

01 Annex - Free movement of goods

15. LAW ON EXPLOSIVE SUBSTANCES

**LAW ON
EXPLOSIVE SUBSTANCES
I GENERAL PROVISIONS**

Scope of Application

Article 1

This Law shall regulate the terms and conditions for manufacture, sale, procurement, storage and use of explosive substances in order to protect life, health and safety of people, animals and plants, environment and property, as well as the issues of importance for conducting these activities.

Exemption

Article 2

The provisions of this Law shall not apply to the manufacture, sale, repairs, maintenance and destruction of explosive substances, intended for use by the Army of Montenegro, to the storage of explosive substances in the pit magazines of business organisations and other legal persons in the field of mining, and use of these substances in mines, as well as the other cases in accordance with an international treaty.

Types and Definitions of Explosive Substances

Article 3

For the purpose of this law, explosive substances shall mean solid and liquid chemical substances which are, under the favorable external influence (impact or friction), capable of releasing energy in the form of heat or gases, through an explosive chemical decomposition.

The explosive substances referred to in paragraph 1 of this Article shall be:

- 1) commercial explosives;
- 2) ignition devices;
- 3) pyrotechnic devices;
- 4) commercial ammunition;
- 5) gun-powders;
- 6) products filled with explosive substances, and
- 7) explosive row materials used in manufacture of the substances referred to in items 1 to 6 of this paragraph.

Commercial explosives shall be substances used for demolition of buildings or shaping materials by the energy released through the chemical reaction of the explosive decomposition.

Explosives ignition devices shall be all types of cups, igniters, fuses and pyrotechnic devices for mining activities.

Pyrotechnic devices shall be devices used for fireworks, anti-hail rockets and other rockets used for scientific, commercial and other purposes, as well as the items containing blasting compounds with an explosive effect or other compounds used to produce a fire, light, burst or smoke effect.

Commercial ammunition shall be rounds, cartridges, cartridge cases with cups and filled with gun-powder.

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Gun-powders shall be explosive substances burning by thermal conductivity and are primarily intended for firearms propellants, and are divided into black and smokeless gun-powders.

Products filled with explosive substances shall be products filled with explosive and/or pyrotechnic mixtures, with their effect being dependant on those substances.

Row explosive materials shall be substances which by chemical composition and sensitivity to ignition have the explosives properties and are capable of explosive decomposition, intended for manufacture of explosive substances.

Relevant Application of the General Administrative Procedure

Article 4

The provisions of the Law regulating General administrative procedure shall apply to the procedures regulated by this Law accordingly, unless otherwise provided by this Law.

Definitions

Article 5

Certain terms, in the context of this Law, shall have the following meaning:

- 1) **recycling (de-elaboration)** shall mean reuse of the explosive substances for other purposes after being removed from the ammunition and mine-explosive devices;
- 2) **neutralization** shall mean a chemical transformation of the explosive substance into a non-explosive one;
- 3) **destruction of an explosive substance** shall mean a final disposal of the explosive substance, by burning, detonation or by other procedures;
- 4) **dealer** shall be a manufacturer, their agent with a registered office in Montenegro, importer or a business organisation, other legal person or an entrepreneur placing an explosive substance on the market or enabling its use;
- 5) **usage** shall mean a direct preparation and activation of explosive substances;
- 6) **handling** shall mean actions undertaken by natural persons who meet requirements regulated by this law, in the course of manufacturing, testing, storage, sale and use of explosive substances;
- 7) **responsible person** shall mean a natural person in a business organisation, other legal person or an entrepreneur, held responsible for manufacturing, testing, sale and use of explosive substances, pursuant to this Law;
- 8) **storage** shall mean storing and keeping explosive substances in manufacture and storage facilities, portable magazines and containers;
- 9) **manufacture facility** shall mean an enclosed and controlled facility with a related space, intended for manufacture of explosive substances and constructed and equipped as to ensure protection of life, health and safety of people, animals and plants, environment and property;
- 10) **storage facility** shall be an enclosed and controlled facility with a related space, intended for storage, loading or unloading explosive substances, constructed and equipped as to ensure protection of life, health and safety of people, animals and plants, environment and property;
- 11) **portable magazine** shall be a premise for storage of ammunition, hunting gun-powder, hunting ammunition caps, pyrotechnic devices, slow- burning fuses and ignition aids, provided that the total quantity of the gun-powder, including gun-powder in the ammunition does not exceed the gross weight of 20 kgs or 150 kgs of pyrotechnic devices;
- 12) **container** shall mean mobile or transport case for storage of explosive substances.

II SECURITY MEASURES

Preventive and Protective Measures

Article 6

Business organisations, other legal persons and entrepreneurs shall ensure protection of life, health and safety of people, animals and plants, environment and property, and implement measures regulated by this Law and the legislation adopted on the basis of this Law, as well as the legislation regulating the protection and rescue, protection at work, health care, environmental protection, spatial planning and development and construction in the manufacture, testing, sale, use, storage, recycling (de-elaboration), neutralization and destruction of explosive substances.

Enforcement of measures referred to in paragraph 1 of this Article shall be regulated by the general act of a business organisation, other legal person or an entrepreneur.

Article 7

Business organisations, other legal persons and entrepreneurs, engaged in manufacture, testing, sale, use, storage, recycling (de-elaboration), neutralization and destruction activities, shall inform persons handling explosive substances or undertaking other explosive substances related actions, on the measures regulated by the acts referred to in Article 6, paragraph 2 of this Law, and enable them to act in a case of a technical- technological accident or other risk, within the meaning of protection and rescue related legislation.

Physical and Technical Protection of Facilities

Article 8

Facilities for manufacture and storage of explosive substances must be under the permanent physical and technical protection, in accordance with the relevant law.

