

15 Annex - Energy

66. LAW ON INSPECTION CONTROL

Pursuant to Article 88 paragraph 2 of the Constitution of the Republic of Montenegro, I hereby issue the

DECREE
PROMULGATING THE LAW ON INSPECTION CONTROL

(Official Gazette of the Republic of Montenegro 39/03)

I hereby promulgate the Law on Inspection Control, passed by the Parliament of the Republic of Montenegro at the second sitting of the first ordinary session in 2003 on 25 June 2003.

No 01-331/2

Podgorica, 26 June 2003

The President of the Republic of Montenegro

Filip Vujanovic

LAW
ON INSPECTION CONTROL
I GENERAL PROVISIONS

Content of the Law

Article 1

This Law shall regulate principles of inspection control, the manner and procedure for its conduct, obligations and authorizations of inspectors and other issues important for the conduct of inspection control.

Law enforcement

Article 2

Pursuant to this Law and other regulation, Ministries and administration bodies (hereinafter referred to as: "Inspection body") shall conduct inspection control.

The provisions of this Law shall be enforced to all administrative areas, unless the enforcement of this Law is exempted by a separate law.

Local self-government bodies shall apply the provisions of this Law when conducting inspection control in accordance with the Law and other regulations.

Concept of inspection control

Article 3

Inspection control shall be conducted by a direct control over institutions, legal entities, public authorities, municipal authorities, bodies of the capital, Royal Historic Capital, local administration bodies, other body and organization, business organization and other type of business organization, physical entity and other entities (hereinafter referred to as: "entity subject to control").

Inspection control shall be conducted with regard to compliance with the Law, other regulations and general rules, as well as for undertaking of administrative and other measures and actions in order to harmonize established irregularities with regulations.

Conduct of inspection control

Article 4

An inspector shall conduct inspection control. Inspector is an officer with special authorizations and responsibilities.

A head of inspection body may determine that inspector conducts inspection control in another administrative area that is within competencies of such body.

Exceptionally, when special circumstances require or in the event of absence or longer prevention of Inspector, Head of inspection body may authorize an individual public officer who fulfils prescribed requirements to conduct on a temporary basis the work of inspection control with all authorizations of Inspector, while such circumstances exist.

Minor scope or temporary conduct of inspection control

Article 5

When the conduct of inspection control within an administrative area does not require a permanent inspection control due to minor scope or temporary conduct of inspection control, inspection control shall be conducted by officer who is fulfilling prescribed requirements, and who is authorized by the Head of inspection body.

II PRINCIPLES OF INSPECTION CONTROL

Prevention principle

Article 6

When conducting inspection control, Inspector primarily conducts preventive function. Inspector shall undertake administrative measures and actions only when a preventive function cannot provide the purpose and the objective of the control.

Proportionality principle

Article 7

When conducting the inspection control, Inspector undertakes measures and actions that are proportional to the committed irregularity, which achieve the aim and purpose of the inspection control in a more favourable manner for the entity subject to control.

Principle of publicity

Article 8

Inspection control shall be public.

As for the issue of protection of life and health of physical entities or a serious disruption of public interest, Inspection body shall be obliged to inform public on actual situation and irregularities determined in inspection control proceeding.

Principle of independence

Article 9

Inspector shall be independent in conducting inspection control within rights and duties defined by the law and other regulation.

Principle of protection of public interest

Article 10

Inspector shall conduct inspection control in order to achieve and protect public interest as well as the interest of legal and physical entities, when in accordance with a public interest.

Inspection control procedure shall be initiated and conducted ex officio.

Any person is entitled to submit the request for initiation of inspection control procedure.

Principle of truth

Article 11

By virtue of office, Inspector shall establish the factual situation and gather evidence in the course of inspection control procedure.

In order to establish complete and regular facts, entity subject to control may propose and submit evidence.

Principle of subsidiarity

Article 12

Certain issues of inspection control can be regulated by a special regulation.

When conducting inspection control for issues that are not regulated by this Law or by special regulation, the provisions of the Law on General Administrative Procedure shall be subsidiarily enforced.

