

15 Annex - Energy

**65. LAW ON TRANSPORTATION OF DANGEROUS
SUBSTANCES**

LAW ON TRANSPORTATION OF DANGEROUS SUBSTANCES

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I BASIC PROVISIONS

Subject matter

Article 1

This Law shall lay down conditions under which transportation of dangerous substances is performed and activities related to that transport (preparation of substance for transportation, loading and unloading and incidental manipulations), as well as supervision over the implementation of this Law.

Types of dangerous substances

Article 2

Dangerous substances, within the meaning of this Law, are:

Class 1a – Explosive substances;

Class 1b– Objects filled with explosive substances;

Class 1c – Firing means, fireworks instruments and other instruments;

Class 2 – Compressed gases, liquefied gases and gases dissolved under pressure;

Class 3 – Flammable liquids;

Class 4.1 – Flammable solids;

Class 4.2 – Substances liable to auto ignition;

Class 4.3 – Substances which in contact with water develop flammable gases;

Class 5.1 – Oxidising substances;

Class 5.2 – Organic peroxides;

Class 6.1 – Toxins;

Class 6.2 – Obnoxious and infectious substances;

Class 7 – Radioactive substances;

Class 8 – Corrosive (corroding) substances;

Class 9 – Other dangerous substances.

Definitions of dangerous substances

Article 3

Explosive substances, objects filled with explosive substances, firing means, fireworks instruments, and other instruments (hereinafter referred to as the: explosive substances) are solid and liquid chemical substances which characteristic is to, under proper external effect (impact or friction), release energy through heat or gas by explosive chemical biodegradation.

Compressed gases, liquefied gases and gases dissolved under pressure (hereinafter referred to as the: gases) are substances which have critical temperature lower than 50°C or on 50°C steam pressure higher than 300 kPa (3 bar).

Flammable liquids are liquids or liquid mixtures which on temperature of 50°C have steam pressure lower than 300 kPa (3 bar), and burning point lower than 100°C.

Flammable solids are solids which, when in dry state, may easily ignite in contact with flame or spark (sulphur, celluloid, nitrocellulose, red phosphor et al.), but are not liable to auto ignition.

Substances liable to auto ignition are substances which have been in contact with air or water without presence of other substances (white and yellow phosphor, zinc alkali, waste, nitrocellulose films, raw cotton, used cloths, et al.)

Substances, which in contact with water develop flammable gases, are substances which in contact with water develop gases that ignite in contact with flame and spark (sodium, potassium, calcium, calcium-carbide, alkali silicides et al.).

Oxidising substances are substances which in contact with other substances decompose and may in doing so cause fire (chlorides, perfluorates, hydrogen-super-oxide water solution, peroxides of alkali metals and their mixtures et al.).

Organic peroxides are organic substances with higher degree of oxidation which may cause harmful consequences to people's health or life or destruction of material goods, and are less sensitive to explosion from dinitrobenzoyl in contact with flame or as a result of impact, i.e. friction.

Toxins are substances of synthetic, biological or natural origin and products produced from those substances which, inserted into organism or in contact with an organism, may endanger people's life or health or have harmful effect on environment.

Obnoxious and infectious substances are substances which spread unpleasant smell or contain micro organisms or their toxins for which it is known that may cause infectious diseases among people and animals (raw unsalted and salted hide, wastes, innards, glands, sewage et al.).

Radioactive substances are substances whose specific activity exceeds 75 becquerel (0.02 microcuries) per gram.

Corrosive (corroding) substances are substances which in contact with other substances and live organisms cause their damage or destruction (sulphuric acid, nitrogen acid, bromine, formic acid, sodium-chlorine oxide, et al.).

Other dangerous substances are substances which represent danger while transported, and which may not be included into 1-8 classes (asbestos, dry ice, magnet materials et seq.)

Dangerous substances also include raw materials which may produce dangerous substances and waste – if they have characteristics of those substances.

Preventive and protective measures

Article 4

Companies, other legal persons, entrepreneurs and natural persons which transport dangerous substances and perform other activities related to that transport or deliver dangerous substances for transport, as well as natural persons who steer transport vehicle which transports dangerous substances or during the transport directly handle or in other way keep in touch with such substances, shall undertake preventive and protective measures that ensure protection of people's life and health, environment or material goods, i.e. traffic protection.

If dangerous substance has also characteristics of other dangerous substance which belongs to class 2, and these characteristics may endanger people's life and health, environment or material goods, company, other legal person and entrepreneur which transports dangerous substance or performs other activities related to that transport (hereinafter referred to as the: carrier), as well as natural person who during the transport handles or in other way keeps in touch with such substances, shall undertake preventive and protective measures for prevention of such dangers.

If substance from this Article paragraph 2 has one or several characteristics due to which it may be classified into dangerous substances whose transport requires special approval, such substance may be transported solely with approval of competent state administration body defined by this Law, regardless to its classification.

New-found dangerous substances

Article 5

New-found dangerous substances may be transported if they fulfil conditions which are previously defined by scientific research as conditions which ensure full safety during their transport.

Manipulation of dangerous substances

Article 6

Person who drives transport vehicle which transports dangerous substances must be professionally trained for manipulation and transportation of dangerous substances in compliance with law and must reach 21 years of age.

Persons who are not professionally trained for manipulating dangerous substances may, if they are previously introduced with a manner of work, dangers and protective measures at work, only carry over, load, unload or reload dangerous substances, and all that under authority and supervision of professionally trained person for maintaining dangerous substances.

Control of prescribed measures and conditions of transport

Article 7

Carriers shall organise and have permanent control over implementation of measures and fulfilment of conditions prescribed for transportation of dangerous substances and performance of activities related to that transportation according to provisions of this Law, regulations adopted based on this Law and international treaties on transport of dangerous substances in certain traffic branches.

Adequate implementation of international treaties and rules of general administrative procedure

Article 8

Matters referring to common packing, prohibition of common transport in the same transport vehicle, i.e. the same space for accommodation of load and elimination from transport dangerous substances within internal traffic, shall accordingly apply provisions of international treaties which refer to transport of dangerous substances in certain traffic branches.

Procedures which represent the subject of this Law, shall apply law provisions which defined general administrative procedure, unless otherwise provided by this Law.

Insurance in case of damage to third persons

Article 9

Owner of dangerous substance shall insure dangerous substance in a case of damage caused to third persons due to death, body injury or violation of health, damage or destruction of things or environment pollution during the transportation.

In this Article paragraph 1, provision shall not apply on small quantities of dangerous substances from Article 52 paragraph 2 and Article 72 paragraph 3 of this Law.

Exemption

Article 10

Provisions of this Law do not refer to transportation of dangerous substances by transport vehicles of the Army of Montenegro (hereinafter referred to as the: Army).

Transport of dangerous substances by transport vehicles of Army is performed in compliance with separate regulations.

Provisions of this Law also do not refer to motor fuel in reservoir of transport vehicle, and neither to other dangerous substances which are used for running of transport vehicle placed in tanks for that purpose, which form part with vehicle.

II COMMON SAFETY MEASURES FOR ALL DANGEROUS SUBSTANCES OR FOR CERTAIN TYPES OF THESE SUBSTANCES

1. *Packing*

Packaging material for packing

Article 11

Packaging material in which dangerous substances shall be transported must secure protection of people's life and health and the environment during transportation and manipulation of dangerous substances.

Packaging material in which dangerous substances are transported must be closed and impermeable, in order to prevent loss or spilling of content during transport.

Packaging material, together with caps, must in all parts be enough solid and strong to disable loosening during transport.

Dangerous substance shall not corrode material of which packaging and caps are made and shall neither form damaging or dangerous compounds with them.

If dangerous substance is packed in packaging material sensitive to damp, space within transport vehicle where such substance is placed must be protected from damp and covered with impermeable roofers.

Production of packaging material in accordance with prescribed standards

Article 12

Tanks, cisterns, containers and other types of packaging for transportation of dangerous substances must be manufactured according to standards for proper class of dangerous substances, in compliance with law.

If dangerous substances are transported in tanks made of fragile material or low-resistance plastic masses, tanks must be placed into protective packaging and must be provided with material for filling empty space in order to prevent refraction of tank under regular transport conditions.

Material for filling empty space must be adjusted according to the nature of dangerous substance and especially must be suitable to absorb dangerous substance or liquid which dangerous substance may exude.