Organization and Control of the Required Protective Measures

Article 9

Business organisations, other legal persons and entrepreneurs referred to in Article 7 of this Law shall organize and control the enforcement of the required protective measures in accordance with a law.

Measures in Case of Loss

Article 10

The business organisations, other legal persons and entrepreneurs referred to in Article 7 of this Law, shall immediately notify the Ministry in charge of internal affairs (hereinafter referred to as the "Ministry") and administration authority competent for policing of the loss or theft of explosive substances, and at the latest within an hour upon receiving the information.

Hazard zone

Article 11

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In the zones endangered by the facilities referred to in Article 8 of this Law the construction of other facilities may not be allowed unless of those intended for their protection.

Boundaries of the zones referred to in paragraph 1 of this Article shall be regulated by the Ministry legislation.

III CONDITIONS OF MANUFACTURE, SALE, PURCHASE AND USE

1. *Technical Requirements and Conformity Assessment Procedures*

License for Placing on Market

Article 12

An explosive substance may be placed on market and used only if accompanied with a license for manufacture.

The license referred to in paragraph 1 of this Article, shall be issued by the Ministry, upon the request of the dealer.

The license for placing an explosive substance on the market shall be issued provided that its conformity with technical commitments has been assessed in a set procedure and marked in accordance with this Law.

Along with the license application referred to in paragraph 2 of this Article the following shall be submitted:

- a document on compliance with technical requirements;
- instruction for use, storage and destruction of an explosive substance and
- data related to marks and the type of marking of an explosive substance.

The instruction referred to in paragraph 4 indent 2 of this Article must be written legibly, in Montenegrin language.

Technical requirements and conformity assessment procedures for explosive substances as well as marks and the type of marking of explosive substances shall be stipulated by a technical regulation issued by the Ministry in cooperation with the administration authority competent for economic development.

Conformity Assessment Procedure

Article 13

The conformity of an explosive substance with the technical requirements in the conformity assessment procedure shall be secured by undertaking one of the following actions:

a) Initial examination of the type of a product (procedure B) by a legal or natural person authorized to carry out the conformity assessment, and at the choice of the manufacturer, examination of the product type conformity (Type-examination):

- random samples examination (procedure C) by a legal or natural person authorized to check the conformity of the product with a certified type of a product (Conformity to type);
- Production quality assurance through the quality system assessment, under the control of a legal or natural person authorized to carry out the conformity assessment procedures (procedure D);
- Product quality assurance through a quality assessment system, under the supervision of a legal or natural person authorized to carry out the conformity assessment procedures (procedure E);

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- examination and testing of every product (product verification) by a legal or natural person authorized to carry out the conformity assessment procedures (procedure F);

b) examination and testing of the conformity of every product with technical requirements (unit verification) by a legal or natural person authorized to carry out the conformity assessment procedures (procedure G).

Appointment or Authorization for Carrying out the Conformity Assessment Procedures

Article 14

The procedures referred to in Article 13 of this Law, may be carried out by a legal or natural person appointed by the decision or authorized by the Ministry, in compliance with the legislation regulating the technical requirements for products and assessment of products conformity with the defined requirements.

Documents and Conformity Markings

Article 15

Documents and conformity markings of explosive substances issued in another country shall be valid in Montenegro if assessed by the Ministry that applied conformity assessment procedures sufficiently conforms to the equivalent technical regulations applied in Montenegro, in accordance with a law.

The terms and conditions of recognition of the documents and marks of conformity issued in another country shall be adopted by the Ministry in cooperation with the state administration authority competent for economic development.

Sampling

Article 16

The Ministry may take samples of explosive substances that are placed on the market, for the conformity assessment purpose.

If there is a suspicion that further use of explosive substances may endanger life, health and safety of people, animals and plants, environment and property, the Ministry shall, until the conformity assessment is done, temporarily prohibit the sale and use of the explosive substances.

If the sample taken does not comply with the defined technical requirements, the Ministry shall prohibit sale and use of the explosive substances, and the dealer shall be obliged to destroy them or to return them to the manufacturer.

The conformity assessment shall be done by the legal and natural persons referred to in Article 14 of this Law, and the conformity assessment costs shall be borne by the dealer if established that the sample does not conform to the defined technical requirements, or by the Ministry, if the sample conforms to the defined technical requirements.

List of explosive substances

Article 17

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Based on the issued licenses referred to in Article 12, paragraph 2 of this Law, the Ministry shall establish a list of explosive substances to be placed on the market.

The list referred to in paragraph 1 of this Article shall be published in the Official Gazette of Montenegro.

Packaging

Article 18

Explosive substances may be placed on the market, transported and used only in original packaging, which is examined and marked in conformity with the legislation on transport of dangerous goods.

In addition to the markings referred to in paragraph 1 of this Article, the package must contain the following information:

- Manufacture and expiry date of an explosive substance;
- Instruction for use;
- Special warnings, if any, and
- A pyrotechnic device class marking.

2. Handling

Terms and Conditions for Handling Explosive Substances

Article 19

An explosive substance may be handled by a natural person:

- Older than 21 and younger than 65 years of age;
- Not convicted with a final and enforceable decision for a crime prosecuted ex officio, except for the public traffic safety offences;
- Not subjected to a criminal procedure for crimes against life and body, constitutional order and security of Montenegro, humanity and other values protected by international law, general safety and property, property and public peace and order;
- Not subjected to a final and enforceable decision for a public peace and order misdemeanor with elements of violence, within the last three years;
- Medically fit to handle explosive substances, and
- With a specialist knowledge for handling explosive substances or conduct mining preparation activities, in accordance with this Law.

Medical fitness for handling explosive substances shall be proven with a medical fitness certificate issued by a health care institution in accordance with the weapons related legislation.

