

Order of 26 Joumada El Oula 1424 corresponding to 26 July 2003 concerning “The method for identifying the quantity of minerals extracted”

The Minister for Energy and Mines,

Given law n°01-10 of 11 Rabie Ethani 1422 corresponding to 3 July 2001 Mining Law, notably article 160 and 162;

Given Presidential Decree No. 03-215 of 7 Rabie El Aouel 1424 corresponding to 15 may 2003 concerning nomination of members of the Government;

Given Executive Decree No. 96-214 dated 28 Moharram 1417 corresponding to 15 June 1996 fixing the responsibilities of the Minister of Energy and Mines.

Given Executive Decree No. 02-65 of 23 Dhou El Kaada 1422 corresponding to 6 February 2002 defining procedures for award of mining permits.

Given Executive Decree 02-66 of 23 Dhou El Kaada 1422 corresponding to 6 February 2002 on procedure of award of mining permits following Request for Bids.

Hereby orders:

Article 1: In application of the provisions of article 160 of law no. 01-10 of 11 Rabie Ethani 1422 corresponding to 3 July 2001 the mining law, this order specifies the methods of identifying the quantity extracted to be taxed in relation to the extraction fee for mineral substances.

Article 2: The quantity extracted is the tonnage and/or the volume of mineral removed irrespective of the extraction method used.

Article 3: The measuring unit of quantity extracted is:

- the tonne extracted for ferrous and non-ferrous metal minerals
- the tonne extracted for non-metal minerals
- kilogram for precious metals, precious stones and semi-precious stones
- cubic metre for non-metal mineral substances used for construction materials

Article 4: The annual quantity extracted is that calculated by the total of the daily quantities sold or assigned from 1st January to 31st December of the year, plus the quantities extracted and stored during the year pending sale or processing.

The daily quantity is defined:

- Either as the sum of the weightings of products sold in the day for units with weighbridges
- Or the total weight indications for the day supplied by conveyor weighing belts for processing units for minerals. The weight figures in tonnes will be converted to cubic metres, by dividing the density of the mineral substance, taking into account its expansion coefficient.
- Or by the sum of capacities of trucks filled to the top converted to a volume as defined in the previous paragraph.

The volume of stocks of minerals extracted and not sold or assigned on 31st December for the year will be calculated:

- And added to the volumes of minerals sold when they are used as or for construction materials
- Converted to tonnage by multiplying them by the density of the mineral substance then added to the quantities sold in the case of other mineral substances.

Article 5: To calculate the quantities extracted, the operator is bound to record the daily quantities extracted or removed in the register opened for this purpose in which the pages have previously been numbered and signed by authorised agents of the Agence Nationale de la Géologie et du Contrôle Minier.

Any false declaration will give rise to an adjustment and a penalty of which the amount will be equal to half the value of the royalty evaded.

Article 6: The agents of the mining police of the Agence Nationale de la Géologie et du Contrôle Minier will proceed to verify the quantities extracted and declared annually by the operator. The annual declaration of quantities extracted is calculated according to the annexed formula.

Article 7: The verification will be performed on the basis of the daily registers, if necessary, the calculation of the actual quantities extracted will be confirmed by using:

- Either topographical surveys, in the case of open cast mines
- Or by topographical plans of underground works in the case of underground mines
- Or by the pumped volumes, in the case of extraction by pumping.

Article 8: To facilitate verification by the Agence Nationale de la Géologie et du Contrôle Minier operators are bound:

- To update the topographical surveys of open cast works every 6 months
- To update topographical plans of underground works in the case of underground mines every three (3) months.

An example of the surveys and/or plans as updated must be sent within fifteen (15) days of their preparation to the Agence Nationale de la Géologie et du Contrôle Minier.

Article 9: The Agence Nationale de la Géologie et du Contrôle Minier is authorised to use other methods for verification if it sees fit, notably, the quantity of explosive used of which the ratios per tonne extracted were calculated by the operator and validated by the mining police. Solely ratios per tonne validated by the mining police will be taken into consideration.

Article 10: The mining police may, during verifications of the quantities extracted or removed, request the operator to provide a topographical survey of a specific zone in the mining perimeter.

Article 11: This order will be published in the Official Journal of the Democratic and Popular Republic of Algeria.

*Issued in Algiers on 26 Joumada El Oula 1424 corresponding to 26 July 2003.
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