

Presidential decree N° 90-198 of 30th June 1990 regulating explosive substances

The President of the Republic,

On a joint report of the Minister for National Defence and the Minister for Mines,

- Given the Constitution notably articles 74-6° et 116, subparagraph 1
- Given order n°76-03 of 2 February 1976 creating the national office of explosive substances;
- Given order n°76-04 of 20 February 1976 relative to the rules applicable to fire-fighting and anti panic measures and the creation of preventive and civil protection commissions
- Given law n° 82-02 of 5 February 1982 relative to building and development permits
- Given law n° 83-03 of 5 February 1983 on protection of the environment
- Given law n° 88-07 of 26 January 1988 on health and safety and occupation medicine
- Given decree n° 63-184 of 15 June 1963 on the explosive substances industry
- Given decree n°76-34 of 20 February 1976 on dangerous, unsuitable and insalubrious premises
- Given decree n° 84-105 of 12 May 1984 on use of a perimeter for the protection of installations and infrastructure
- Given decree n° 85-231 of 25 August 1985 on conditions procedures for the organisation and deployment of interventions and rescue in the case of disaster
- Given decree n° 85-232 of 25 August 1985 on the prevention of risks of disaster

Hereby decrees:

PART ONE **General Provisions**

Article 1: The provisions of this decree apply to all activities concerning explosives, that is:

- research
- production
- storage
- transport
- use
- trading (import export and sale)

This decree does not apply to military activities or those related to national defence.

Article 2: For the purposes of this decree the following meanings apply:

- Explosives
- a) Any substance that can explode: substance on the mixture of solid or liquid substances which may themselves by a chemical reaction be the subject of an explosion (live combustion deflagration, detonation)
- b) Any substance that can explode: material used for the effects of its explosion
- c) Any object that can explode: object containing one or more explosive materials
 - **Establishment:** any establishment where explosive substances are produced and/or stored;
 - **Danger zone:** the zone of the establishment including structures, infrastructure and installations where explosive substances are manufactured, stored and/or transit
 - **Depot:** room adapted for the storage of explosive substances

Article 3: Explosive substances constituting class one hazardous materials are divided into five risk divisions. depending on the nature of the effects of their explosion and degree of sensitivity.

Allocation to a risk division of an explosive substances depends notably on the packaging and the packaging method used. The risk divisions are:

Division 1: Materials and objects which are basically present a danger of a mass explosion

Division 2: Materials and objects which present a danger of projection but not of mass explosion

Division 3: Materials and objects with a danger of fire and minimum danger by the effect of blowing and projection, but which do not present a danger of mass explosion. This division incorporates subdivisions of materials and objects:

3 a - of which the combustion gives rise to substantial thermal radiation

3 b – which burn fairly slowly or one after the other with a minimum blowing and projection effects

Division 4: Materials and objects presenting minimum danger in the case of ignition or priming, of which the explosion does not give rise to projection of fragments of sizeable dimensions and which do not interfere with initial emergency measures (fire-fighting)

Division 5: Materials which are not very sensitive but which incorporate a danger of mass explosion and of which the probability of priming and combustion on detonation is very low unless they are confined in large quantities.

Article 4: Explosive substances are also divided into 12 compatibility Groups depending on the specific types of supplementary dangers they may present when they are combined.

Group A: Primary or priming explosive

Group B: Object containing primary explosive

Group C: Deflagrating secondary explosive (excluding black powder) or material which can explode, a propellant or an object containing such material

Group D: Detonating secondary explosive or object containing such an explosive without its own means of priming and without a propellant charge, black powder which is not in bulk, in sealed packaging authorised for transport

Group E: Object containing a secondary explosive, detonating without its own priming device, with propellant charge, except cells containing a flammable liquid (classified as J) or hypergolic liquid (classified as L)

Group F: Object containing a detonating secondary explosive, with its own priming device with or without propellant charges, except those containing a flammable liquid (classified as J) or hypergolic liquid (classified as L)

Group G: Pyrotechnic composition or object containing such a composition or object containing, with another material capable of exploding, a lighting or incendiary composition, teargas, smoke bomb, except any hydro-active object (classified as L) or containing white phosphorus (classified as H) or containing a flammable gel or liquid (classified as J)

Group H: Object containing both a material capable of exploding and white phosphorus

Group J: Object containing both a material capable of exploding and a flammable liquid or gel

Group K.: Object containing both a material capable of exploding and a toxic chemical agent

Group L: Material or object that should be isolated from any material or object of a different type, that is which does not have the same properties or the same components.

Black powder in bulk or in a package not authorised for transport.