Program and the way of specialist training for handling explosive substances referred to in paragraph 1 indent 6 of this Article, shall be regulated by the Ministry legislation.

Handling expertise

Article 20

Exceptionally, a person without the specialist knowledge may handle an explosive substance only under the supervision of a person with the handling specialist knowledge, and provided that he/she has previously been acquainted with the operating procedures, risks and workplace safety rules.

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The person referred to in paragraph 1 of this Article shall confirm in writing that he/she has been acquainted with the operating procedures, risks and workplace safety rules.

3. Manufacture

Definition

Article 21

Explosive substances manufacture, within the meaning of this Law shall be the process including the storage of raw explosive materials, manufacture, processing, finishing, inland transport and storage of final explosive products with the manufacturer.

Manufacture License

Article 22

A manufacturer may be a business organisation, other legal entity and entrepreneur registered to manufacture explosive substances and being in possession of a certificate for manufacture of explosive substances.

The license referred to in paragraph 1 of this Article shall be issued by the Ministry.

The manufacture license may include additional requirements for protection of life, health and security of people, animals and plants, environment and property.

Manufacture Requirements

Article 23

A manufacturer shall have:

- A responsible person;
- Persons for handling explosive substances in manufacture process, and
- Manufacture and storage facility.

The responsible person referred to in paragraph 1 indent 1 of this Article shall have a university degree of an appropriate branch and meet the handling requirements referred to in Article 19 of this Law.

Manufacture License Application Form

Article 24

Along with the manufacture license application form for explosive substances, the manufacturer shall provide:

- The act on registration in the Central Registry of the Commercial Court;
- Data on a responsible person;
- Data on persons who are to be handling explosive substances in the manufacture process;

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- Usage license for a manufacture and storage facility;
- Proofs on meeting the requirements referred to in Articles 6, 7 and 8 of this Law;
- Data on the name and type of explosive substances to be manufactured;
- An overview of the technological process of manufacture, and
- A description of the quality control system.

Recycling (De-elaboration) and Neutralization

Article 25

A manufacturer may recycle (de-elaborate) and neutralize explosive substances.

Termination of the Manufacture License

Article 26

The license for manufacture of explosive substances shall be terminated on the request of a manufacturer or if the manufacturer no longer meets the requirements referred to in the Article 23 of this Law.

The manufacturer shall provide the Ministry with the records kept in accordance with the provisions of this Law, within eight days from the date the decision on termination of the license for the manufacture of explosive substances has become final and enforceable.

Storing in Storage Facilities

Article 27

The manufacturer shall store explosive substances in storage facilities being part of the manufacture facilities.

Research of the New Types of Explosive Substances

Article 28

Research of new types of explosive substances may be done by manufacturers as well as other legal persons meeting the requirements laid down in the legislation on scientific research activity and higher education, and provided that they satisfy technical requirements and security measures for protection of life, health and security of people, animals and plants, environment and property.

Persons referred to in paragraph 1 of this Article may do the research on new types of explosive substances on the basis of the research license.

The license referred to in paragraph 2 of this Article shall be issued by the Ministry.

Conformity Document, Technical Specifications and Instructions

Article 29

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For every explosive substance to be manufactured, the manufacturer shall have:

- Document on conformity with the technical requirements;
- Technical specification, and
- Instructions for use, storage and destruction of explosive substances.

Along with the documents referred to in paragraph 1 of this Article, the manufacturer of pyrotechnic devices shall have the pyrotechnic devices class marking.

Notification on Commencement, Modification or Termination of the Activity

Article 30

A business organisation, other legal entity and an entrepreneur with an authorization to manufacture, sale or use explosive substances shall, within eight days from the date of commencement, modification or termination of activities communicate it to the Ministry.

4. Sale

Definition

Article 31

Within the meaning of this Law, the sale shall mean sale of explosive substances to a business organisation, other legal person, entrepreneur and a natural person being in possession of explosive substance purchase license, as well as the sale related storage.

Retail sale of class I and II entertainment pyrotechnic devices, gun-powder, slow-burning fuse and initiating ammunition caps in sale facilities of business organisations, other legal persons and entrepreneurs granted with the sales license in accordance with the special regulations, within the meaning of this Law shall not be considered the sale.

Sale License

Article 32

Sale of explosive substances shall be conducted by a business organisation, other legal person or an entrepreneur registered for conducting the activity and being in possession of a license for sale of explosive substances.

The license referred to in paragraph 1 of this Article shall be issued by the Ministry.

The license for sale of explosive substances may include additional measures for protection of life, health and safety of people, animals and plants, environment and property.

Sale Requirements

Article 33

The business organisations, other legal entity and entrepreneur referred to in Article 32, paragraph 1 of this Law shall have:

- A responsible person, and
- A storage facility, i.e. portable magazine for which the usage license has been issued.

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The responsible person referred to in paragraph 1 indent 1 of this Article shall have a university degree of an appropriate branch and meet the handling requirements referred to in Article 19 of this Law.

Sale License Application Form

Article 34

Along with a license application form for sale of explosive substances, a business organisation, other legal person and entrepreneur shall submit:

- The act on registration in the Central Registry of the Commercial Court;
- Data on a responsible person;
- Proofs on meeting the requirements referred to in Articles 6, 7 and 8 of this Law;
- A proof on possession of the storage facility, i.e. portable magazine referred to in Article 33 paragraph 1 indent 2 of this Law.

Obligation to Sell the Quantities Specified in the Purchase License

Article 35

A business organisation, other legal person and entrepreneur conducting sale may sell explosive substances only to a business organisation, other legal entity, entrepreneur or a natural person being in possession of the license for purchasing explosive substances in the quantities specified in the explosive substances purchase license.