Tanks for transport

Article 13

Tanks for transportation of liquid dangerous substance or dangerous substance deepened into some liquid and tanks for transport of dangerous substance solution, as well as their caps, must be such to endure internal pressure upon changes of temperature which substances may reach during transport, taking care of necessary empty space for liquid spreading.

If transport of liquid dangerous substance is performed by aircraft in which interior air pressure is not normal upon changes of height during the period of flying, tanks in which liquid dangerous substance is placed and their caps must be such to endure changes of air pressure.

Capacity of tanks for transport

Article 14

Tanks for transportation of dangerous substances of capacity larger than 200l must be made of steel plate or other suitable material.

If tanks for transport of liquid dangerous substance are made of fragile material and packed together, total capacity of these tanks filled with liquid dangerous substance must not be larger than 75kg and if tanks are made of non-fragile material and packed together, total capacity of these tanks, together with liquid dangerous substance, may not be larger than 150kg.

Bottles for transport of dangerous substances

Article 15

Bottles used for transportation of dangerous substances are packed, i.e. put into palettes during transport in vertical position, and bottles with gases – in vertical or horizontal position.

Low bottles in diameter longer than 30cm, in which liquefied petroleum gas is transported, may be packed, i.e. put into vehicle for transport and transported without palettes.

If bottles are packed or put into palettes in horizontal position, they must be secured from rolling or moving, and if they are packed, i.e. put into palettes in vertical position or wide bottles without palettes, they must be ensured from turning over.

Packages for transport of dangerous substances

Article 16

Packages used for transport of dangerous substances must, in visible place, be marked with appropriate warning signs.

Packages with tanks made of fragile material must be marked with signs which point fragility of tank and, if necessary, position of packages during transport as well.

Empty uncleaned tanks

Article 17

Empty uncleaned tanks in which dangerous substances are placed must be closed and marked in the same way as if they are filled with dangerous substance.

Transport vehicles which transport tanks from this Article paragraph 1 must be marked in the same way as vehicles which transport tanks filled with dangerous substance.

2. Loading and unloading

Places for loading and unloading

Article 18

Loading and unloading of dangerous substances (loading, pouring, reloading, decanting, unloading, pouring out, storage and other manipulations related to loading or unloading) may be

performed only on specially provided places which do not endanger people's life and health, environment or material goods, i.e. traffic safety.

Place for loading or unloading dangerous substances must be supplied with regulated devices and equipment and marked in visible place with proper warning sign, in accordance with law.

Special locations for loading and unloading

Article 19

At railway stations, ports and harbours, as well as at airports, at which loading or unloading of dangerous substances is performed, ministry competent for interior affairs (hereinafter referred to as the: Ministry) shall determine special location on which loading and unloading of these substances shall be performed.

Defining of special location for loading and unloading from this Article paragraph 1 is performed by Ministry in agreement with ministry competent for traffic and maritime affairs and ministry competent for health affairs.

Prohibition on access

Article 20

Location on which loading or unloading of dangerous substances is performed prohibits access to persons who do not directly participate in process of loading or unloading of these substances.

Other prohibitions

Article 21

Location on which loading or unloading of explosive substances or flammable dangerous substances is performed, prohibits:

- 1) maintenance of substances and devices that may cause fire or enable its spreading;
- 2) maintenance of open flame or work with open flame (welding et seq.);
- 3) smoking and use of firing means (matches, lighters);
- 4) use of devices or means which have fire-box;
- 5) work with tools or devices which spark;
- 6) installation of above-ground electric lines, regardless to voltage;
- 7) work of vehicle engine.

Time of loading and unloading

Article 22

Loading and unloading of dangerous substances is, by rule, performed in daylight.

If loading or unloading of dangerous substances is performed during night, lighting at the place of loading and unloading must be electrical, while electrical devices manufactured in such way not to cause fire or explosion.

Proper operation of devices

Article 23

Devices for loading and unloading must be in working order, so that every possibility of leaking, i.e. pouring out or spilling of dangerous substance is excluded and performed in way to avoid damaging of dangerous substance packaging material.

Supply level of fire extinguishing devices

Article 24

Location on which loading or unloading of explosive substances, gases or flammable dangerous substances is performed, must be supplied with apparatus or other devices for fire extinguishing.

Apparatus for measurement of gases concentration in air

Article 25

Closed space in which loading or unloading of dangerous substances, which develop gases, is performed or loading or unloading of radioactive substances, must be supplied with at least one apparatus for the measurement of gases concentration in air, i.e. radioactivity in that space.

Apparatus for the measurement of gases concentration, i.e. radioactivity must be regularly examined and calibrated.

Control of proper operation of devices and wirings

Article 26

Companies, other legal persons, entrepreneurs and natural persons which perform loading or unloading of dangerous substances shall especially control proper operation of devices and electrical wirings at locations where loading or unloading of dangerous substances is performed, organise physical security of these locations and manage proper operation of technical equipment and other means for fire extinguishing at these locations.

Grounding of cisterns and other vehicles

Article 27

Cisterns and other transport vehicles which transport flammable liquid with burning point lower than 55°C, flammable gas in tanks which are filled at vehicles or by which other flammable substance is transported with burning point over 55°C, if due to technical reasons that substance during manipulation must be heated at temperature higher than four fifths of its burning point, as well as vehicles which transport dangerous substances of class 1a, 1b, 1c, 4.1, 4.2, 5.1 and 5.2, must during loading or unloading of these substances be grounded and engine exhaust pipe must be equipped with spark catcher.

During loading, unloading or reloading of liquid or gases from this Article paragraph 1, work of engine and devices for heating vehicle cabin must be stopped, except if transport vehicle engine is used for working of pumps or other devices for loading or unloading.

3. *Transportation*

Preparation for transportation

Article 28

Company, other legal person, entrepreneur and natural person which delivers dangerous substance to transport (hereinafter referred to as the: shipper) or transports it with its own vehicle, shall prepare dangerous substance so that it fulfils all regulated conditions for its transportation, in accordance with law.

Dangerous substance shall not be delivered or be received for transport if regulated conditions for its transport are not fulfilled.

Prohibition on dangerous substances transportation

Article 29

State administration body which issues approval for transportation of dangerous substances, in compliance with this Law, may prohibit transportation of certain types of dangerous substances over specific area or define that these types of dangerous substances are transported only by specific type of vehicles, including increased safety measures.

Proper operation and implementation of technical standards

Article 30

Vehicles which transport dangerous substances must be technically serviceable, manufactured, equipped and marked according to standards, in compliance with law.

Prohibition on transportation and delivery in luggage

Article 31

Dangerous substances must not be delivered or received for transportation as luggage.

Without prejudice to this Article paragraph 1, luggage may carry over apparatus, devices and other similar objects which contain minimal quantities of dangerous substances which do not represent danger for environment and are used for personal needs (lighters, matches, lacquers et seq.).

Measures in the event of disappearance

Article 32

Carrier shall, in the event of disappearance of dangerous substance during transport, undertake necessary measures to detect it and inform Ministry about danger which dangerous substance represents, ministry competent for health affairs and administration body competent for police affairs, and if necessary, the public too.

Dropping out and spilling of dangerous substances

Article 33

In the event of dropping out or spilling of dangerous substance, carrier shall provide it, collect and remove, i.e. accommodate it at proper place or to make it secure in some other way and shall inform Ministry about it, as well as administration body competent for police affairs, and, if necessary, ministry competent for health affairs.

If carrier is not able to collect, remove and accommodate dropped out or spilled dangerous substances at proper place or in other way neutralise, Ministry shall invite company, other legal person or entrepreneur which possesses technical means for managing such job, to perform it at the expense of carrier.

Locations from this Article paragraph 1 are defined by Ministry in agreement with ministry competent for traffic and maritime affairs and ministry competent for health affairs.

Transportation document and instruction on special safety measures

Article 34

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Shipper who delivers dangerous substance to transport shall issue transport document for every shipment of dangerous substance and instruction on special safety measures which may be undertaken during transportation of dangerous substances and shall hand it to a carrier.

Transport document of dangerous substance contains:

- 1) data on type of dangerous substance (chemical, technical or trade name of dangerous substance, class to which it belongs and ordinal number within that class, and identification number from proper international treaty when it is established);
- 2) data on quantity of dangerous substance (gross and net mass, number of pieces et al.);
- 3) indication from shipper concerning fulfilled conditions regulated for transportation of dangerous substances;
- 4) name, i.e. personal name, address and telephone number of shipper and consignee;
- 5) indication that along with transport document of dangerous substance carrier was also handed written instruction on special safety measures which must be undertaken during the transportation of dangerous substance;
- 6) signature and seal of shipper.