III OBLIGATIONS AND AUTHORIZATIONS OF INSPECTOR

Inspector's obligations

Article 13

When conducting inspection control Inspector shall be obliged to:

- 1) Review a request for commencement of inspection control procedure and to inform a person who submitted the request;
- 2) Inform responsible person of entity subject to control on initiation of inspection review, unless there is an opinion that the notification would decrease efficiency of inspection control;
- 3) Show his identity card to entity subject to control or to responsible person or other authorized person of entity subject to control;
- 4) Inform an entity subject to control on his rights which he can exercise in inspection control proceeding;
- 5) Make a report on conducted inspection control;
- 6) Track the record on conducted inspection review, as well as other prescribed records;
- 7) Maintain state, official, business or other secrets;

- 8) Act lawfully and promptly and in accordance with the Code of Ethics of Public Servants.

Inspector's authorizations

Article 14

When conducting inspection control, Inspector shall have the right to:

- 1) Review: buildings and premises, land, equipment and devices, working tools and other objects, products which are in trade, goods in trade, conduct of trading in goods and rendering of services, business books, records and registries, contracts, public documents and other business documents;
- 2) Determine the identity of entity subject to control and other persons;
- 3) Take statements from entity subject to control and other entities;
- 4) Take samples necessary for establishing of factual situation;
- 5) Order undertaking of appropriate measures and actions in order to provide conduct of control;
- 6) Take away documents on a temporary basis, objects and other things which are necessary for determination of actual condition;
- 7) Prohibit the conduct of certain actions;
- 8) Provide the execution of ordered measures;
- 9) Undertake other prescribed measures that are providing the conduct of inspection control.

Obligations and authorizations for elimination of irregularities

Article 15

In order to eliminate determined irregularities, Inspector shall be entitled and obliged to:

- 1) Indicate determined irregularities to the subject of control and prescribe the term for their elimination;
- 2) Order undertaking of appropriate measures and actions in determined term;
- 3) Prohibit the conduct of activity and other actions on a temporary basis;
- 4) Take away objects or means on a temporary basis by which a criminal act was caused, until termination of the proceeding;
- 5) Pronounce a fine in accordance with the Law and other regulations;
- 6) Submit the request for initiating of misdemeanour procedure;
- 7) Initiate criminal or other appropriate procedure; and
- 8) Conduct other authorizations and obligations in accordance with regulations.

Administrative measures and actions

Article 16

When in the inspection control procedure the violation of the Law or other regulation is determined or if it is determined that an action was not in compliance with prescribed standards or normative standards, Inspector shall be obliged to undertake following administrative measures and actions:

- 1) To order opening or closing of the facility or premises;
- 2) To order suspension of construction or execution of works;
- 3) To order demolition, removal of illegally started or fully constructed facilities and removal of such facility from certain area;
- 4) To order withdrawal of goods from trade, or putting of goods in trade;
- 5) To order withdrawal or destruction of things, goods and other products, as well as animals;
- 6) To prohibit the use of space, tools, equipment, plants, device, business and other facility, transportation and other means;
- 7) To prohibit disposition of cash funds available on account;
- 8) To prohibit production, use or trading of goods or provision of services;
- 9) To prohibit a movement of persons and facilities on a certain area, where there is a possibility to endanger life and health of physical entities;
- 10) To prohibit any activity jeopardizing the environment, property, or life and health of physical persons;
- 11) Until the decision of authorized body, to take away objects, equipment, tools and other things by which a punishable act was made;
- 12) To take away achieved property benefit, until the decision of authorized body;
- 13) To order and to undertake other measures providing the removal of determined irregularities in accordance with special regulations.

Measures and actions from the paragraph 1 of this Article shall last until removal of irregularities for which they have been prescribed or until such circumstances exist.

At the same time, Inspector may undertake several administrative measures or actions when public interest or purpose and the scope of the supervision requires.

Fine as administrative measure

Article 17

Inspector may impose a fine as an administrative measure in cases prescribed by the law.

Fine shall be imposed in the amount of €50.

Mandatory fine

Article 18

When during inspection control procedure it is determined that entity subject to inspection committed an offence for which a fine is prescribed on the spot (mandatory fine), inspector shall impose and charge the prescribed fine.

Inspector shall issue a payment receipt to the entity subject to control.

Receipt from the paragraph 2 of this Article shall contain: data on first and last name of the person to whom a mandatory fine is imposed, the amount of the fine, time and place where a fine was imposed, legal basis for imposition of mandatory fine and first and last name of inspector.

If for any reason it is not possible to charge a mandatory fine on the spot, inspector shall issue the order for the payment of mandatory fine to entity subject to supervision, which is due in three days from the day of the imposition of the fine.