Termination of the Sale License

Article 36

Explosive substances sale license shall be terminated on the request of a holder of a license for sale of explosive substances, or if the license holder no longer meets the requirements referred to in Article 33 of this Law.

The subjects referred to in paragraph 1 of this Article, shall provide the Ministry with the records kept in accordance with the provisions of this Law, within eight days from the date the decision on termination of the license for the sale of explosive substances has become final and enforceable.

5 Procurement

Procurement License

Article 37

A license for procurement of explosive substances shall be issued by the Ministry on the request of a business organisation, other legal person, entrepreneur and a natural person being in possession of a license for procurement of explosive substances.

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The explosive substances procurement license shall be issued for a period of three months.

An application form for the license referred to in paragraph 1 of this Article shall contain data on:

- applicant (the name and registered office, i.e. name and address and ID card number);
- name, quantity, way of packaging, the manufacturer of an explosive substance, the reasons and justification for procurement;
- location and approximate time of use;
- person who shall take over explosive substances;
- person who shall handle explosive substances, and
- storage method and requirements.

An applicant for explosive substances procurement license may be subjected to additional security or other necessary requirements with regard to protection of life, health and safety of people, animals and plants, environment and property, imposed by the Ministry.

Procurement License Granted to a Natural Person

Article 38

A natural person may be granted with an authorization for procurement of up to a maximum quantity of five kilograms of explosive substances, 50 pieces of ignition devices and the appropriate quantity of a slow-burning fuse.

The explosive substances referred to in paragraph 1 of this Article may be handled only by a person granted with an authorization for the mining activities, in accordance with this Law.

The explosive substance procurement license granted to a natural person shall also specify the place of procurement of the substance, closest to the place of use of the explosive substance.

A natural person having procured explosive substances shall return, after the use, the remaining quantities of the substances to a business organisation, another legal person or an entrepreneur the explosive substances were procured from, or ensure their destruction by a competent person, and communicate it to the Ministry and the administration authority competent for policing.

No natural person must have a procurement license for purchasing the class I and II pyrotechnic devices for a personal use.

Multiple Procurement License

Article 39

Depending on the explosive substances storage and usage capacities, a multiple procurement license may be granted to a business organisation, other legal entity and entrepreneur being engaged in activity which require regular use of explosive substances.

The license referred to in paragraph 1 of this Article shall be issued for a period of three months.

Procurement of Explosive Substances in Quantities that may be Stored

Article 40

A business organisation, other legal entity and an entrepreneur may purchase explosive substances needed for mining activities and pyrotechnic devices for conducting public fireworks, in the quantities that may be stored.

Number of Copies of an Issued Procurement License

Article 41

An explosive substance procurement license shall be issued to the applicant in two copies.

When selling explosive substances, a business organisation, other legal person and an entrepreneur engaged in selling explosive substances, shall indicate in both copies of the explosive substance procurement license the type and the quantity of the explosive substances sold, keeping one copy for themselves and delivering the other one to a person engaged in procurement activity.

Business organisation, other legal entity or entrepreneur using explosive substances may purchase explosive substances from several dealers, provided that every dealer indicates the supplied quantity and type of explosive substance on the back of the license and certify it with a signature of a responsible person and a stamp.

Storage Container

Article 42

Business organisation, other legal person and an entrepreneur engaged in mining activities shall have containers for storage of unused explosive substances at the construction sites.

6. Usage

Place of Use

Article 43

Explosive substances may be used in places specified in the license for procurement and use of explosive substances.

Prohibition of Use

Article 44

A business organisation, other legal person or an entrepreneur may use explosive substances for the works done at the construction sites or in other similar places only if those are taken over from their storage facilities or containers.

Explosive substances may not be used in the places where the competent authority has banned the works requiring the use of these substances.

a) The Use of Pyrotechnic Devices

Types of Pyrotechnic Devices

Article 45

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Depending on a quantity and type of a pyrotechnic mixture, i.e. explosive charge, sound level and other security requirements, pyrotechnic devices shall be divided into:

- Class I pyrotechnic devices - pyrotechnic toys;
- Class II pyrotechnic devices - devices for small fireworks displays;
- Class III pyrotechnic devices – devices for medium fireworks displays and
- Class IV pyrotechnic devices - devices for big fireworks displays.

Types, properties, marking, security requirements, storage and use of pyrotechnic devices requirements shall be regulated in more details by the Ministry regulation.

Licenses

Article 46

Public fireworks may be conducted by a business organisation, other legal person or an entrepreneur being in possession of a license for public fireworks activities and a license for conducting public fireworks.

The licenses referred to in paragraph 1 of this Article shall be issued by the Ministry.

Terms and Conditions for Public Fireworks Activities

Article 47

A business organisation, other legal person and an entrepreneur referred to in Article 46, paragraph 1 of this Law shall have:

- A responsible person;
- A storage facility, i.e. portable magazine for which the usage license has been issued, and
- At least one employee with specialist knowledge for conducting public fireworks.

The responsible person referred to in paragraph 1 indent 1 of this Article shall have a university degree of an appropriate branch and meet the handling requirements referred to in Article 19 of this Law.

Program and the way of specialist training and passing specialist exam for a person conducting public firework, shall be regulated by the Ministry legislation.

Public Fireworks License Application Form

Article 48

Along with a license application form for public fireworks activities, a business organisation, other legal person and an entrepreneur shall submit:

- The act on registration in the Central Registry of the Commercial Court;
- Data on a responsible person;
- Data on an employee with specialist knowledge for conducting public fireworks, and
- A proof on possession of the storage facility, i.e. portable magazine being granted with a usage license.

Termination of the License for Public Fireworks Activities

Article 49

License for public fireworks activities shall be terminated on the request of a holder of the license for public fireworks activities, or if the license holder no longer meets the requirements referred to in Article 47 of this Law.

