this institution.

Emergencies and rescue

Entities having sub-contracted mining or underground works of hydropower activities must include in the written agreement between the parties the responsibilities for complying with the legal requirements of health and safety at the workplace. Entities should notify AKSEM within 5 working days regarding any case of suspension or resumption of works in the facility.

Entities performing underground works, where the presence of methane gas or other explosive gases is certified, or there is a possibility of their occurrence should assure the organization and operation of the emergency and rescue team and is obliged to draft emergency plans, which reflect in detail prevention measures, human and material resources rescuing endangered employees.

Health Care

Any employer should provide adequate medical check-ups for employees, in relation to the risks in the workplace in pursuance to the legislation in force regarding health and safety. These check-ups are ensured at the employers cost in the beginning of the employment and periodically during its continuance.

Signalization and communication system

Entities are responsible for taking the necessary measures to ensure and guarantee the appropriate signalization systems and equipment for each job position that presents a risk to health and safety of employees, as well as to prevent or avoid the entry of other persons in the workplace. Additionally, entities should ensure functional communication systems with employees in the workplace either in normal conditions or in case of immediate intervention in case of risks and emergencies. Employees should be informed and trained accordingly, as per the legislation in force.

Qualifications of employees

Entities involved in the mining and underground works of hydropower activities should take the necessary measures that employees engaged in use repair and maintenance of machineries should have sufficient expertise and training related to their use. Additionally employees performing works with explosives and those who are part of the rescue teams should be tested any 5 years and obtain the relevant certificates from AKSEM.

Examination of breakdowns and suspension of the activities

For any case of accident or serious breakdown in mines or underground works in hydropower activities, entities should immediately notify AKSEM, the General Directorate of Civil Emergencies and any other institution required from the legislation in force. AKSEM will examine accidents and serious breakdowns and will determine the causes, responsibilities and measures to be taken to improve the situation.

In case inspectors of AKSEM ascertain the presence of serious danger to life of the employees or serious breaches of the law and technical regulations on health and safety, works on the site may be partially or fully suspended.

Contraventions

Breaches of the law provisions not constituting a criminal offence shall be considered administrative contraventions and are subject to penalties by AKSEM. The penalties vary from 100,000 ALL up to 400,000 ALL.

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