If the entity subject to control does not submit the receipt for paid mandatory fine in term from the paragraph 4 of this Article, inspector shall submit the request for initiating of misdemeanor procedure.

Obligation to show identification

Article 19

Before commencement of inspection control, inspector is obliged to show his identification.

The entity subject to control is not obliged to make possible the conduct of inspection control to Inspector who did not show his identification.

IV RIGHTS AND OBLIGATIONS OF ENTITY SUBJECT TO CONTROL AND OTHER PERSONS

General obligation of entity subject to control

Article 20

Entity subject to control shall be obliged to proceed upon a proposal or order of Inspector.

Obligations of entity subject to control in proceeding

Article 21

Entity subject to control shall be obliged to provide to inspector free conduct of inspection control, to provide information and to make available papers or data necessary for the conduct of control.

Entity subject to control shall be obliged to provide the inspector with conditions necessary for free work and establishing of factual situation.

Upon the request or order of Inspector and within a prescribed deadline, entity subject to control shall be obliged to submit or prepare accurate and full data, documents or other material necessary for the conduct of inspection.

Rights of entity subject to control in proceeding

Article 22

Entity subject to control shall have the right to give statement on report and objections on legality of control proceeding, behaviour of inspector or accuracy of established factual situation.

Entity subject to control shall have the right to refuse to sign the report if he does not agree with the factual situation stated in report or if his right from the paragraph 1 of this Article is denied.

Refusal to sign the report does not retain further conduct of proceeding of inspection control.

Responsible persons in the conduct of control proceeding

Article 23

Entity subject to supervision and responsible person of entity subject to control shall be responsible to provide free conduct of inspection control and the execution of imposed measures.

Entity subject to control or responsible person of entity subject to control shall be obliged to inform inspector in writing whether imposed measures are executed within three days upon the expiry of the term given for the execution of the measure.

Duties of other persons

Article 24

In proceeding, a person who is not entity subject to control shall be obliged to permit the conduct of inspection review when there is reasonable doubt that in the facility or premises there is activity or objects subject to control.

If the person from the paragraph 1 of this Article does not permit the conduct of inspection review, inspector shall enforce the same authorizations he has for entity subject to control.

V INSPECTION CONTROL PROCEEDING

Scope of inspection control

Article 25

Within the meaning of this Law, inspection control proceeding shall include the conduct of control, decision making on rights and obligations of entity subject to control and undertaking and execution of administrative measures and actions.

Rules of Proceeding

Article 26

Inspection control proceeding shall be conducted in accordance with this Law, special regulations and the Law on General Administrative Procedure.

Conduct of supervision in absence of the entity subject to control

Article 27

If inspector does not find responsible person of the entity subject to control or physical person on the spot where it is necessary to conduct inspection control, he shall leave a notification requiring the person to be present on a certain date for the conduct of control.

Submission validity shall not be affected by a subsequent damage, destruction or removal of notification.

If the person referred to in paragraph 1 of this Article does not respond to the notification, the inspector shall conduct the inspection control in the presence of an officer or other party.

Obstruction of Inspector

Article 28

Inspector shall warn or remove a person who is obstructing or interrupting the conduct of inspection review. Inspector may impose the fine from Article 17 of this Law.

If inspector estimates that inspection control cannot be executed by undertaking measures from paragraph 1 of this Article, he shall ask for police assistance.

Obligation of cooperation of the police

Article 29

Upon the request of Inspector, police authorities shall be obliged to undertake immediate measures ensuring a free conduct of inspection control to inspector.

Cooperation of other institutions and experts

Article 30

Within inspection proceeding, Inspector may ask for an opinion and cooperation of professional institutions or appropriate experts if it is deemed necessary for a correct estimation of actual position.

Report on inspection review

Article 31

Inspector shall make a report on conducted inspection review on the spot. Exceptionally, when it is not possible to make a report during inspection review due to the volume and complexity of inspection control and its nature and circumstances, report shall be made in official premises of the inspection body within three days from the day of finished review.

Report must be clear and readable.

Head of the Inspection body shall define form and content of the report.

Exception from obligation of making report

Article 32

It is not necessary to make a report on inspection review stating irregularity, if such irregularity was removed during control, but inspector shall be obliged to make an official annotation.

Stating factual situation during proceedings

Article 33

Report on conducted inspection review shall include remarks, statements, requests for exemptions and other relevant facts and circumstances.