The subjects referred to in paragraph 1 of this Article shall submit to the Ministry the records they kept pursuant to the provisions of this Law within eight days from the date the decision on termination of the license for public fireworks activities becomes final and enforceable.

Types of Fireworks

Article 50

Public fireworks shall be professional fireworks and fireworks for theatrical effects.

Professional fireworks shall be conducted with approved II, III and IV class pyrotechnic devices, on the sites especially prepared for that purpose and on the required distance from the facilities, communications and other areas.

Fireworks for theatrical effects shall be conducted in theatres and similar institutions, in film and TV studios or outdoor with approved II, III and IV class pyrotechnic devices, as well as with other explosive substances used for those purposes.

License for Conducting Public Fireworks

Article 51

License for conducting public fireworks shall be issued on the request of a business organisation, other legal person and an entrepreneur being in possession of a license for conducting public fireworks.

License for conducting public fireworks shall specify the type and class of pyrotechnic devices for that purpose, as well as the place and time of conducting public fireworks.

b) Mining

Types of Mining

Article 52

Mining activities shall be: above ground mining, special mining, underground mining and mining in de-mining process.

Above ground mining shall be: surface mining, construction mining, mining in deforestation (stump pulling) and digging holes for plants, and mining for crushing too large pieces of rocks.

Special mining shall include: underwater mining, mining of construction facilities, mining in seismic researches, technological mining and mining in constructing tunnels and other underground premises, apart from underground mining in exploitation of mineral raw materials.

Underground mining shall include underground mining actions in exploitation of mineral raw materials.

Mining in de-mining process shall be the mining conducted in the scope of de-mining activities.

License for Conducting Mining Activities

Article 53

Mining activities may be conducted by a business organisation, other legal person or an entrepreneur being in possession of a license for conducting mining activity.

The license referred to in paragraph 1 of this Article shall be issued by the Ministry.

Terms and Conditions for Conducting Mining Activities

Article 54

The business organisation, other legal person and entrepreneur referred to in Article 53 paragraph 1 of this Law shall have:

- A responsible person;
- At least one employee granted with an authorisation for conducting mining activities pursuant to this Law, and
- A storage facility, i.e. portable magazine for which a usage license has been issued.

The responsible person referred to in paragraph 1 indent 1 of this Article, shall have college or university degree of an appropriate branch, and shall meet the handling requirements referred to in Article 19 of this Law.

License Application Form

Article 55

Along with a license application form for mining activities, a business organisation, other legal person and an entrepreneur shall submit:

- The act on registration in the Central Registry of the Commercial Court;
- Data on a responsible person;
- Data on an employee granted with an authorisation for conducting mining activities pursuant to this Law, and
- A proof on possession of a storage facility, i.e. a portable magazine for which a usage license has been issued.

Termination of the License

Article 56

License for conducting mining activities shall be terminated on the request of a holder of the license for conducting mining activities, or if the license holder no longer meets requirements referred to in Article 54 of this Law.

The subjects referred to in paragraph 1 of this Article shall submit to the Ministry the records they kept pursuant to the provisions of this Law within eight days from the date the decision on termination of the license for conducting mining activities becomes final and enforceable.

Mining Plan and Security Measures

Article 57

When conducting mining activities, a business organisation, other legal person or an entrepreneur shall undertake security measures and conduct mining activities in conformity with the mining plan, so as not to endanger life, health and security of people, animals and plants, environment and property.

The mining plan referred to in paragraph 1 of this Article shall be produced by a person holding mining university degree and passed specialist exam, pursuant to mining legislation.

A business organisation, other legal person and an entrepreneur conducting mining activities shall no later than 24 hours prior mining inform the Ministry, administration authority competent for policing and the public through the media, about mining to be conducted in a populated area or nearby the populated area, and shall inform in written business organizations and other legal persons managing the facilities, three days before conducting mining near the roads, railways, water supply systems, electricity or telephone lines and similar facilities.

Authorisation for Conducting above Ground Mining Activities

Article 58

Above ground mining may be conducted by the employee referred to in Article 54 paragraph 1 indent 3 of this Law granted with an authorisation for conducting above ground mining activities.

The authorisation referred to in paragraph 1 of this Article shall be issued by the Ministry.

The authorisation for conducting above ground mining activities may be granted to the person referred to in paragraph 1 of this Article with:

- high school, college or university degree of an appropriate branch;
- passed specialist exam for conducting mining activities, and;
- four-year working experience in mining preparation activities provided that he/she holds high school degree, or two-year working experience in the related activities provided that he/she holds college or university degree.

Authorisation for Conducting Special Mining Activities

Article 59

Special mining may be conducted by the employee referred to in Article 54 paragraph 1 indent 3 of this Law granted with an authorisation for conducting special mining activities.

The authorisation referred to in paragraph 1 of this Article shall be issued by the Ministry.

The authorisation for conducting special mining activities may be granted to the person referred to in paragraph 1 of this Article who meets the requirements referred to in Article 19 paragraph 1 of this Law, and with:

- college or university degree of an appropriate branch;
- passed specialist exam for conducting mining activities, and;
- five-year working experience in mining activities provided that he/she holds college degree, or four-year working experience in the related activities provided that he/she holds university degree.

Authorisation for Underground Mining Activities

Article 60

Underground mining may be conducted by the employee referred to in Article 54 paragraph 1 indent 3 of this Law granted with an authorisation for conducting underground mining activities.

The authorisation referred to in paragraph 1 of this Article shall be issued by the Ministry.

The authorisation for conducting underground mining activities may be issued to the person referred to in paragraph 1 of this Article who meets the requirements referred to in Article 58 paragraph 3 of this Law.