Notwithstanding this Article paragraph 1, transport document of dangerous substance shall not be issued if bill of lading or other proper transport document does not contain all data on dangerous substance stated in this Article paragraph 2.

Document for shipping substance abroad

Article 35

Transport document of dangerous substance, which shall be shipped abroad, must be written in language which is in official use in Montenegro and in English, French, Russian or German language.

Notwithstanding this Article paragraph 1, if dangerous substance is shipped to country which borders with Montenegro, transport document of dangerous substance may be written in Montenegrin language and language of that country.

Number of document copies

Article 36

Transport document of dangerous substance shall be issued in three identical copies, of which one remains to shipper, one is given to carrier and one is submitted to consignee of dangerous substance.

Person who drives vehicle which transports dangerous substance shall possess document on transport of dangerous substance, certificate on vehicle proper operation, certification on professional training for driving that vehicle and instruction on special safety measures from Article 34 paragraph 1 of this Law.

Instruction on special safety measures

Article 37

Instruction on special safety measures that must be undertaken during transport of dangerous substance shall contain, in particular:

- 1) indication of type of danger which it represents and consequences that dangerous substance may cause;
- 2) indication of special measures which shall be undertaken during transport of dangerous substance and preventing measures, i.e. mitigation of damaging consequences that may appear

due to accident at vehicle (fire, packaging material refraction, dropping out, spilling or leaking out of dangerous substance et seq.).

3) treatment of a person who gets in touch with dangerous substance;

4) name, address and telephone number of carrier or name and telephone number of body that must be informed about accident which happened during the transportation of dangerous substance.

Signature on reception of declassified dangerous substance

Article 38

Carrier and person who drives vehicle which transports dangerous substance shall, with their signature on transport document of dangerous substance, confirm reception of declassified dangerous substance for transport.

Cancellation of transport and taking measures

Article 39

If during the transport carrier or person who drives vehicle which transports dangerous substance ascertains or in other way discovers that he transports dangerous substance which transport is prohibited, he shall immediately cancel further transport of dangerous substance and inform Ministry about it, administration body competent for police affairs and shipper.

Shipper of dangerous substance from this Article paragraph 1 shall immediately, upon reception of notice on cancellation of transport, accept dangerous substance and undertake proper measures to avoid endangering of people's health, environment and goods.

Informing shipper concerning cancellation

Article 40

Carrier or person, who drives vehicle which transports dangerous substance, who ascertains to transport dangerous substance during transport, which does not fulfil regulated transport conditions or which is not declassified as dangerous substance or is incorrectly declassified, shall cancel further transport of dangerous substance and inform shipper concerning it.

Shipper of dangerous substance from this Article paragraph 1, shall immediately upon receipt of notice concerning cancellation of transport eliminate confirmed defects and take over dangerous substance.

III SPECIAL SAFETY MEASURES FOR TRANSPORTATION OF CERTAIN TYPES OF DANGEROUS SUBSTANCES

1. *Explosive substances*

Locations for loading and unloading

Article 41

Loading and unloading of explosive substances outside the circle of companies, other legal persons and entrepreneurs, which produce these substances or maintain for their regular activity needs, may be performed solely at locations defined by Ministry.

Approval to transport

Article 42

Transport of explosive substances requires approval.

Ministry issues approval to transport explosive substances.

Approval from this Article paragraph 1 is not necessary if transport of explosive substances is performed for the needs of Army and accompanied by military security.

Army shall inform Ministry concerning the transport from this Article paragraph 3 not later than 48 hours before transport starts, in written form, including all data on transport (type, quantity, road direction et al.).

Request for issuing approval

Article 43

Request for issuing approval to transport explosive substances is submitted by shipper of explosive substance.

Request from this Article paragraph 1 contains:

- 1) name, i.e. personal name and address of shipper;
- 2) type, technical name, quantity and manner of packing explosive substance;
- 3) margin number under which explosive substance is entered into nomenclature of dangerous substances of international treaty on transportation of dangerous substances;
- 4) name and address of explosive substance producer;
- 5) name, i.e. personal name and address of carrier;
- 6) date and approximate hour when transport started, itinerary and final destination of transport;
- 7) indication of type and label of transport vehicle;
- 8) name, i.e. personal name and address of consignee;
- 9) emergency safety measures during transport of explosive substance;
- 10) name of entering or outgoing border crossing point and time when transportation of explosive substance over border crossing point, i.e. the territory of Montenegro, shall be performed.

Special safety measures

Article 44

Ministry may, if necessary, order undertaking of special safety measures during transportation of specific explosive substance (direction of movement, escort of shipper or carrier, escort of authorised police official et al.).

The costs of special safety measures from this Article paragraph 1, in internal traffic, are born by shipper of explosive substance while during import, export or transit of explosive substance carrier bears the costs.

Quantity of explosive substances for transport

Article 45

If it is agreed to import or export larger quantities of explosive substances which may not be transported across the border of Montenegro with one transport vehicle, neither at the same time with several vehicles, approval to transport may be issued for whole quantity of explosive substances. In such case, transport of whole quantity of explosive substances must be performed across the same border crossing point and in time limit which shall not be longer than three

months, including the obligation of carrier to inform Ministry upon every individual transport, in written form, with all transport data (type, quantity, road direction et al.).

In internal traffic, transportation of explosive substances upon one approval shall be performed at the same time.

By way of exception to this Article paragraph 2, it may be approved repeated transportation of explosive substances upon one approval, but not more than quantity which may be stored in warehouse of company, other legal person or entrepreneur which received approval for procurement of explosive substances.

Transportation of explosive substances from this Article paragraph 3 may be performed within two months, including obligation of carrier to inform Ministry upon every individual transport, in written form, with all transport data (type, quantity, road direction et al.).

Prohibition on transport with other explosive substances

Article 46

Explosive substances and means for their initiating shall not be transported together in the same space of vehicle.

Provisions of this Article paragraph 1 shall not apply to transportation of objects filled with explosive substances which have installed firing means in process of production (ammunition, anti-hail rockets, economic ammunition et al.), and neither to mutual transport of explosives to 50kg, except explosives with label 9a and 10a from the European Agreement concerning the International Carriage of Dangerous Goods by Road – ADR, necessary quantities of detonating fuse for that explosive and at most 200 lighters, on condition that lighters are placed in original packing and that explosive is separated from detonators.

Explosive substances shall not be transported in driver's cabin and in space of vehicle where persons are transported.

Notice on transport

Article 47

Carrier of explosive substance shall immediately inform Ministry and administration body competent for police affairs upon every disappeared quantity of explosive substance during transport.

2. Gases

Tanks for gas transport

Article 48

Tanks intended for transport of specific gas may be filled with other type of gas on condition that the smallest test pressure for that gas is not larger than test pressure for which tank is examined and that name of gas and biggest allowed weight of filling are written at tank, having regard to proper safety measures which require characteristics of specific gas.

Supply level of valves

Article 49

Tanks which transport gases must be supplied with good valves. Valves at these tanks must be protected with protective cap or protective ring and hermetically sealed during the transportation.

Vehicles for transport of tanks and equipment for personal protection

Article 50

Transport of tanks with gases is, by rule, performed in open vehicle in which load must be protected from harmful atmospheric effects, except tanks made of material resistant to atmospheric effects.

Transport of tanks with gases may be performed in closed vehicles if it is provided with ventilation device or if constant ventilation is provided.

Staff of vehicle, which transports toxic gases and other dangerous substances, which make fumes and gases dangerous to health, must have proper equipment for personal protection during transport, in compliance with law.

3. Flammable liquids

Tanks for transport and implementation of standards

Article 51

Tanks which transport flammable liquids must respond to technical conditions regulated for the concerning type of flammable liquids, according to law.

If flammable liquids are transported in metal barrels or metal bottles, these barrels and bottles must be produced according to established standards, in compliance with law, i.e. according to foreign or international standard which is not contrary to national standards.

4. Toxins

Approval on transport across the state border

Article 52

Transport of toxins across the state border or the territory of Montenegro (import, export and transit) requires approval which is issued by ministry competent for health affairs, in agreement with Ministry.

Notwithstanding, smaller quantities of toxin provided for laboratory and scientific purposes may be transported across the state border or the territory of Montenegro without approval from this Article paragraph 1, while carrier shall inform bodies from this Article paragraph 1 upon every transport, in written form, including all transport data (type, quantity, road direction et al.).