Signing of report during inspection control

Article 34

Inspector and entity subject to control shall sign a report after conducted inspection review.

If entity subject to control refuses to sign the report, inspector shall state the reasons for such refusal.

Copy of the report shall be delivered or submitted to entity subject to control.

Inspection review of unknown entity subject to control

Article 35

In circumstance where Inspector cannot determine who is the entity subject to control, inspector shall on the spot of review leave a notification to unknown entity, requiring from unknown entity to be present by a certain date and hour for the conduct of inspection review.

If unknown entity subject to control does not answer the notification from the paragraph 1 of this Article, inspection review shall be conducted without the presence of entity subject to control, but in the presence of an officer or other person.

If during inspection control inspector determines the existence of irregularities, he shall make decision in writing ordering to unknown entity subject to control to remove irregularities as well as the term of their execution.

Under the circumstances from the paragraph 3 of this Article, the decision shall be placed on a visible place in facility or object that was reviewed, which shall mean that a submission is prompt which will be included in the report.

Indication

Article 36

If inspector determines irregularities in the course of inspection control proceeding, he shall indicate all irregularities to entity subject to control and determine the term for their removal.

Irregularities, proposed actions and the term for their removal shall be included in report.

Entity subject to control shall be obliged to inform inspector in writing on undertaken measures within 7 days from their indication.

Inspector shall order removal of irregularities by decision if subsequent review determines that entity subject to control did not remove irregularity within the prescribed term.

Inspector shall suspend proceeding by the conclusion in the report if subsequent review determines that entity subject to control removed irregularity within the prescribed term.

Conclusion and decision in proceeding

Article 37

Inspector shall issue conclusions and decision in the course of inspection control proceeding.

Conclusion

Article 38

A conclusion decides on issues of proceeding, which occur during inspection review.

Written conclusion shall be issued only in case when a special appeal can be lodged to conclusion.

Conclusion from the paragraph 2 of this Article shall not be issued if entity subject to supervision waives his right to appeal.

Decision

Article 39

Upon conducted inspection control, inspector shall issue a decision on measures, actions and terms for the removal of irregularity.

Notwithstanding the paragraph 1, of this Article, Inspector can order administrative measures and actions by giving oral order being included into the report. Verbal order shall occur when inspector estimates that this is the way to remove immediate threat for life and health of people, property of larger value or protection of other public interest is concerned.

In case from the paragraph 2 of this Article, inspector shall be obliged to bring a decision in writing within three days from the date of verbal order.

Appeal

Article 40

An appeal can be lodged against the decision of the inspector within 8 days from the day of the decision submission in writing.

Minister or the Head of administrative authority shall decide upon appeal.

Any appeal shall not delay the execution of decision.

Postponement of enforcement

Article 41

Exceptionally, the enforcement of the decision can be postponed until a final decision upon the appeal is passed, if the nature of the things permits, and if the delay is not contrary to public interest and if the execution of the decision would cause damage to entity subject to control.

Proposal for postponement of decision shall be pronounced in appeal.

VI SPECIAL ACTIONS OF INSPECTION PROCEEDING

Taking of samples

Article 42

During inspection control proceeding, Inspector shall be allowed to take samples if it is necessary to determine whether the product in production cycle or trade corresponds to prescribed or declarative content or quality.

Procedure of Taking of Samples

Article 43

When taking samples, inspector shall be obliged to:

- 1) Take under same conditions and at the same time, not more than three samples in quantity needed for testing (for the first analysis, second analysis upon the request of entity subject to control and super analysis);
- 2) Make a report on taking of samples;
- 3) Seal and mark samples;
- 4) Submit the sample for the first analysis without delay to a professional institution to provide an expert opinion, and preserve second and third sample under appropriate conditions;
- 5) Inform in writing entity subject to supervision on results of the analysis without delay;
- 6) Submit second sample to another professional institution, without delay, upon the request and the choice of entity subject to control,
- 7) Determine by a special conclusion the amount of costs occurred by analysis of the samples, recipient and the payment term, in case when taken sample does not correspond to prescribed standards,

Presumption of agreement

Article 44

If at the moment of taking of samples, entity subject to control does not require simultaneous taking of samples for the second analysis, the entity subject to control shall not be allowed to deny result of analysis of the first taken sample.