Group S: Material or object packaged in such a way that all the effects caused by accidental functioning present minimal danger and remain inside the packaging and do not affect the immediate neighbourhood

Article 5: The manufacturing in the same room, preservation in the same depot and transport on the same vehicle simultaneously are not authorised for explosive substances belonging to different compatibility groups.

Article 6: Technical and administrative surveillance of production establishments and/or those used for the storage of explosive substances is the responsibility of the Mines Department.

PART II **Research and production**

Article 7: Research on explosive substances, irrespective of whether they are intended to be used for the effects of their explosion, is subject to prior authorisation.

This authorisation, issued by decision of the Ministry of Scientific Research, is notified to the Minister of Defence, the Minister for the Environment, the Minister of the Interior and the Minister for Mines.

Article 8: In addition to the legal and regulatory provisions in force, any creation of an establishment for the production of explosive substances is subject to authorisation.

This authorisation is issued by executive decree, following a report by the Minister of Mines and subject to the opinion of the Minister of Defence.

The conditions for location, equipping and operation of production establishments are subject to the technical approval of the Minister for Mines issued on the basis of a safety study and subject to an opinion of the Minister of the Interior and the Minister of the Environment.

Article 9: Works performed with explosive substances shall not be performed other than in the dangerous zone of the establishment except for works carried out in blasting polygons and in destruction zones when the latter are outside the establishment.

Article 10: The production establishment and/or its danger zone must be protected by all effective means against unauthorised access. To this end, they must be surrounded by safety fences and must have permanent guards patrolling them.

Article 11: Buildings subject to a risk of explosion must be located and constructed such that in the case of explosion:

- workers other than those in the immediate environment of the site of the incident on account of their employment are subjected to minimum risk
- rapid pressure relief is possible
- the risk of projection of substantial material or collapse of the ground is reduced insofar as possible
- the transmission of an explosion or propagation of fire from one room to another inside the building and from one building to another within the danger zone and from the danger zone to the outside is avoided

Article 12: In production establishments, an incineration field and a blasting area must be specially provided for the destruction of manufacturing waste and for testing explosive substances.

Article 13: Effective fire-fighting measures must be adopted in conformity to the regulations in force.

Article 14: Operation of a production establishment is subject to approval by the civil protection services of an emergency plan prepared by the operator.

Article 15: Personnel working in such establishments must be the subject of specialist medical surveillance in conformity to the laws and regulations in force.

Article 16: Personnel in such establishments and notably, those operating in the danger zone must receive safety training and be familiar with the instructions for protection and safety at work.

PART III

Storage of explosive substances

Article 17: The location and operation of a depot for explosive substances must be authorised.

Article 18: Depots for explosive substances may be fixed or mobile.
Fixed depots are divided into permanent depots and temporary depots used for a duration not exceeding three months.

Retail sales of cartridges and accessories for hunting and shooting sports are considered as permanent depots.

Article 19: Permanent depots may be on the surface semi-underground or underground. As a concession depots for explosive cartridges may be of the underground type for underground mining operations.

Article 20: A mobile depot may be a lightweight structure or a shelter which can be moved. Exceptionally, specially adapted vehicles may be used as mobile depots. A mobile depot is authorised solely for works to be performed successively in several communes.

Article 21: For occasional blasting, the consumption of explosive substances at the time of receipt may be authorised provided the substances are transported and used within 24 hours following acquisition and subject to them being under permanent guard. The validity of the authorisation shall not exceed six days.

Article 22: Authorisation to establish or operate an explosive substances depot or to consume such substances at the time of their receipt is granted by order:

- of the Minister for Mines on a decision by the Minister of National Defence, body fence for sales depots other than retail sales
- of the Minister for Mines on a decision of the Minister of National Defence and the Minister of the Interior for mobile depots
- of the WALI, following a decision of the departments concerned for fixed depots and for the consumption of explosive substances immediately on receipt

Article 23: Permanent depots are classified in 2 categories depending on the nature and quantities of explosive substances and they can receive:

Category 1: Depots which contain quantities in excess of those permitted for category 2 depots

Category 2: Depots which contain as a maximum

Either 100 KG of explosives in cartridges or packaged in bulk and 25 KG net weight of explosives packaged in detonating cords and packaging authorised on the public highway (classed 1.1 D.)

Or 3000 electrical or pyrotechnic detonators or similar objects capable of exploding, equivalent to 6 KG of explosive substances (classed 1.1 B.)

Or 2000 metres of mining fuse (safety) (classed 1.4 S.)

Or – for discharge: 3 KG of Fantasia black powder in individual sealed packaging classed 1.1 D. and 10 KG of propellant powder in sealed individual packaging class 1.1 C. without restriction as to the quantity of cartridges and a hunting cases and primers (classed 1.4 S.)

