



Republika e Kosovës

Republika Kosova - Republic of Kosovo

Qeveria - Vlada - Government

*Ministria e Industrisë, Ndërmarrësisë dhe Tregtisë - Ministarstvo Industrije,
Preduzetništva i Trgovine - Ministry of Industry, Entrepreneurship and Trade*

ADMINISTRATIVE INSTRUCTION

(MIET) No. 11/2023

**ON TECHNICAL CRITERIA FOR IMPORT, STORAGE, WHOLESALE AND RETAIL
SALE OF RENEWABLE OIL FUELS, AND CLEANING OF TANKS**

Minister of the Ministry of Industry, Entrepreneurship and Trade

Pursuant to Article 7, paragraph 1, Article 17, paragraph 4 of Law No. 08/L-018 on Trade in Petroleum Products and Renewable Fuels, Article 11, paragraph 1.3 of Law 08/L-117 on the Government of the Republic of Kosovo, Annex 12 of Regulation No. 14/2023 on Areas of Administrative Responsibility of the Office of the Prime Minister and the Ministries, and Article 38, paragraph 6 of Regulation No. 09/2011 on the Rules of Procedure of the Government (Official Gazette No. 15, 12.09.2011),

Following:

ADMINISTRATIVE INSTRUCTION (MIET) No. 11/2023

ON TECHNICAL CRITERIA FOR IMPORT, STORAGE, WHOLESALE AND RETAIL SALE OF RENEWABLE OIL FUELS, AND CLEANING OF TANKS

Article 1 Purpose

This Administrative Instruction shall define the technical-technological criteria for the entities that deal with the import, storage, wholesale or retail sale of petroleum and renewable fuels and the import of raw materials for the production and processing of petroleum products, and cleaning of tanks.

Article 2 Scope

This Administrative Instruction shall apply to entities that deal with activities with petroleum products and renewable fuels, which, in addition to the implementation of the criteria defined by this Administrative Instruction, must also meet other criteria defined by the relevant normative acts.

Article 3 Definitions

The terms used in this Administrative Instruction shall have the same meaning as in the Law on Petroleum Products and Renewable Fuels.

Article 4 Technical criteria for storage of petroleum products and renewable fuels

1. For the storage of fuels such as diesel, gasoline, fuel in the field of aviation, (jet fuel), diesel and kerosene, in addition to the criteria defined by other relevant normative acts, the entity must also meet the following criteria for storage:

- 1.1 For each fuel, there must be a storage tank that is produced in accordance with the rules and other specific criteria for the relevant products;
- 1.2. Possess a scale allowing for measurement from zero to 60 tons with accuracy class III and with a valid verification period or possess instruments in the flow for filling cistern vehicles with valid calibration from the Kosovo Metrology Agency;
- 1.3. The storage must be surrounded by a fence;
- 1.4. The storage must be monitored;
- 1.5. Tanks inside the storage must have protective embankment in the event of a possible spill to maintain the entire capacity of each tank and 70% of the total capacity of the tanks in cases where the embankment is shared by two or more tanks;
- 1.6. It should have a cooling system installed for surface tanks as well as the water and foam fire extinguishing system;
- 1.7. It must have water storage capacities for cooling tanks and extinguishing fires;
- 1.8. It must possess collectors and separators.
- 1.9. Proof of the cleaning of the tanks by an entity authorized by the Ministry of Industry, Entrepreneurship and Trade.

Article 5

Technical criteria for LPG storage

1. For the LPG storage, in addition to the criteria defined by other normative acts, the entity must also meet the following criteria for storage:

- 1.1. Have a storage tank that was produced in accordance with the technical rules;
- 1.2 Have scales that enable measurement from zero to 60 tons with accuracy class III and with a valid verification period or have measuring instruments for filling cistern vehicles with valid calibration from the Kosovo Metrology Agency;
- 1.3 The storage must be surrounded by a fence;
- 1.4 The storage must be monitored;
- 1.5 It should have a cooling system installed for surface tanks as well as the water and foam fire extinguishing system;
- 1.6 It must have water storage capacities for cooling tanks and extinguishing fires;
- 1.7. It must have collectors and a gas leak detection sensor.

Article 6

Technical criteria for depositing household LPG cylinders

1. For the storage of household LPG cylinders (single-use), in addition to the criteria defined by other normative acts, the entity must also meet the following criteria for storage:

- 1.1. The special space must be over 100 square meters and intended only for LPG cylinders;
- 1.2. It must have fire extinguishers and sanitary units;
- 1.3. It should not be exposed to the influence of sunlight and other sources; it should be well-ventilated.