Authorisation for Mining in De-mining Process

Article 61

Mining in de-mining process may be conducted by the employee referred to in Article 54 paragraph 1 indent 3 of this Law granted with an authorisation for conducting mining in de-mining process.

The authorisation referred to in paragraph 1 of this Article shall be issued by the Ministry.

The authorisation for conducting mining in de-mining process may be issued to the person referred to in paragraph 1 of this Article with:

- high school, college or university degree of an appropriate branch;
- passed specialist exam for conducting mining, and;
- two-year working experience in demining or mining activities provided that he/she holds high school degree, or one-year working experience in the related activities provided that he/she holds college or university degree.

Specialist Exam

Article 62

Professional development, programme and specialist exam for conducting mining activities referred to in Articles 58, 59, 60 and 61 of this Law shall be regulated by the Ministry legislation.

Mining Preparation Activities

Article 63

Mining preparation activities (borehole explosive filling, placing explosives initiating devices, etc.) may be conducted by a natural person (hereinafter referred to as the "Miner") who:

- meets the requirements referred to in Article 19 paragraph 1 of this Law;
- has at least high school degree, and;
- is competent to conduct mining preparation activities, holding a certificate issued pursuant to the mining regulations.

Auxiliary mining preparation activities (transport of explosive substances, loading, unloading, etc.) may, under the supervision of a miner, be conducted by a natural person holding an elementary

school degree, previously acquainted with the operating procedures, risks and workplace safety rules in handling explosive substances.

7. Destruction of Explosive Substances

Terms and Conditions of Explosive Substances Destruction

Article 64

Explosive substances shall be destroyed in accordance with manufacturer instructions at the sites where the use of explosive substances is permitted, and the destruction shall be done so as not to endanger life, health and security of people, animals and plants, environment and property.

Explosive substances may be destroyed only by the competent persons, referred to in Article 19 paragraph 1 of this Law.

A business organisation, other legal person or an entrepreneur and natural person shall at the latest 24 hours prior to the day specified for destruction, inform the Ministry, administration authority competent for policing on the way, quantity, site and the time of destruction of the unused explosive substances and packages.

Provided that a strong detonation is foreseen during the destruction of explosive substances, a business organisation, other legal person or an entrepreneur shall act pursuant to Article 57 paragraph 3 of this Law.

IV MANUFACTURE AND STORAGE FACILITIES

Security Measures in Construction and Equipping

Article 65

Manufacture and storage facilities for explosive substances shall be constructed and equipped so as to ensure protection of life, health and security of people, animals and plants, environment and property.

Construction Site

Article 66

An opinion on location for construction of manufacture and storage facilities, portable magazines and placement of containers shall be issued by the Ministry.

An approval on the project and financial-technical documentation for construction of manufacture and storage facilities and portable magazines, from the aspect of fire protection, shall be given by the Ministry.

Placement of Containers

Article 67

Containers for storage of explosive substances may be placed exclusively at the sites determined by the Ministry pursuant to the law regulating fire protective measures.

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The quantity of the explosive substances stored in a container, shall be in accordance with the technical regulation, i.e. the quantity specified in the certificate issued by the container manufacturer.

Storage of Different Types of Explosive Substances

Article 68

In the production and storage facilities, portable magazines and containers with different types of explosive substances, those substances shall be stored in separate rooms or in compartments especially built for this purpose.

Ignition devices shall not be kept in manufacture and storage facilities, portable magazines and containers together with explosive substances, unless the facilities have rooms especially equipped for that purpose.

Lighting

Article 69

As a rule, interior of manufacture and storage facilities, portable magazines and containers shall be illuminated with daily light.

Provided that manufacture and storage facilities, portable magazines and containers are illuminated by an electric light, electric installations shall be constructed in accordance with a technical requirement and they should be kept operational.

Heating

Article 70

As a rule, manufacture and storage facilities, portable magazines and containers shall not be heated, and if the heating of some rooms is needed, it shall be done in accordance with technical requirements.

Ventilation

Article 71

Manufacture and storage facilities, portable magazines and containers shall have ventilation.

Ventilation holes shall be constructed so as not to be closed, i.e. clogged, so as to prevent water from breaking into the manufacture and storage facilities, portable magazines and containers.

Tools, Devices and Lightning Rod Installations

Article 72

Manufacture and storage facilities, portable magazines and containers shall be equipped with tools or other fire distinguishing devices, and they shall have lightning rod installation.

Packaging

Article 73

Explosive substances in manufacture and storage facilities, portable magazines and containers shall be stored in a required packaging, and shall be assorted in accordance with technical requirements.

Usage

Article 74

The use of manufacture and storage facilities shall be approved by the Ministry decision, only after the technical inspection of the facilities has been done by the competent authority Commission.

The decision referred to in paragraph 1 of this Article shall also specify the types and quantities of explosive substances to be stored in the storages.

Adoption of Secondary Legislation

Article 75

The content of the application form and documents for issuing an opinion and approval referred to in Article 66 of this Law, safety distance for all types of manufacture and storage facilities, requirements to be met by the manufacture and storage facilities and sites, as well as the way of their physical and technical security shall be regulated by the Ministry secondary legislation.

V RECORDS

Keeping of Records

Article 76

The Ministry shall keep the records on:

- legal and natural persons authorised, i.e. designated to conduct explosive substances conformity assessment;
- explosive substances granted with the license for placing on the market;
- issued licenses for manufacture, placing on the market, procurement of explosive substances, public fireworks activities, conducting public fireworks, mining activities and authorisation for conducting mining activities;
- issued decisions on termination of the license for manufacture, sale of explosive substances, public fireworks activities and mining activities, and;
- seized explosive substances samples.