Denying results of analysis

Article 45

Within three days from the date of submitting results of analysis of the first sample, entity subject to control shall have the right to deny the results of analysis of the first sample on the basis of request for the conduct of analysis of second sample (taken at the same time and using the same method).

It shall be considered that entity subject to control agreed with the results of analysis of the first sample if the request from the paragraph 1 of this Article is not submitted within the prescribed term

If the result of the analysis of the second sample differs from the result of the first sample, the result of the analysis of the second sample shall prevail.

The analysis of the second sample cannot be entrusted to the expert institution that carried out the analysis of the first sample.

Super Analysis

Article 46

If inspector does not agree with the result of analysis of the second sample, he shall have the right to request the conduct of super analysis within three days from the date of submission of results of second sample analysis, except in cases when the results of the first and second analysis are equal.

Super analysis cannot be entrusted to the professional institution that conducted previous analysis, except in cases where another institution authorized for the conduct of analysis does not exist and if the inspector and entity subject to supervision agree that analysis can be entrusted to the institution that has already conducted related analysis.

Costs of Analysis

Article 47

Entity subject to control shall cover costs of analysis, if it is determined that sample does not correspond to the prescribed standards.

Authorized inspection body shall cover costs of analysis, if it is determined that samples correspond with prescribed standards.

Temporary seizure of objects for providing evidence

Article 48

Within the inspection control, Inspector shall have the right to take away documents, goods and other objects, which could be used as evidence in appropriate procedure.

Taking away of things from the paragraph 1 of this Article shall last until issuing of final order in proceedings.

Obligatory seizure of things

Article 49

Inspector shall be obliged to temporarily take away things when such a seizure is prescribed as an obligatory one when related things were used for an offence, criminal act or economic offence was made by them or this is required for the prevention of serious consequences.

Obligation to issue a certificate on temporary seizure of things

Article 50

Inspector shall issue a certificate to entity subject to control from whom certain things have been seized on a temporary basis.

Certificate from the paragraph 1 of this Article shall contain: data on first and last name of entity subject to control, time and the place of conducted seizure of things, legal basis for seizure of things, accurate indication of seized things per type, quantity and other recognizable marks for identification as well as the first and last name of Inspector.

Obligation to deliver divested objects or goods to authorized bodies

Article 51

Along with the appropriate request for initiating of the procedure, Inspector shall deliver temporarily seized objects or goods to a competent judicial, misdemeanour or other body.

Within 48 hours from the moment of temporary seizure, Inspector shall submit the request for initiating of the procedure from the paragraph 1 of this Article.

In case from the paragraph 1 of this Article, competent judicial, misdemeanour and other body shall be obliged to make a decision in urgent procedure.

Providing conditions for temporary seizure of objects

Article 52

Authorized inspection body shall be obliged to provide conditions for persevering and maintaining of temporary seized objects or goods until they are delivered to authority conducting appropriate procedure.

Body authorized for the conduct of the procedure shall be obliged to take seized things and goods for preservation until promulgation of the final decision and to issue the certificate on seized objects.

Prohibition on disposal of temporary seized objects

Article 53

Disposition of temporary seized objects or goods shall not be allowed to inspection or other public body, unless otherwise provided by this Law or other regulation.

Notwithstanding the paragraph 1 of this Article, if seized objects or goods are perishable or are animals or the costs of their preservation is too high or too difficult, inspector shall be entitled to

order the sale of such things, provided that he informs body authorized for the conduct of procedure.

Head of inspection body shall prescribe the way and sales of objects or goods.

Within the meaning of paragraph 2 of this Article, funds obtained from such sale shall be deposited until issuing of the decision of the authorized body.

Obligation to recover damages to entity subject to control

Article 54

If damage occurred to entity subject to control due to perishing of goods or death of animals, or if any other material damage occurred due to inefficiency or negligence of authorized body that was obliged to secure temporary seized goods and objects such body shall recover inflicted damage.

Occurred damage in accordance with the paragraph 1 of this Article, shall not be recovered to entity subject to control, if in the course of judicial or other procedure for temporary seized object or goods, a liability of entity subject to control has been established.

Prohibition to conduct activity

Article 55

When inspector determined the existence of large volume of irregularities endangering the life and health of physical entities or environment, as well in other cases determined by the law, he shall prohibit a conduct of activity by sealing an office, facility, construction site, equipment, tools and other tools until removal of such irregularities.

