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**INSTITUCIONET E PËRKOHSHME TË VETËQEVERISJES
PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT
PRIVREMENE INSTITUCIJE SAMOUPRAVLANJA**

QEVERIA E KOSOVËS – GOVERNMENT OF KOSOVO-VLADA KOSOVA

**MINISTRIA E TREGTISË DHE INDUSTRIË
MINISTRY OF TRADE AND INDUSTRY
MINISTARSTVO TRGOVINE I INDUSTRIJE**

Based on the UNMK Regulation No.2001/19, date of 13 September 2001, for Executive Branch of the Provisional Institutions of Self-Government in Kosovo, article 1, paragraph 1.3, item (ç) and UNMIK Regulation No.2005/22, Law for Trade with Petroleum and Its Derivates in Kosova, article 11, Minister of Trade and Industry issues this:

**ADMINISTRATIVE DIRECTION No. 2006/03
FOR EMERGENCY AND OPERATIONAL PETROLEUM RESERVES AND ITS
PRODUCTS**

I. GENERAL DISPOSITIONS

Article 1

This Direction determines the obliged persons how to make provision for reserves of the emergency and operational petroleum reserves and its products, way of making provision for the mandatory petroleum reserves and its products and warehousing supervision of the emergency and operational petroleum and its products reserves.

Article 2

- 1) This Direction is not applied to other strategic goods' reserves.**
- 2) This Direction is not applied to the imported fuels' volumes in the vehicles tanks and other transportation means which use fuels only for their circulation needs.**

II. THE OBLIGED PERSONS TO MAKE PROVISION FOR EMERGENCY AND OPERATIONAL RESERVES

Article 3

- 1) The obligatory petroleum reserves and petroleum products (in further text as: obligatory reserves) are reserves which are used to ensure supply with petroleum and petroleum products in case if the energetic security situation is threatened in Kosova due to extraordinary circumstances of disorder with petroleum supply;**
- 2) Obligatory persons of making provision for the obligatory reserves (in further text as: obligatory persons of making provision for reserves) are juridical and physical persons.**
- 3) Obligatory persons for making reserves provision will provide 5% of their depository licensed capacities for emergency reserves.**
- 4) Ministry can change the percentage foreseen under article 11, paragraph 4 of Law for Trade with Petroleum and its products in Kosova, in accordance with Kosova international obligations.**
- 5) The fuels suppliers, and users for power stations, city central heating, public transportation enterprises and bakeries are obliged to make provision for operational reserves, if they consume at least 25 tons of fuel per year.**
- 6) The level of the obligatory operational reserves is defined based on the 15th days' expenditures average in the previous year.**
- 7) If the obligatory reserves were destroyed by the war, terrorist actions, sabotage, due to technical deficiencies and majeure forces, Ministry can determine by a special act the term within which the obligatory authorities for reserves are obliged to fulfill the destroyed obligatory reserves.**

Article 4

- 1) According to this direction, the juridical and physical persons licensed for import and fuels depositing are obliged to make provision for petroleum and its products reserves.**
- 2) Starting from the end of calendar year in which the juridical and physical person under paragraph 1 of this article has started with importing the petroleum and its products, the quantity of the obligatory reserves will be determined according to article 11 paragraph 3 of Law for trade with petroleum and its products in Kosova.**

Article 5

- 1) After signing the contract on warehousing the obligatory reserves, the warehouseman (storekeeper) is obliged to issue to the obliged person for keeping the reserves a certificate on warehousing the obligatory reserves, while a copy he will forward to the Ministry.**

- 2) Certification from paragraph 1 of this article shall contain the following data:
 - a) the obliged person's depositing capacity,
 - b) the quantity of reserves that will be stored,
 - c) planned term of storage,
 - d) type and quality.
- 3) The form and content of the certification from paragraph 1 of this article is determined by the Ministry.

Article 6

- 1) Regarding to released fuel amounts in market according to Minister's Directive, the compensation calculation for those amounts will be done under a decision by the Minister, after approval receiving by Government of Kosova.
- 2) This decision is valid for all importers and storage keepers of emergency reserves.