Ministry competent for health affairs regulates quantity of toxin which is considered as smaller quantity intended for laboratory and scientific purposes.

Toxins shall not be transported in the same lading space with provisions, stock-cattle feed, medicaments and objects of general use which are subjected to medical supervision.

Approval on internal traffic transport

Article 53

Internal traffic transport of toxins requires approval.

Approval for transportation of toxins from this Article paragraph 1 is issued by ministry competent for health affairs in agreement with Ministry.

Approval from this Article paragraph 1 is not necessary if transportation of toxin is performed for the needs of Army and accompanied by military security, with obligation of carrier to inform bodies from this Article paragraph 1 upon every transport, in written form, including all transport data (type, quantity, road direction et al.).

Special safety measures

Article 54

Ministry competent for health affairs may, if necessary, order undertaking of special safety measures during transport of specific toxin (direction, escort of shipper or carrier, authorised police official or sanitary inspector).

In internal traffic, toxin shipper bears the costs of special safety measures from this Article paragraph 1.

Composition, tasks and equipment of staff which represents technical escort of shipper or carrier during toxin transportation from this Article paragraph 1, is regulated by ministry competent for health matters.

Contents of request and instruction on special safety measures

Article 55

Request for issuing approval for toxin transport is submitted by toxin shipper.

Request from this Article paragraph 1 contains:

- 1) name, i.e. personal name and address of shipper;
- 2) name, i.e. personal name and address of carrier;
- 3) name and quantity of toxin, toxin packing manner and identification number;
- 4) indication of type and label of transport vehicle;
- 5) name, i.e. personal name and address of consignee;
- 6) date and approximate hour when transport started;
- 7) itinerary of transport vehicle.

Including request from this Article paragraph 1, shipper shall submit instruction on special safety measures during toxin transport.

Wasting or discharge of toxin

Article 56

If during toxin transport comes to wasting or discharge of toxin due to damage on transport vehicle or because of some other reasons which may cause danger regarding environment contamination, carrier shall, in visible way, mark place where wasting of toxin happened, and immediately inform ministry competent for health affairs, Ministry and administration body competent for police affairs and shall, till arrival of competent inspector, i.e. authorised police official, prevent access of people and animals to that place.

5. *Radioactive substances*

Packaging material for packing and transport

Article 57

Radioactive substances may be packed and transported only in packaging material intended for specific type of radioactive substances, depending on size and strength of source, physical state and other characteristics of radioactive substance.

Dose of radiating at the surface of packaging material, and on certain distance from packaging material, and level of contamination at the surface of packaging material, must not be larger from figures defined for given type and category of packing and predicted regulations on protection of

ionising radiations and international treaties concerning transportation of dangerous substances in certain traffic branches.

Safety measures according to type of danger

Article 58

If radioactive substance is at the same time toxic, explosive or flammable, during preparation of such radioactive substance for transport, and during transport, safety measures, regulated for each of mentioned types of danger, must be undertaken according to law.

Lading space for internal traffic transport

Article 59

Radioactive substances shall not be transported in internal traffic in the same lading space with provisions, objects of general use which are subjected to medical supervision, medicaments and stock-cattle feed.

Approval to transport and special safety measures

Article 60

Transport of radioactive substances requires approval.

Approval for transport of radioactive substances is issued by ministry competent for health affairs in agreement with Ministry.

Body from this Article paragraph 2 may, if necessary, order undertaking of special safety measures during transportation of specific radioactive substance (direction, escort of shipper or carrier, escort of authorised police official et al.).

Costs for undertaking measures from this Article paragraph 3, in internal traffic, are born by shipper of radioactive substance, and during import or transit of radioactive substance by carrier.

Approval from this Article paragraph 1 is not necessary if transport of radioactive substance is performed for the needs of Army and accompanied by military security, with obligation of carrier to inform Ministry upon every transport, in written form, including all transport data (type, quantity, road direction, et al.).

Approval on repeated transport and notice before starting transport

Article 61

Company, other legal person and entrepreneur, which activity is related to use of radioactive substances, may get an approval on repeated transport of that substance with expiry date to three months.

Approval from this Article paragraph 1 must signify quantity of radioactive substance, i.e. number of ionising radiating sources and their total activity, which may be transported together by specific vehicle.

Company, other legal person and entrepreneur shall, at the latest 24 hours before starting transportation of radioactive substance, submit notification to ministry competent for health affairs and Ministry which contains:

- 1) type and registration number of vehicle which will transport radioactive substance;
- 2) number and date of issued approval on transport;
- 3) data on type and quantity of radioactive substance, i.e. number of sources and their total activity;

- 4) personal data of persons who will transport radioactive substance;
- 5) time and place of starting radioactive substance transport;
- 6) itinerary of transport vehicle;
- 7) time of arrival of vehicle with radioactive substance to the place of use and first name, i.e. name and address of user.

Request and contents of request for issuing approval

Article 62

Request for issuing approval on transport of radioactive substances is submitted by shipper of radioactive substance.

Request from this Article paragraph 1 contains:

- 1) name, i.e. personal name and address of carrier and, if transport is performed across the border of Montenegro, also name, i.e. personal name and address of importer, i.e. exporter of radioactive substance;
- 2) name and address of company, i.e. other legal person or entrepreneur which performed packing of shipment;
- 3) name and address of radioactive substance producer;
- 4) name of type and technical name of radioactive substance;
- 5) strength of source and manner of measuring radioactive substance (total and individual activity);
- 6) indication of vehicle (aircraft, railway, ship, road vehicle);
- 7) itinerary of vehicle from the place of delivery of radioactive substance to the place of its use;
- 8) name of entering and outgoing border crossing point, if transport is performed across the border of Montenegro;
- 9) name, i.e. personal name and address of consignee;
- 10) date or approximate time of starting transport.

Beside request from this Article paragraph 1, consignee shall submit:

- 1) copy of approval for production, circulation and use of radioactive substance which is transported;
- 2) attest on radioactive substance packaging material;
- 3) instruction on special safety measures during transport of radioactive substance;
- 4) list of specific protective equipment.

Transport escorted by persons

Article 63

Radioactive substances which in case of accident may cause contamination or endanger the environment by radiation are transported with escort of person trained for maintenance of these substances.

Wasting or disappearance of radioactive substance

Article 64

In the event of wasting radioactive substance, carrier shall in visible way mark place where wasting happened and prevent access of people and animals to that place, until professional arrives.

If wasting or disappearance of radioactive substance happens during transportation, carrier shall immediately inform Ministry upon it and administration body competent for police affairs and, if possible, ministry competent for health affairs.

IV SPECIAL SAFETY MEASURES FOR TRANSPORTATION OF DANGEROUS SUBSTANCES, BY TRAFFIC BRANCHES

1. *Transport by road*

Implementation of safety measures prescribed by law and international treaty

Article 65

During transport of dangerous substances by road, despite safety measures for transport of dangerous substances prescribed by this Law, provisions of the European Agreement concerning the International Carriage of Dangerous Goods by Road – ADR, shall also be implemented.

Prohibition on transport of other persons

Article 66

Motor vehicle which transports dangerous substance shall not have other persons inside of it, except driver, assistant driver and escort.

Professional training of persons from this Article paragraph 1, who drive vehicle which transports dangerous substances and maintain dangerous substances, is performed by companies and other legal persons which fulfil conditions regarding space, equipment and human resources and which have an approval for performing these activities.

Approval is issued by Ministry in agreement with ministry competent for traffic and maritime affairs, on request of company or other legal person, when it defines that conditions from this Article paragraph 2 are fulfilled.

Conditions from this Article paragraph 2, as well as manner of defining fulfilment of conditions, are closely established by Ministry in cooperation with ministry competent for traffic and maritime affairs.

Obligation of assistant driver presence

Article 67

Motor vehicle which transports dangerous substances must, except driver, have assistant driver in cases predicted by the European Agreement concerning the International Carriage of Dangerous Goods by Road – ADR.

Prohibition on maintenance of substances which may cause fire, prohibition on execution of repairs and smoking ban

Article 68

Vehicle which transports dangerous substances shall not maintain substances which may cause fire.

Vehicle loaded with dangerous substances must not make any repairs which may, due to sparking or impact, cause fire or explosion, or damage packaging material.

Cabin of vehicle which transports dangerous substances of class 1a, 1b, 1c, 2, 3, 4.1, 4.2, 4.3, 5.1 and 5.2 does not allow smoking.

Cautiousness while driving a vehicle

Article 69

Motor vehicle driver who transports dangerous substances shall drive vehicle with particular cautiousness.