Article 7

Technical criteria for storage of heavy heating oils

1. For the storage of heavy heating oil's, in addition to the criteria defined by other normative acts, the entity must also fulfil the following criteria for storage:
 - 1.1. For each product, have a storage tank that is manufactured in accordance with the technical rules;
 - 1.2. The storage must be surrounded by a fence;
 - 1.3. The storage must be monitored;
 - 1.4 I must have a water and foam fire extinguishing system installed;
 - 1.5. In addition, the heating system and the heat-insulating wrap for the heavy oils which solidify at environment temperature must be installed for the surface tanks.
 - 1.6. It must have water storage capacities for tank cooling and fire extinguishing;
 - 1.7. The tanks inside the storage must have protective embankments in case of possible spillage to maintain the entire capacity of each tank and 70% of the total capacity of the tanks in cases where the embankment is shared by two or more tanks;
 - 1.8 It must possess collectors and separators;
 - 1.9. Evidence of the cleaning of the tanks by an entity authorized by the Ministry of Industry, Entrepreneurship and Trade.

Article 8

Technical criteria for depositing petroleum cox and other products for combustion purposes

1. For the storage of petroleum cox and other products for combustion purposes, in addition to the criteria defined by other normative acts, the entity must also meet the following criteria for storage:
 - 1.1. Have an adequate space/ discharge over 100 meters;
 - 1.2. The storage must be surrounded by a fence;
 - 1.3. Have fire extinguishers and sanitary units.

Article 9

Technical criteria for storage and sale of certain oil products for other purposes

1. For the storage and sale of certain oil products for other purposes, in addition to the criteria defined by other normative acts, the entity must also fulfil the following criteria for storage:

- 1.1. Have a separate space over 100 square meters intended for motor oils and lubricants;
- 1.2. Possess fire extinguisher and sanitary units (toilets);
- 1.3 Not be exposed to the source of heat;
- 1.4. Have a collector and separator.

Article 10

Technical criteria for storage and import of raw material for the production and processing of petroleum products

1. For the storage and import of raw materials for the production and processing of oil products, in addition to the criteria defined by other normative acts, the entity must also meet the following criteria for storage:

- 1.1 For each fuel, there must be a storage tank that is produced in accordance with the rules and other specific criteria for the relevant products;
- 1.2. Possess a scale that allows measurement from zero to 60 tons with accuracy class III and with a valid verification period or possesses flow instruments for filling cistern vehicles with valid calibration from the Kosovo Metrology Agency;
- 1.3. The storage must be surrounded by a fence;
- 1.4. The storage must be monitored;
- 1.5. Tanks inside the storage must have protective embankment in the event of a possible spill to maintain the entire capacity of each tank and 70% of the total capacity of the tanks in cases where the embankment is shared by two or more tanks;
- 1.6. I must have a cooling system installed for the surface tanks as well as a water and foam fire extinguishing system;
- 1.7. It must have water storage capacities for cooling tanks and extinguishing fires;
- 1.8. It must possess collectors and separators
- 1.9. It must the technological scheme of plants for processing and production;
- 1.10. Evidence of the cleaning of the tanks by an entity authorized by the Ministry of Industry, Entrepreneurship and Trade

Article 11

1. Entities having storage according to Article 4 to Article 10 of this Administrative Instruction shall not be allowed retail sales of the fuel in storage locations.

2. The warehouse must have hazardous inscriptions.

3. Entities that have storage shall be obliged to check tanks and equipment for their technical condition and must keep records thereof.

Article 12

Technical criteria for the retail sale of oil and renewable fuels

1. For the retail sale of diesel, gasoline in addition to the criteria defined by other normative acts, fuel stations must meet also these criteria:

1.1 Filling equipment must be covered;

1.2. The filling device that is not functional must be marked with the inscription “The device is out of order”;

1.3 The point of sale must have tanks for each fuel, produced in accordance with the technical rules. Surface tanks must have reinforced concrete embankments, with 110% of the tank's total capacity. They must have a water-cooling system. They must be protected from the means of transport;

1.4. Tanks must be secured with a cover that prevents water and waste from entering the fuel;

1.5. The type of fuel must be marked on the tank cap;

1.6. They must have a metal rod for measuring the level of the oil product in the tank, with a head made of copper skin;

1.7. They must have a septic tank or separator, connected to collectors to collect unwanted spills;

1.8. They must possess mobile fire extinguishers with a valid verification period;

1.9. Tanks must have external ventilation;

1.10. They must have sanitary nodes and hygienic establishments;

1.11. Evidence of cleaning of tanks by an entity authorized by the Ministry of Industry, Entrepreneurship and Trade.

2. For the retail sale of LPG for vehicles, in addition to the criteria defined by other normative acts, the entity must also meet the following criteria:

2.1. Have underground or surface tanks produced in accordance with the technical rules. Tanks cannot be placed under public roads, railways, or inside or under fixed objects.