Article 7

- 1) If the storekeeper fails to meet any of the foreseen requirements under this Direction, the Ministry will order the storekeeper to fulfill the foreseen requirements within a period of 30 days;
- 2) If the storekeeper does not act in accordance with instruction from paragraph 1 of this article, the Ministry will undertake the necessary measures conform to Law for Trade with Petroleum and its products.

Article 8

- 1) Reserves that due to technical reasons are not of the required quality, in no case will be counted as the obligatory reserves.
- 2) Reserves from paragraph 1 of this article will be counted as invalid amounts, for example: (riffraff in tanks).

Article 9

- 1) The obligatory reserves will be stored in the way that the features of the stored substances will be maintained;
- 2) The obligatory reserves will be stored in a tank which is equipped with suitable equipments so that they can be unloaded into transportation means. The tanks shall be equipped with certified measuring devices;
- 3) A Commission appointed by the MTI will directly ascertain the technical state and the required state for the obligatory reserves and in accordance with the record keeping book.

Article 10

- 1) The fuel materials stored as obligatory reserves cannot be as subjects of execution or as provision of the third parties' demands against the obligatory person for making provision for reserves, respectively against the storekeeper who has assumed the reserves' warehousing;**
- 2) In case when the bankruptcy procedure is initiated against the obligatory person of making provision for reserves, the warehoused fuels as obligatory reserves will be included in bankruptcy procedure measures, but they cannot be available until the day when the obligation for making the provision for reserves ends.**

Article 11

- 1) The obligatory persons of making provision for reserves are obliged on date of 15th of each month to report to Ministry, in written, about the state of the obligatory reserves in the last day of the previous month;**
- 2) The obligatory persons of making provision for reserves are obliged to inform the Ministry once a year about the company's seat, name, its capacities and suitability of its capacities for warehousing the obligatory reserves. The reporting sheet with final data of December 31 of the reporting year will be handed in up to January 31 of the following year;**
- 3) The obligatory person for any change shall notify the Ministry in advance.**

Article 12

- 1) The obligatory persons of making provision for reserves will maintain their documents in a proper way, with clear and accurate data based on which can be concluded properly the state of the obligatory reserves;**
- 2) The obligatory persons of making provision for reserves shall, at least, once a year to measure their quantities of the obligatory reserves in their warehouses;**
- 3) If during measuring, is ascertained that the foreseen amount of the obligatory reserves is missing, then the obligatory persons of making provision for reserves are obliged to notify the Ministry about the ascertained missing amount, at last in the coming day when the measuring was conducted..**

IV. SUPERVISION

Article 13

- 1) Ministry will supervise the state of the obligatory reserves, features and equipments of the warehouse;**
- 2) Inspection supervision relating to this Direction dispositions' application will be conducted by Market Inspectorate and other competent Inspectors in accordance with specific dispositions (inspecting bodies)**

- 3) If there is a suspicion that warehouse state has been noted as inaccurate, the Ministry, respectively the supervision authority may require a physical recording of the warehouse state and stop receiving, filling and taking out the petroleum and its products from the tanks where are kept the obligatory reserves, temporarily and for such time as it is sufficient to ascertain the warehouse state;
- 4) Ministry, respectively the supervision authority will be ensured an uninterrupted supervision execution of the warehouses and control of the necessary documents which deal with warehousing the obligatory reserves;
- 5) If during state supervision of the obligatory reserves is ascertained a less amount of the obligatory reserves than as foreseen under article 3 paragraph 3 of this Direction, the Ministry will direct supplementing of the foreseen reserves' amount.

V. FINAL AND TRANSITIONAL DISPOSITIONS

Article 14

- 1) The obligatory persons of making the provision for reserves will provide with obligatory reserves the whole territory of Kosova, starting from January 1, 2006, from their store keeping capacities.

Article 15

This Direction becomes effective on the signing day by the Minister of Trade and Industry.

On 17.01.2006

Minister of Trade and Industry

Bujar Dugolli