Speed of motor vehicle which transports dangerous substances shall not surpass 80% of highest allowed speed defined by type of road, i.e. defined by traffic signs erected at road, and in no case shall be higher than 70km per hour, while for toxins 60km per hour.

Moving away from vehicle

Article 70

Since the moment of receipt till the moment of dangerous substance delivery, motor vehicle driver must not move away from vehicle which transports dangerous substance.

Notwithstanding this Article paragraph 1, motor vehicle driver may move away from vehicle which transports dangerous substance only if vehicle is under supervision of assistant driver or escort, i.e. if vehicle is parked at controlled and equipped parking space.

Conditions from this Article paragraph 1 and 2 do not refer to vehicle which transports dangerous substances which, by the European Agreement concerning the International Carriage of Dangerous Goods by Road - ADR, have no special requests regarding parking.

Informing about accidents

Article 71

Every accident that happens during transport of dangerous substances, which consequences driver, assistant driver and escort of motor vehicle may not remove on their own or due to which they cannot continue drive, one of them shall immediately inform Ministry and administration body competent for police affairs.

If only driver is inside of motor vehicle with dangerous substances which has experienced accident, person who happened to be at the place of accident or person who first encounters that place shall, on request of driver, inform Ministry and administration body competent for police affairs.

Transport by specific types of vehicle

Article 72

Dangerous substances may be transported in motor and joint vehicles especially constructed for transport of specific dangerous substance or vehicles which respond to conditions prescribed by this Law and the European Agreement concerning the International Carriage of Dangerous Goods by Road – ADR.

Within internal road traffic, dangerous substances may also be transported in van vehicles which loading space for goods is separated from space for passengers by firm fixed partition.

By way of derogation from this Article paragraph 1 and 2, transfer, delivering or shipment of smaller quantities of dangerous substances by day, and in time of good visibility, defined by the European Agreement concerning the International Carriage of Dangerous Goods by Road – ADR, except radioactive, may be performed in passenger car, van, tractor trailer or other vehicle.

Radioactive substances may be transported in vehicles from this Article paragraph 3 if it is approved by ministry competent for health affairs.

Quantities of dangerous substances which may be transported by vehicles from this Article paragraph 3 are regulated by Ministry.

Diselectrifying device, galvanic connection, device for draining static electricity and circuit breaker for excluding all electric current flows

Article 73

Vehicles for transport of dangerous substances, flammable gases, i.e. flammable liquids with burning temperature under 55°C shall have device for diselectrifying – draining of static electricity which should be connected to grounding before loading or unloading of dangerous substances.

Vehicles for transport of dangerous substances, class from 1 to 5.2, should be in galvanic connection within one potential unit. Galvanic connections and diselectrifying devices should be checked before loading, i.e. unloading.

Vehicles for transport of dangerous substances, class from 1 to 5.2, should be equipped with device for draining static electricity to roadway and with two little plates for trailer of grounding at the back of vehicle (left, right).

Vehicles for transport of dangerous substances should be equipped with proper circuit breaker for excluding all electric current flows (solely tachograph may be directly trailed). Use of circuit breaker for vehicles requested by the European Agreement concerning the International Carriage of Dangerous Goods by Road – ADR should be from two places, while for all other vehicles from one or two places.

Signs for labelling vehicle

Article 74

Vehicle which transports dangerous substances must have two signs for labelling vehicles which transport dangerous substances.

If transported dangerous substance is from list B5 of the European Agreement concerning the International Carriage of Dangerous Goods by Road – ADR, signs for labelling vehicles which transport dangerous substances must have written out identification numbers of dangerous substance which is transported.

Signs for labelling vehicles which transport dangerous substances, identification numbers of specific dangerous substances, and places for posting signs at vehicle must be performed in compliance with provisions of the European Agreement concerning the International Carriage of Dangerous Goods by Road – ADR.

Provisions of this Article paragraph 1, 2 and 3 are also applied when empty uncleaned tanks, which contained dangerous substances, are transported by motor vehicles.

Flag for labelling vehicle

Article 75

If dangerous substances are transported by vehicles from Article 72 paragraph 3 of this Law, in lieu of sign for labelling vehicle which transports dangerous substances, flag of the same shape, dimension and colour may be used, which must be pointed in visible place on vehicle.

Warning symbols for labelling vehicles

Article 76

Motor and joint vehicle which transports radioactive substances must have three warning symbols for labelling vehicle which transports radioactive substances in lieu of sign for labelling vehicle which transports radioactive substances.

Warning symbols for labelling vehicles which transport radioactive substances are posted at sides and at the back of motor and joint vehicle.

Vehicle equipment

Article 77

Motor vehicle which transports dangerous substances must, beside equipment predicted by road safety general regulations and the European Agreement concerning the International Carriage of Dangerous Goods by Road – ADR, contain the following equipment:

- 1) driver's tool and vehicle jack;
- 2) at least two fire extinguishers, of which one for fire extinguishing at motor, and the other for fire extinguishing of vehicle load, and of such filling which, regarding to quantity and other characteristics of dangerous substance, enables efficient fire extinguishing;
- 3) two electric battery hand lamps with flickering or constant orange light which may be seen from distance of at least 150m;
- 4) two signs which mark motor vehicle stopped at road;
- 5) two flags for labelling vehicle which transports dangerous substances;
- 6) two shovels and one pick;
- 7) portable lamp which may be turned on vehicle accumulator and which is produced in a way to prevent explosion or fire.

Along equipment from this Article paragraph 1 item 1 to 4 and item 6 and 7, motor vehicle which transports radioactive substance must have:

- 1) device for controlling radiation and facilities for terrain protection and marking;
- 2) two flags for labelling vehicle which transports radioactive substances.

Special warning device for dropping air pressure

Article 78

If dangerous substances are transported by joint vehicle on which any shaft has single wheels, joint vehicle must have special device which, by sound or light signal, warns driver if air pressure in pneumatic tyre starts to drop more than 20% on any wheel of joint vehicle.

Joint vehicle which transports dangerous substances, if not supplied with brakes which automatically apply during unhooking from breakdown lorry, must be connected to breakdown lorry and supplied with chains.

Ways of movement, stopping and parking, measures in case of stopping and posting warning signs

Article 79

Motor vehicle which transports dangerous substances may drive only by roads specified for movement of such vehicles.

Motor vehicles which transport dangerous substances may be stopped and parked only at places specified and marked for that type of vehicle.

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Ministry competent for traffic and maritime affairs, in cooperation with state administration body competent for issuing approval for transport of specific dangerous substance, defines roads from this Article paragraph 1, and parking places from this Article paragraph 2.

Driver who is, due to vehicle damage, transport accident, loading or unloading, or due to other justified reason, forced to stop vehicle with dangerous substance at roadway or parking lot in area, shall undertake all measures to avoid that stopped vehicle endangers other vehicles, and especially to warn traffic participants:

1) by day and night – by posting, behind stopped vehicle, two signs which mark motor vehicle stopped at railway;

2) by night and in time of reduced visibility due to unfavourable atmospheric or other conditions – by posting lamp from Article 77 paragraph 1 item 3 of this Law;

3) instructing assistant driver or shipment escort to, at distance from 100m to 150m behind stopped vehicle, by day - with flag for labelling vehicle which transports dangerous substances, and by night and in reduced visibility conditions – with lamp, warn drivers, which encounter at the side of roadway where vehicle is stopped, to timely stop vehicle or reduce speed and to prepare for safe going around the stopped vehicle.

Signs and lamps from this Article paragraph 3 item 1 and 2 are posted at distance of at least 50m from the vehicle so that they are visible from distance of at least 150m to drivers of motor vehicles which encounter by the same side of roadway where vehicle is stopped.

Adoption of secondary legislation

Article 80

Manner of transport of dangerous substances by road is closely regulated by legislation adopted by Ministry in cooperation with ministry competent for traffic and maritime affairs.

2. *Transport by rail*

Implementation of safety measures

Article 81

During transport of dangerous substances by rail, safety measures for transport of dangerous substances regulated by this Law are implemented, and provisions of Rulebook on the International Carriage of Dangerous Substance by Rail – RID.

Prohibition on transport by rail vehicles with passengers

Article 82

Dangerous substances shall not be transported by rail **vehicles** with passengers inside of them.

Safeguarding dangerous substances

Article 83

Companies which perform transport activity in the area of railway traffic shall provide protection of dangerous substances which they transport from the moment of receipt till the moment of delivery of these substances.