3. The point of sale must have hazardous inscriptions.

4. The entity is obliged to check the tanks and equipment for their technical condition and they must keep evidence.

Article 13

Technical criteria for tank cleaning

1. Entities trading in petroleum products and renewable fuels shall be obliged, upon licensing, to provide evidence of reservoir cleaning to the Commission for Verification of Technical Criteria. The cleaning shall be done in line with the standard, SK EN ISO 14001:2018 (Environmental management systems). In cases of standard changes, the effective standards or their equivalents shall apply.

2. The evidence for tank cleaning must not be older than 4 (four month) from the date of application for licensing

3. Companies that clean and maintain liquid petroleum fuel tanks must be authorized by the Ministry of Industry, Entrepreneurship and Trade.

Article 14

Application procedure

The notification for the entities that carry out the activity and services of tank cleaning is made by DRRTN through a public announcement within 15 working days, on the website of the Ministry of Industry, Entrepreneurship and Trade, electronic or print media.

Article 15

Authorization request

1. Entities applying for authorization from the Ministry of Industry, Entrepreneurship and Trade must first meet the following criteria:

- 1.1. KBRA certificate with relevant codes;
- 1.2. Environmental consent issued by the Ministry of Environment and Spatial Planning;
- 1.3. Special cistern vehicle dedicated to this activity;
- 1.4. Possess the plant licensed or contracted with any plant licensed by the Ministry of Environment and Spatial Planning for the treatment (collection) and disposal of waste for the treatment and collection of waste from tank cleaning;
- 1.5. The trained or certified team for the cleaning of the surface and underground tanks of horizontal and vertical type, and Expert in the field for checking the technical condition of the tanks;
- 1.6. Special equipment for the operating staff: masks, oxygen bottles, fireproof clothes, apparatus for measuring gases;
- 1.7 The fan for discharging gases;
- 1.8. Safety at work for closed spaces according to standard 45001-On the management of protection and health at work. In cases of standard changes, the effective standards or their equivalents shall apply.

Article 16

Evaluation Committee

1. The authorization request shall be assessed by the professional commission established by the decision of the Minister, consisting of five (5) members.

2. One (1) member must be from the petroleum department, while (4) other members shall be appointed by the Ministry.

3. The members shall have a mandate of 2 (two) years, with the possibility of extension for another term.
4. The evaluation committee shall, within a period of 30 (thirty) working days, evaluate and examine the applications and decides whether the entities that apply for authorization meet the criteria defined according to Article 15 of this Instruction.
5. The final report with the committee's recommendation to the Minister must be signed by all members of the Evaluation Committee.

Article 17 **Verification of fulfilment of the criteria**

1. During the evaluation and review procedure, the Committee may ask the Applicant for additional documents that must be submitted within a period of no more than five (5) working days.
2. During the examination of the submitted application and documentation, the committee shall inspect the applicant in order to verify the fulfilment of the requirements outlined in Article 14 of this Instruction.

Article 18 **Expiration of Authorization**

Entities shall be authorized for a period of 2 years, with the possibility of extension.

Article 19 **Approval of requests**

1. The Minister shall issue a decision on the basis of the recommendation of the Evaluation Committee on the approval, rejection, and authorization of the entity exercising this activity.
2. The decision according to paragraph 1 of this Article shall be a final administrative act in terms of the relevant law on general administrative procedure.

Article 20 **Revocation of authorization for exercising the activity**

1. The procedure for revoking the authorization to exercise the activity can be initiated in cases where the authorized entity ceases to meet the authorization criteria.
2. The revocation of the authorization to exercise the activity can be initiated on the basis of the inspection by the market inspectorate, if the violations are found by the market inspectorate.

3. The department for the regulation of the oil market shall propose to the Minister the revocation or suspension of the authorization of the entity that exercises this activity, based on the report of the market inspectorate.

Article 21

Court

A lawsuit against the Minister's decision shall be allowed before the court according to the relevant law on administrative conflicts.

Article 22

Inspective supervision

The provisions of this Administrative Instruction shall be supervised by the Market Inspectorate, in accordance with the relevant legislation.

Article 23

Transitional provisions

The evidence of the cleaning of the tanks by an entity authorized by the Ministry of Industry, Entrepreneurship and Trade, defined in Article 4, paragraph 1.9, Article 7, paragraph 1.9, Article 10, paragraph 1.10, Article 12, paragraph 1.11 shall not be applied as criteria until the entities are authorized by the Ministry of Industry, Entrepreneurship and Trade.

Article 24

Repeal

With the entry into force of this Administrative Instruction, Administrative Instruction No. 06/2019 on the fulfilment of technical conditions by entities dealing with the import, storage, wholesale and retail sale of fuels and Administrative Instruction (MTI) No. 2007/18 on the technical requirements for the construction and operation of fueling points for vehicles shall be repelled.

Article 25

Entry into force

This Administrative Instruction shall enter into force seven (7) days following its signing by the Ministry of Industry, Entrepreneurship and Trade and published in the Official Gazette of the Republic of Kosovo.

Pristina, 17. 11.2023

Rozeta HAJDARI

Minister