A business organisation, other legal person and an entrepreneur manufacturing explosive substances shall keep records on the type and quantity of manufactured, sold, used, destroyed, returned, missing or stolen explosive substances.

A business organisation, other legal person and an entrepreneur selling, procuring and/or using explosive substances shall keep records on the quantity and type of procured, sold, used, destroyed, returned, missing or stolen explosive substances.

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The records referred to in paragraphs 1 and 2 of this Article shall be kept for 10 years, and the records referred to in paragraph 3 of this Article shall be kept for five years.

The content and way of keeping records referred to in paragraphs 1, 2 and 3 of this Article shall be regulated by the Ministry.

Article 77

Legislation regulating protection of unpublished and personal data shall apply to the collection, processing, storing and use of data from the records laid down by this Law.

VI SUPERVISION

Inspection Control

Article 78

Supervision over the implementation of this Law and legislation adopted based on this Law shall be conducted by the Ministry.

Inspection control activities within the Ministry jurisdiction shall be performed by the Inspector in charge of explosive substances, flammable substances and liquids and gasses, pursuant to the Law regulating inspection control.

Administrative Measures and Actions

Article 79

In addition to the measures and actions provided for by the Law regulating inspection control, Inspector in charge of explosive substances, flammable substances and liquids and gasses shall also be authorised to:

- enter and examine facilities and premises used for manufacture, storage, usage, destruction or sale of explosive substances, as well as rooms suspected to contain explosive substances;
- examine explosive substances related documentation;
- examine documents on specialist knowledge for handling explosive substances;
- check and establish the identity of a person found at the explosive substances usage, manufacture and storage sites;
- prohibit the persons with no handling specialist knowledge from handling explosive substances;
- prohibit manufacture of explosive substances and certain actions related to sale, storage, use, loading or unloading explosive substances due to irregularities done while undertaking security measures which may endanger life, health and security of people, animals and plants, environment and property;
- order elimination of established irregularities within prescribed deadline;
- order other measures in the manufacture, sale and use of explosive substances needed to protect life, health and security of people, animals and plants, environment and property.

VII PENAL PROVISIONS

Article 80

15. LAW ON EXPLOSIVE SUBSTANCES

A business organisation, other legal person or an entrepreneur shall be imposed to a fine in the amount of from twenty up to three hundred times the minimum salary in Montenegro if they:

- 1) fail to adopt the general act referred to in Article 6 paragraph 2 of this Law;
- 2) fail to inform the persons handling or conducting other explosive substances related actions on the measures regulated by the acts referred to in Article 6 paragraph 2 of this Law or fail to provide them with specialist knowledge for acting in a case of technical-technological accident or other risk within the meaning of the protection and rescue related legislation (Article 7);
- 3) fail to provide permanent physical and technical protection of the facilities used for manufacture or storage of explosive substances (Article 8);
- 4) fail to organise and monitor the implementation of the regulated protective measures (Article 9);
- 5) fail to inform the Ministry and administration authority competent for policing on the loss or theft of explosive substances immediately, and at the latest within an hour upon receiving the information (Article 10);
- 6) place on the market and use explosive substances without the license for placing on the market (Article 12 paragraph 1);
- 7) conduct the activities referred to in Article 13 of this Law, without an authorisation (Article 14 paragraph 1);
- 8) allow an explosive substance to be handled by a person not meeting the requirements for handling explosive substances (Article 19 paragraph 1);
- 9) initiate manufacture of explosive substances without the Ministry license (Article 22 paragraph 2) or if they continue the manufacture after failing to meet the requirements referred to in Article 23 of this Law;
- 10) conduct the research of new types of explosive substances without the Ministry license (Article 28 paragraph 3);
- 11) place on the market explosive substances without the Ministry license (Article 32 paragraph 1);
- 12) sell explosive substances to a business organisation, other legal person or an entrepreneur or a natural person not being in possession of a license for procurement of explosive substances (Article 35);
- 13) procure explosive substances without the Ministry license (Article 37 paragraph 1);
- 14) conduct public fireworks without the Ministry license (Article 46 paragraph 2);
- 15) conduct mining activities without the Ministry license (Article 53);
- 16) fail to undertake security measures to protect life, health and security of people, animals and plants, environment and property while mining (Article 57 paragraph 1);
- 17) endanger life, health and security of people, animals and plants, environment and property by irregular and unprofessional destruction of explosive substances (Article 64 paragraphs 1 and 2);
- 18) fail to construct and equip the manufacture and storage facilities so as to provide protection of life, health and security of people, animals and plants, environment and property (Article 65);
- 19) construct facilities for manufacture and storage of explosive substances without obtaining an opinion on the location and approval of the project and financial –technical documentation (Article 66);
- 20) place a container contrary to the provisions of the Article 67 of this Law;
- 21) use manufacture and storage facilities without the Ministry authorisation (Article 74).

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A responsible person in a legal person shall also be imposed to a fine in the amount of from five up to twenty times minimum salary in Montenegro for misdemeanors referred to in paragraph 1 of this Article.