Rail vehicle manoeuvring

Article 84

Rail vehicles loaded with dangerous substances may be manoeuvred only if proper safety measures are previously carried out.

Companies which perform transport activity in the area of railway traffic define unique safety measures during manoeuvring rail vehicle from this Article paragraph 1.

Fixing to trains and adoption of regulations on transport manner

Article 85

Rail vehicles and cisterns loaded with dangerous substances are fixed to trains under conditions and in manner defined by unique rules established by companies which perform railway traffic activity.

Transport manner of dangerous substances in railway traffic is closely defined by regulation established by ministry competent for traffic and maritime affairs in cooperation with Ministry.

3. Transport by inland waterways

Implementation of safety measures and adoption of regulations on transport manner

Article 86

When transporting dangerous substances by inland waterways, besides safety measures regulated by law, it shall accordingly apply provisions of Rules of European Agreement concerning the International Transport of Dangerous Goods by Inland Waterways – AND.

Manner of performing dangerous substances transport by inland waterways is closely defined by regulation adopted by ministry competent for traffic and maritime affairs in cooperation with Ministry.

Technical rules on ability of vessels to transport dangerous substances by inland waterways are regulated by ministry competent for traffic and maritime affairs.

Transport by cargo vessels or tankers

Article 87

Dangerous substances may be transported by inland waterways by cargo vessels or tankers intended for that.

Notwithstanding provision of this Article paragraph 1, dangerous substances may be transported by passenger ships if these substances are placed in special space separated from passengers.

Dangerous substances may be transported from one shore to another by ferry, only if there are no passengers at ferry while transporting dangerous substances.

Delivery for households needs

Article 88

Smaller quantities of dangerous substances for household needs or work-sites may be delivered by boats and floating devices.

Loading, unloading ship or tanker, ventilation and prohibitions

Article 89

During loading dangerous substances to ship or tanker or ship or tanker unloading and during cleaning and ventilation of ship or tanker which transports dangerous substances, smoking and use of fire and other means which may cause sparking, fire or explosion is prohibited.

Tankers which transport explosive or flammable substances prohibit smoking and use of fire and other means outside of premises for persons accommodation, which may cause sparking, fire or explosion, and during loading and unloading of these substances and while cleaning tankers these actions are also prohibited in premises for accommodation of persons on tanker.

Specially built transport tankers

Article 90

Flammable liquids may be transported by inland waterways only by tankers which are specially built for transport of these liquids.

Notwithstanding this Article paragraph 1, flammable liquids may also be transported by cargo vessels, if packaging material is made of unbreakable material.

Suppressors and other floating vessels

Article 91

Provisions of Article 89 of this Law refer to suppressors and other floating vessels which are in suppressed state, if either one tanker is in such state.

Transport by the same ships

Article 92

If dangerous substances are transported by same ships, partially by inland waterways transport and partially by maritime traffic, regulations which refer to transport of dangerous substances by sea are applied.

Wintering in winter storage

Article 93

Vessels loaded with dangerous substances may winter in winter storages only if all safety measure regulated for warehousing and protection of dangerous substances may be enforced, according to law.

4. *Transport by sea*

Implementation of safety measures

Article 94

Besides safety measures for transport of dangerous substances regulated by this Law during transport of dangerous substances by sea ships, it shall also apply provisions of International Convention for the Safety of Life at Sea – SOLAS 1974, International Maritime Dangerous Goods – IMDG Code, International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk – IGC Code 1975, International Convention for the Prevention of Pollution from Ships by Protocol - MARPOL 73/78, Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk – BC Code 1971 and 1983 and Code of Practice for the Safe Loading and Unloading of Bulk Carriers – BLU Code 1988.

Conditions for transport by passenger sea ships

Article 95

Passenger sea ships may transport dangerous substances only if condition from Article 87 paragraph 2 of this Law is fulfilled.

Implementation of this Law provisions

Article 96

Provisions of Article 89 of this law also apply to maritime traffic.

Adoption of regulations

Article 97

Manner of performing dangerous substances transport by sea is closely defined by regulation adopted by ministry competent for traffic and maritime affairs, in cooperation with Ministry.

Technical rules on ability of ships to transport dangerous substances by sea are regulated by ministry competent for traffic and maritime affairs.

5. *Transport by air*

Implementation of regulations

Article 98

During transport of dangerous substances by air, provisions of Annex 18 ([the safe transport of dangerous goods by air](#)) shall be implemented including Convention on International Civil Aviation (Chicago, 1944), and technical instructions along with that annex.

Aircrafts for transport

Article 99

In traffic by air, dangerous substances are transported by aircrafts intended for transport of cargo or aircrafts specially intended for dangerous substances transport.

Transport of dangerous substances by aircrafts which transport passengers may be performed solely in cases and under conditions defined by international agreements on transport of dangerous goods by air.

Pyrophoric radioactive liquids must not be transported by aircrafts.

Radioactive substances shipments

Article 100

If radioactive substances are transported by passenger aircrafts, shipments of these substances are received at airport where aircraft takes off.

During transfer of radioactive substances, shipper shall specify professional who will receive shipments with radioactive substances till taking into aircraft, i.e. after taking out of aircraft.

Loading or unloading explosive substances

Article 101

While loading explosive substances to aircraft or unloading from aircraft, aircraft shall not be refuelled.

Unfavourable atmospheric conditions

Article 102

Loading of dangerous substances to aircraft or unloading from aircraft shall not be performed during unfavourable atmospheric conditions which may cause explosion, fire or spilling of dangerous substance.

Prohibition on space heating

Article 103

When explosive or flammable substances are situated in aircraft, space where they are placed must not be heated.

Confirmation of consignee of shipment concerning professional for reception

Article 104

Shipments of dangerous substances may be received and loaded at foreign airport into aircraft which flies toward national airport only if shipper has confirmation of consignee of shipment that receipt of shipment by professional is provided immediately after aircrafts lands.

Approval for overflight

Article 105

Aircraft exclusively loaded by dangerous substances may fly over the territory of Montenegro if it gets approval of administration body competent for civil aviation affairs.

Approval from this Article paragraph 1 is issued in agreement with Ministry, ministry competent for defence affairs and ministry competent for foreign affairs.

Within request for issuing approval from this Article paragraph 1, carrier shall specify type and quantity of dangerous substance, aircraft takeoff airport and landing airport.

Notification on transport

Article 106

If aircraft transports dangerous substances, carrier shall, in advance, inform administration body competent for civil aviation affairs.

Adoption of regulations

Article 107

Manner of performing dangerous substances transport by air is closely defined by regulation adopted by ministry competent for traffic and maritime affairs, in cooperation with Ministry.

6. *Transfer by post*

Prohibition on putting into letter shipments

Article 108

It is prohibited to put explosive, flammable and other dangerous substances into letter shipments and post packs.

7. Records

Contents and manner of keeping records

Article 109

State administration bodies, within a framework of competency established by this Law, shall keep records on types of dangerous substances, their characteristics which represent danger for people's life and health and material goods, on measures which shall be undertaken to prevent or eliminate dangers and companies, other legal persons, entrepreneurs and natural persons which may offer help in eliminating appeared danger.

Manner of keeping records concerning the dangerous substances is closely defined by regulation adopted by Ministry.

V INSPECTION SUPERVISION

Performing inspection supervision

Article 110

Inspection supervision over enforcement of this Law and regulations adopted based on this Law, in accordance with law which defines inspection supervision, is performed by:

1. Ministry – in relation to transport of dangerous substances of class 1a, 1b, 1c, 2, 3, 4.1, 4.2, 5.1, 5.2, 8 and 9 by road and rail and actions related to that transport, through inspection for explosive substances, flammable substances and liquids and gases;
2. Ministry competent for health affairs and Ministry – in relation to transport of dangerous substances of class 6.1, 6.2 and 7 by road and rail and actions related to that transport, through sanitary inspection and inspection for explosive substances, flammable substances and liquids and gases;
3. Ministry competent for traffic and maritime affairs, Ministry and ministry competent for health affairs – in relation to transport of dangerous substances by inland waterways and by sea and actions related to that transport, through inspection for safe navigation, inspection for explosive substances, flammable substances and liquids and gases, i.e. sanitary inspection when considering transport of dangerous substances of class 6.1, 6.2 and 7 and actions related to that transport;
4. Administration body competent for civil aviation affairs, Ministry and ministry competent for health affairs – in relation to transport of dangerous substances by air and other actions related to that transport, through civil aviation inspection, inspection for explosive substances, flammable substances and liquids and gases, i.e. sanitary inspection when considering transport of dangerous substances of class 6.1, 6.2 and 7 and actions related to that transport.