Article 24: The authorisation order fixes the nature and maximum quantities of explosives that may be stored in the depot, specifies the protection and safety measures to be adopted and possibly, imposes special conditions to be satisfied independently of the special requirements.

Article 25: The order authorising the establishment and operation of a permanent depot where consumption of explosives occurs at the time of their acceptance will be notified to:

- the commander of the national gendarmerie
- the director general of national security
- the commander of the military sector of the WILAYA
- the director-general of civil protection
- the director-general of the national office of explosives
- the commander of the gendarmerie group unit
- the head of safety of the WILAYA.
- the head of the mining department
- the head of the civil protection department
- the head of the environment department
- the beneficiary

Article 26: The authorisation order for a permanent or mobile depot gives rise at the time of issue of the authorisation, to production of certificate valid for one year renewable. This is issued after a decision of the departments concerned by:

- the Minister for Mines for mobile depots and the sales depots referred to in article 23 above
- the WALI for permanent depots

Article 27: The operator of a depot is responsible for the safety, protection and permanent guarding and for the physical compatibility of the explosive substances concerned. Moreover, the operator is bound to inform the local police Brigade and gendarmerie at the latest within 24 hours following any loss of explosives.

The personnel responsible from guarding the explosives must be authorised by the WALI concerned.

Article 28: Before any movement of a mobile depot, the operator must inform the following with eight days notice:

- the WALI(S)
- the military sector commander (s)
- the gendarmerie group commander (s)
- the WILAYA safety manager (s)
- the mining department manager (s)
- the civil protection manager (s)
- the environmental manager (s)

Article 29: The destruction of explosives other than manufacturing waste by establishments and depots is authorised by the WALI, after an opinion of the departments concerned. Such destruction gives rise to a report produced by both parties.

PART IV **Sale of explosives**

Article 30: Notwithstanding the regulatory provisions in force, any importing or exporting of explosives shall not occur except by signature of the Minister of National Defence.

Article 31: solely explosives which have been technically approved by the Minister for Mines may be sold.

Article 32: The resale of explosives is banned except for cartridges and hunting and sports shooting accessories.

The resale of the cartridges and accessories for hunting and sports shooting is carried out by shops duly authorised by the WALI concerned after a decision of:

- the gendarmerie group
- the WILAYA a security office
- civil protection
- the mining department
- the environmental department

Article 33: All explosive must be marked with a code for identification with the following information:

- identification of the company and the manufacturing unit
- commercial name of the product
- date of manufacture and use limit date
- classification of the explosive (class, risk division, compatibility group)

Article 34: Under no circumstances may explosives be delivered to people who do not submit:

- a valid use authorisation certificate, for a mobile or permanent depot
- an authorisation order, in the case of a temporary depot or for explosives to be used immediately on receipt
- an order form stating the name of the operator
- transport authorisation as required by the regulations in force.

Article 35: All sales of explosives must comply with the specifications in the orders and operating certificates.

PART V

Transport of explosives

Article 36: The transport of explosives and vehicles used for their transport are subject to the regulations concerning the transport of hazardous goods

PART VI

Use of explosives

Article 37: The use of explosives in the framework of the requirements of this decree is subject to preparing a safety study approved by the mining department incorporating the following chapters:

- the transport and distribution of explosives and their preservation at work sites
- the blasting plan and use of explosives
- general instructions
- specific instructions
- protection measures during before and after blasting
- the list of personnel and their duties

Article 38: Any employees carrying out blasting must hold a valid blasting permit issued by the mining department, after a trial examination. Such persons must also have habilitation issued by the WALI. The blasting employee is responsible for the physical compatibility of the explosives used for blasting until the return to the depot of unused items.

PART VI

Special provisions

Article 39: The WALI may on receipt of a report of nonconformity to the regulatory provisions prepared by the mining department, decide on the partial or total closure of the establishment or suspension of the permit to operate a depot.

These measures will be raised as soon as the conditions causing the suspension no longer exist.

Article 40: Establishments and depots in operation at the time of coming into effect of this decree must be restructured to satisfy the provisions of this decree.

The necessary modifications must be performed within a maximum of 3 years from the date of publication of this decree in the Official Journal of the Democratic and Popular Republic of Algeria.

Article 41: Infringements of this decree will be charged, prosecuted and punished in conformity to the laws in force.

Article 42: The procedures for application of the provisions of this decree are specified by joint order of the Minister of National Defence, the Minister of Mines, the Minister of the Interior and the Minister of the Environment.

Article 43: Decree number 63-184 dated 15 June 1963 above mentioned is repealed.

Article 44: This decree will be published in the Official Journal of the Democratic and Popular Republic of Algeria.

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Chadli BENDJEDID**