Article 81

A business organisation, other legal person or an entrepreneur shall be imposed to a fine in the amount of from twenty up to two hundred times minimum salary in Montenegro if:

- 1) explosive substances are handled by a person without specialist knowledge and not being under the supervision of a person with specialist knowledge for handling explosive substances, and without being previously acquainted with the way of work, risks and workplace protective measures (Article 20 paragraph 1);
- 2) within eight days from the date the decision on termination of a license for manufacture of explosive substances becomes final and enforceable fail to submit to the Ministry the records they kept pursuant to this Law (Article 26 paragraph 2);
- 3) within eight days fail to inform the Ministry on the commencement, change or termination of the activities (Article 30);
- 4) within eight days from the date the decision on termination of a license for sale of explosive substances becomes final fail to submit to the Ministry the records they kept pursuant to the provisions of this Law (Article 36 paragraph 2);
- 5) they procure explosive substances needed for conducting mining activities and pyrotechnic devices for conducting public fireworks in quantities which cannot be stored (Article 40);
- 6) they sell explosive substances without keeping a copy of the license, or fail to specify the type and quantity of the sold explosive substance (Article 41 paragraph 2);
- 7) they do not have a container for storage of unused explosive substances at the construction site (Article 42);
- 8) they use procured explosive substances contrary to the provisions of Article 44 paragraph 2 of this Law;
- 9) within eight days from the date the decision on termination of a license for conducting public fireworks becomes final and enforceable fail to submit to the Ministry required records (Article 49 paragraph 2);
- 10) they conduct public fireworks without a license or if they conduct public fireworks at the location, at the time, with a type and class of a pyrotechnic device contrary to the license for conducting public fireworks (Article 51);
- 11) within eight days from the date the decision on termination of a license for mining activities becomes final and enforceable fail to submit to the Ministry required records (Article 56 paragraph 2);
- 12) they fail to undertake security measures, produce mining plan, or fail to conduct mining in accordance with the mining plan (Article 57 paragraph 1);
- 13) they conduct mining activities in a populated area or nearby populated area, previously failing to inform the Ministry, administration authority competent for policing, the public and business organisations and other legal persons managing roads, railways, water supply systems, electricity or telephone lines and similar facilities (Article 57 paragraph 3);
- 14) above the ground mining, special mining, underground mining or mining in de-mining process are carried out by persons without the license for conducting mining activities or for conducting some types of mining (Articles 58, 59, 60 and 61);

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15) mining preparation activities or mining preparation auxiliary activities are conducted by a natural person failing to meet the requirements referred to in Article 63 of this Law;

16) in the manufacture and storage facilities provided for different types of the explosive substances fail to store those substances in separate rooms or compartments specially built for this purpose, or if they keep ignition devices together with explosive substances (Article 68);

17) they fail to keep required records (Article 76 paragraphs 2, 3 and 4).

A responsible person in a legal person shall also be imposed to a fine in the amount of from five up to fifteen times minimum salary in Montenegro for the misdemeanor referred to in paragraph 1 of this Article.

Article 82

A natural person shall be imposed to a fine in the amount of from three up to ten times minimum salary in Montenegro for misdemeanors if he/she:

1) upon the completion of the works, fails to return the remaining quantities of the explosive substances to a business organisation, another legal person or an entrepreneur the explosive substances were procured from, fails to ensure their destruction by a competent person and to communicate it to the Ministry and the administration authority competent for policing (Article 38 paragraph 4);

2) conducts above the ground mining, special and/or underground mining and/or mining in the de-mining process without being in possession of a license for conducting those activities (Article 58 paragraph 1, Article 59 paragraph 1, Article 60 paragraph 1 and Article 61 paragraph 1);

3) conducts mining preparation activities failing to meet the requirements referred to in Article 63 paragraph 1 of this Law.

For the misdemeanor referred to in paragraph 1 of this Article, a natural person may also be imposed to a fine on the spot in the amount up to three times minimum salary in Montenegro.

VIII TRANSITIONAL AND FINAL PROVISIONS

Time Limit for Adoption of the Secondary Legislation

Article 83

Legislation for implementation of this Law shall be passed within two years from the day of entry into force of this Law.

The legislation valid before the entry into force of this Law shall apply until the legislation referred to in paragraph 1 of this Article hereof is adopted unless it is contrary to the provisions of this Law.

The List referred to in Article 17 of this Law shall also contain explosive substances granted with the authorisation for placing on the market in accordance with the legislation valid until the entry into force of this Law.

Time Limit for Harmonisation with the Law

Article 84

Business organisations, other legal persons and entrepreneurs engaged in manufacture, testing and sale of explosive substances or use and store explosive substances based on authorisations

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regulated by the Law on Sale of Explosive Substances (Official Gazette of Socialist Federal Republic of Yugoslavia 30/85, 6/89, 53/91 and Official Gazette of Federal Republic of Yugoslavia 68/2002) and the Law on Explosive Substances, Flammable Liquids and Gasses (Official Gazette of Socialist Republic of Montenegro 44/76, 49/76, 34/86 and 11/88) shall harmonise their business activities with this Law and legislation adopted for implementation thereof within a year after the entry into force of the legislation for implementation of this Law.

Recognition of the Specialist Exam

Article 85

The specialist exam for conducting mining activities or conducting public fireworks pursuant to the legislation valid before the entry into force of this Law shall be considered as passed within the meaning of this Law.

Procedures for Issuing Authorisations i.e. Licenses

Article 86

Procedures for issuing authorisations i.e. licenses initiated before the entry into force of this Law shall be finalised pursuant to the provisions of the Law on Sale of Explosive Substances (Official Gazette of Socialist Federal Republic of Yugoslavia 30/85, 6/89, 53/91 and Official Gazette of Federal Republic of Yugoslavia 68/02) and the Law on Explosive Substances, Flammable Liquids and Gasses (Official Gazette of Socialist Republic of Montenegro 44/76, 49/76, 34/86 and 11/88).

Cessation of Validity of the Previous Law

Article 87

The Law on Sale of Explosive Substances (Official Gazette of Socialist Federal Republic of Yugoslavia 30/85, 6/89, 53/91 and Official Gazette Federal Republic of Yugoslavia 68/02) shall not apply, and the Law on Explosive Substances, Flammable Liquids and Gasses (Official Gazette of Socialist Republic of Montenegro 44/76, 49/76, 34/86 and 11/88) shall cease to be valid in the part referring to explosive substances, from the day of entry into force of this Law.

Entry into Force

Article 88

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.