Administrative measures and actions

Article 111

Beside administrative measures and actions prescribed by law which defines inspection supervision, inspector for explosive substances, flammable substances and liquids and gases, sanitary inspector, inspector for maritime safety, and civil aviation inspector are authorised, within a framework of competence defined by this Law, to:

- 1) prohibit further transport or maintenance of dangerous substances to persons who are not professionally trained for transport and maintenance of dangerous substances;
- 2) temporarily prohibit performing of certain actions related to transport (preparations for transport, loading, reloading and unloading) of dangerous substances if, regarding the place and time for performing this action, regulated conditions were not fulfilled;
- 3) prohibit company, other legal person and entrepreneur – carrier, transport of dangerous substance if he determines that mistakes regarding undertaking safety measures were made during preparation for transport or during transport.

VI PENALTY PROVISIONS

Misdemeanour of company, other legal person and entrepreneur

Article 112

Misdemeanour of company, other legal person or entrepreneur shall be fined with amount from twenty-fold to three-hundred-fold amount of minimal salary in Montenegro:

- 1) if packaging material in which it transports dangerous substance does not respond to regulated conditions (Article 11 paragraph 1 to 4);
- 2) if tank in which it transports dangerous substance or dangerous substance deepened into a liquid, or tank for transport of dangerous substance solution, or tank for transport of dangerous substance by aircraft and their caps do not respond to regulated conditions (Article 13);
- 3) if tank of volume larger than 200 litres, in which it transports dangerous liquid substance, is not made from steel plate or other suitable material (Article 14 paragraph 1);
- 4) if it performs loading or unloading of dangerous substances at railway station, port and harbour or airport, outside of place defined by competent body from Article 19 of this Law (Article 19);
- 5) if it performs some of actions predicted by Article 21 paragraph 1 items 1, 2, 3, 4, 5 and 6 at place intended for loading or unloading of explosive substances or flammable dangerous substances;
- 6) if it does not supply place intended for loading or unloading of explosive substances, gases or flammable dangerous substances with apparatus and other devices for fire extinguishing (Article 24);
- 7) if it does not post apparatus for measurement gases concentration in air, i.e. apparatus for measurement radioactivity in that place, at closed place intended for loading or unloading of dangerous substances which develop gases or radioactive substances, and if it does not regularly examine and calibrate these apparatus (Article 25);
- 8) if it transports dangerous substances in vehicles which are not technically serviceable or manufactured, equipped and marked according to regulated standards (Article 30);
- 9) if it delivers or receives dangerous substance to transport as luggage, except apparatus, devices and other similar objects which contain minimal quantities of dangerous substances that do not represent danger for environment and are used for personal use (lighters, matches, lacquers and similar) – (Article 31);
- 10) if it does not immediately stop further transport of dangerous substance excluded from transport or if it does not inform competent body from Article 39 paragraph 1 of this Law and shipper concerning that, as soon as it defines or in other way discovers that it transports such dangerous substance (Article 39 paragraph 1);
- 11) if it does not, upon received notice on stopping transport of dangerous substance excluded from transport, accept that substance or undertake proper measures to make it harmless (Article 39 paragraph 2);

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12) if it does not stop further transport of dangerous substance and does not inform shipper concerning it when it identifies during transport that it transports dangerous substance which does not fulfil conditions regulated for transport or which is not declassified as dangerous substance or is incorrectly declassified (Article 40 paragraph 1);

13) if it loads or unloads explosive substance which loading or unloading is performed outside of circle of company, other legal person and entrepreneur which produce or maintain these substances as their regular activity, outside of place defined by competent body from Article 41 of this Law (Article 41);

14) if it transports explosive substance without approval of competent body from Article 42 of this Law (Article 42);

15) if it does not undertake special safety measures during transport of specific explosive substance regulated by competent body from Article 44 of this Law (Article 44 paragraph 1);

16) if it fills tank which transports gas with type of gas for which it is not intended, and does not fulfil condition from Article 48 (Article 48);

17) if tank in which it transports flammable liquid does not respond to technical conditions regulated for the concerned type of flammable liquid (Article 51 paragraph 1);

18) if it transports flammable liquids in metal barrels or metal bottles which are not produced by defined standards or by foreign or international standard which fulfils conditions of national standard (Article 51 paragraph 2);

19) if it transports toxin across the state border or territory of Montenegro (import, export, transit) without approval of competent body from Article 52 paragraph 1 of this Law – (Article 52 paragraph 1);

20) if it transports toxin, i.e. radioactive substance in the same lading space with provisions, or stock-cattle feed or medicaments, or objects of general use, which is subjected to medical supervision (Article 52 paragraph 4 and Article 59);

21) if it transports toxin, i.e. radioactive substance without approval of competent body or if it does not undertake ordered special safety measures during toxin transport (Article 53 and 54 paragraph 1 and Article 60);

22) if in case of toxin wasting, i.e. radioactive substance it does not mark, in visible way, place where wasting happened or does not prevent access of people or animals to that place until professional trained person arrives (Articles 56 and 61 paragraph 1);

23) if it packs or transports radioactive substance in packaging material which does not respond to certain type of radioactive substance or if dose of radiating at the surface of packaging material is higher than allowed (Article 57);

24) if it does not undertake safety measures regulated for each of mentioned types of danger during preparation for transport or transport of radioactive substance which is at the same time toxic, explosive or flammable (Article 58);

25) if it transports larger quantity of radioactive substance, i.e. number of ionising sources of radiation which activity is larger than activity defined in approval or if it does not inform competent body from Article 61 of this Law concerning the starting transport or if notification does not contain all regulated data (Article 61);

26) if it transports radioactive substance or source of ionising radiation, which in case of accident may cause contamination or endangering of the environment by radiation, without escort of professionally trained person for handling that substance or source (Article 63);

27) if it transports dangerous substances by motor vehicle which does not fulfil technical conditions for transport of specific dangerous substance (Article 73 paragraph 1 and 2);

28) if it does not provide protection of dangerous substance, which it transports, from the moment of receipt till the moment of delivery (Article 83);

29) if it transports flammable liquid by tanker which is not specially built for transport of that liquid or by cargo vessel when flammable liquid is packed in breakable packaging material (Article 90);

30) if during transfer of radioactive substance it does not appoint professional who will accept shipment with radioactive substance till taking into aircraft, i.e. after taking out from aircraft (Article 100 paragraph 2);

31) if it fuels aircraft during loading or unloading explosive substance from aircraft (Article 101);

Person in charge within legal person shall be fined for misdemeanour from this Article paragraph 1 with five-fold to twenty-fold amount of minimal salary in Montenegro.

Misdemeanour of company, other legal person and entrepreneur

Article 113

Company, other legal person or entrepreneur shall be fined for misdemeanour with twenty-fold to two-hundred-fold amount of minimal salary in Montenegro:

1) if it transports dangerous substance in tank, cistern, container or other type of packaging material for transport of dangerous substances which are not produced according to regulated standards for proper class of dangerous substance, in tank of fragile material or low-resistance plastic masses which is not placed in protective packaging material and is not provided with proper material for filling empty space (Article 12);

2) if it packs tanks of fragile material which transport dangerous liquid substance together, which total weight exceeds 75kg, or tanks of unbreakable material which transport dangerous liquid substance packs together, which weight exceeds 150kg (Article 14 paragraph 2);

3) if place intended for loading or unloading of dangerous substance is not supplied with regulated devices or equipment or if it is not marked in visible place by proper warning sign (Article 18 paragraph 2);

4) if device for loading or unloading of dangerous substances is not serviceable or installed in a way to avoid damaging of dangerous substance packaging material (Article 23);

5) if at place for loading or unloading dangerous substances, it does not control proper operation of devices or electric wirings, does not organise physical protection of these places or does not concern about proper operation of technical equipment and other means for fire extinguishing at these places (Article 26);

6) if it delivers or receives dangerous substance to transport or transports it by its own vehicle, and did not prepare dangerous substance in accordance with conditions concerning its transport (Article 28);

7) if it does not collect or remove dangerous substance which fell out or spilled during transport, i.e. accommodate it at its proper place or in some other way make it harmless, or does not inform competent body from Article 33 of this Law (Article 33);

8) if it does not deliver document on transport of dangerous substance or instruction on special safety measures, which must be undertaken during transport of dangerous substance, to carrier (Article 34 paragraph 1);

9) if it, immediately after received notice on stopping transport of dangerous substance, does not eliminate identified defects or does not accept dangerous substance (Article 40 paragraph 2);

10) if it transports explosive substance and means for its initiating in the same space of vehicle (Article 46);

11) if motor vehicle, which transports dangerous substance, does not have assistant driver in cases when it is predicted by the European Agreement concerning the International Carriage of Dangerous Goods by Road – ADR (Article 67);

12) if it transports dangerous substance by motor or joint vehicle which is not specially constructed for transport of specific dangerous substance or by motor freight vehicle which does

not respond to conditions regulated by this Law and the European Agreement concerning the International Carriage of Dangerous Goods by Road – ADR (Article 72);

13) if it maintains ship loaded with dangerous substance in winter storage, while regulated safety measures for warehousing and protecting of dangerous substances are not carried out (Article 93);

14) if it loads or unloads dangerous substances from aircraft during unfavourable atmospheric conditions (Article 102);

15) if it does not, in advance, inform administration body competent for civil aviation affairs when aircraft transports dangerous substance (Article 106);

Person in charge within legal person shall be fined for misdemeanour from this Article paragraph 1 with five-fold to twenty-fold amount of minimal salary in Montenegro.

Misdemeanour of company, other legal person and entrepreneur

Article 114

Company, other legal person or entrepreneur shall be fined for misdemeanour with ten-fold to hundred-fold amount of minimal salary in Montenegro:

1) if it does not pack bottles which transport dangerous substances, except low bottles in diameter longer than 30cm which transport liquefied petroleum gas, i.e. put into palettes in vertical position or if it packs gas bottles in horizontal position, and does not secure them from rolling or moving or if bottles packed in palettes in vertical position are not secured from turning over (Article 15);

2) if package in which it transports dangerous substance, is not, in visible place, marked with warning signs i.e. labels concerning fragility of tank (Article 16);

3) if it does not close and label empty uncleaned tanks in which dangerous substances were placed, in the same way as if they were full or if it does not mark vehicles, which transport tanks in which dangerous substances were placed, in the same way as vehicles which transport tanks filled with dangerous substances (Article 17);

4) if it loads or unloads dangerous substances by night without electrical lighting or if electrical devices at place of loading or space are not manufactured in order to prevent fire or explosion (Article 22 paragraph 2);

5) if in case of disappearance of dangerous substance during transport it does not undertake necessary measures for its detection and if it does not inform public and competent body from Article 32 of this Law concerning its disappearance and danger which that dangerous substance represents (Article 32);

6) if it does not immediately inform competent body from Article 47 of this Law concerning the disappeared quantity of explosive substance during transport (Article 47);

7) if it transports gas tanks by open vehicle and if it does not protect load from atmospheric effects or if it transports them by closed vehicle which is not supplied with ventilation device or constant venting is not provided or if it does not provide vehicle staff with proper personal protection equipment (Article 50);

8) if it maintains substance which may cause fire inside of vehicle which transports dangerous substance (Article 68 paragraph 1);

9) if motor vehicle by which it transports dangerous substance or empty uncleaned tanks, in which dangerous substances were placed, has no signs, or devices regulated by Article 74 and 75 of this Law;

10) if it does not label motor vehicle which transports radioactive substance with signs for labelling radioactive substances or does not post labels at proper place (Article 76);

11) if motor vehicle by which it transports dangerous substance does not contain regulated equipment (Article 77);

12) if joint vehicle, on which each of shafts has single wheels which transport dangerous substance, has no special device to warn on reduction of air pressure in pneumatic tyre under 80% (Article 78 paragraph 1);

13) if joint vehicle by which it transports dangerous substance is not connected to breakdown lorry with special chains and when it is not provided with brakes which automatically apply during unhooking from breakdown lorry (Article 78 paragraph 2);

14) if it manoeuvres railway vehicles loaded with dangerous substances without previous undertaking regulated safety measures (Article 84 paragraph 1);

15) if it receives or loads shipment with dangerous substance into aircraft at foreign airport and there is no confirmation from shipment's consignee that reception of shipment is provided by professional immediately after aircraft lands (Article 104);

Person in charge within legal person shall be fined for misdemeanour from this Article paragraph 1 with five-fold to ten-fold amount of minimal salary in Montenegro.

Misdemeanour of Natural person

Article 115

Natural person shall be fined for misdemeanour with three-fold to ten-fold amount of minimal salary in Montenegro:

1) if he smokes or uses firing means (matches, lighters) or does not turn off vehicle engine at place where explosive substances or flammable dangerous substances are loaded or unloaded (Article 21);

2) if during loading or unloading of flammable liquids or gases he does not ground transport vehicle or if during loading, unloading or reloading he does not stop engine operation of vehicle by which he transports flammable liquid or flammable gas when he had obligation to do it (Article 27);

4) if he delivers dangerous substance to transport or if he transports it by his own vehicles and he did not prepare dangerous substance in accordance with conditions for its transport (Article 28);

5) if he transfers dangerous substance within luggage or if he delivers it to transport as luggage, except apparatus, devices and other similar objects which contain minimal quantities of dangerous substance that are not peril for the environment, and are used for personal needs (lighters, matchers, lacquers and similar) – (Article 31);

6) if he does not undertake measures for its detection in case of disappearance of dangerous substance during transport and if he does not inform competent body from Article 32 of this Law concerning its disappearance (Article 32);

7) if he does not collect or eliminate dangerous substance which fell out or spilled, i.e. accommodate it at proper place or make it safe in some other way or if he does not inform competent body from Article 33 paragraph 1 of this Law concerning it (Article 33);

8) if he, as person who drives vehicle which transports dangerous substance, does not own document on transport of dangerous substance, certificate on vehicle proper operation, certification on professional training for driving such vehicle or instruction on special safety measures (Article 36 paragraph 2);

9) if he, as person who controls vehicle which transports dangerous substance, does not confirm reception of declassified dangerous substance for transport by his signature on document for substance transport (Article 38);

10) if he, as person who controls vehicle, does not immediately stop further transport of dangerous substance which is excluded from transport or if he does not inform police and shipper concerning it as soon as he affirms or in some other way discovers that he transports such dangerous substances (Article 39 paragraph 1);

65. LAW ON TRANSPORTATION OF DANGEROUS SUBSTANCES

11) if he, as person who controls vehicle, does not stop further transport of dangerous substance or does not inform shipper concerning it in cases when he identifies existence of conditions for stopping transport predicted by Article 40 paragraph 1 of this Law;

12) if he transports explosive substance and means for its initiating in the same space of vehicle or if he transports explosive substance in driver's cabin or space of vehicle where persons are transported (Article 46 paragraph 1 and 3);

13) if he does not immediately inform competent body from Article 47 of this Law concerning the disappeared quantity of dangerous substance during transport (Article 47);

14) if he does not immediately inform competent body from Article 64 paragraph 2 of this Law concerning the bulked or disappeared radioactive substance during transport (Article 64 paragraph 2);

15) if, in vehicle which transports dangerous substances, he maintains substances which may cause fire or if he repairs vehicle loaded with dangerous substances or smokes in driver's cabin of vehicle which transports dangerous substances of class 1a, 1b, 1c, 2, 3, 4.1, 4.2, 4.3, 5.1 and 5.2. (Article 68);

17) if he, as motor vehicle's driver, distances from vehicle which transports dangerous substance and leaves vehicle without supervision of assistant driver or escort (Article 70);

18) if he, as driver, steers motor vehicle loaded with dangerous substances which is not marked with signs for labelling vehicles which transport dangerous substances or if these signs do not contain proper written identification numbers, or these vehicle signs are not performed and posted in a manner predicted by the European Agreement concerning the International Carriage of Dangerous Goods by Road – ADR (Article 74 paragraph 1 to 3);

Natural person shall be fined for misdemeanour from this Article paragraph 1, then and there, to three-fold amount of minimal salary in the Republic.

VII TRANSITIONAL AND FINAL PROVISIONS

Time limit for adoption of secondary legislations

Article 116

Secondary legislations for implementing this Law shall be adopted within one year from the day this Law enters into force.

Former law out of force

Article 117

The Law on Transportation of Dangerous Substances (Official Gazette of the Socialist Federal Republic of Yugoslavia 27/90, [45/90](#) and Official Gazette of the Federal Republic of Yugoslavia [68/02](#)) shall be repealed on the day of entry into force of this Law.

Entry into force

Article 118

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