Inspector shall order to legal entities providing public services (water supply, electricity supply, provision of telecommunication services, etc) to suspend the delivery of services necessary for the conduct of activity to entity subject to control who breaches the order of prohibition for the conduct of activity.

Legal entity from the paragraph 2 of this Article shall be obliged to act upon the order of inspector.

VII EXECUTION

Monitoring of execution

Article 56

Entity subject to control shall be obliged to execute decision within the deadline set forth in decision.

If entity subject to control fails to execute decision within the deadline set forth for willing execution of decision, an administrative execution of decision shall be undertaken.

Inspector shall inform entity subject to control on time and way of administrative execution.

Inspector shall monitor or provide the execution of measures he ordered.

Administrative execution

Article 57

Other persons shall administratively execute decision of inspector, by a fine or direct compulsion.

In procedure of administrative execution, inspector shall estimate the most lenient method to achieve objective and the purpose of execution with respect to the entity subject to control.

Execution by other persons

Article 58

If compulsory measure includes execution of certain actions that can be executed by another person and entity subject to control fails to fulfil it in certain term or in a certain way or fulfils it only partially, the measure shall be executed by other persons, provided that entity subject to control bears costs.

Inspector shall determine executive department of inspection body or entity that shall enforce execution from the paragraph 1 of this Article.

Execution of fine

Article 59

If on the basis of imposed measure, entity subject to inspection is obliged to do something or to bear something, and breaches that obligation, and imposed measure cannot be fulfilled by another person or by direct compulsion, Inspector shall impose a fine to entity subject to control ranging from €500 up to €5,000 for a legal entity and from €50 up to €500 for a physical entity, if he does not fulfil its obligation within the prescribed term.

Fine can be imposed again until fulfilment of obligation.

Fine shall be imposed through the conclusion against which an appeal is not allowed.

Execution by direct compulsion

Article 60

If the execution could not be provided through other persons or by a fine, it shall be executed through a direct compulsion.

In accordance with a legal nature of administrative matter, inspector shall define form and method of direct compulsion.

Execution of pecuniary obligations

Article 61

Decision and conclusion of inspector addressing pecuniary obligations of entity subject to control shall be executed by authorized body for public revenues.

Inspector shall include a stipulation on execution enforceability, which he shall submit together with a decision, or conclusion to authorized body for public revenues for the payment procedure.

Costs of Execution

Article 62

Costs of administrative execution shall be borne by the entity subject to control.

Inspector shall decide upon costs from the paragraph 1 of this Article by decision or conclusion.

VIII RELATIONS BETWEEN INSPECTION AND OTHER AUTHORITIES

Cooperation of the bodies

Article 63

When conducting inspection control, inspection bodies shall be obliged to ensure mutual cooperation as well as to cooperate with other authorities and organizations.

Upon a request of Inspector, public authorities, local self-government authorities and other authorities and organizations shall be obliged to submit requested data and information necessary for the realization of inspector's duties.

Urgency of procedure

Article 64

Procedure upon requests and reports of an inspector shall be urgent.

Authorized body shall be obliged to take into immediate consideration requests and reports of inspector not later than 8 days from the date of request or report submission.

Obligation to inform on results of procedure

Article 65

Authority, whom criminal charges, charges for economic offence, requests for initiating of misdemeanour or other procedure were brought to, shall be obliged to inform inspection body on results of procedure.

IX COSTS OF INSPECTION PROCEDURE

Costs of procedure

Article 66

Inspection authority shall cover costs of inspection procedure finished in favour of entity subject to control unless otherwise stipulated by the Law.

Cost of inspection procedure that was finalized unfavourably to entity subject to control shall be covered by the entity.

Costs of procedure occurred due to undertaking of prohibited actions by entity subject to control must be covered by entity subject to control, no matter on results of procedure.

Decision on main matter shall cover at the same time costs of procedure that are known at the time of deciding or by a special conclusion when costs are unknown at the moment of deciding upon main matter.

Deciding on costs of procedure shall be done in accordance with a special regulation.

X JOINT CONDUCT OF INSPECTION CONTROL

Need to conduct joint control

Article 67

Several inspection authorities can conduct inspection control simultaneously (hereinafter referred to as: "joint inspection control").

Joint inspection control shall be carried out:

- 1) in order to remove direct threat for the life and health of people and property of higher value;
- 2) in order to undertake immediate emergency measures that may not be postponed;
- 3) due to complexity of control or significance of removing of irregularities;
- 4) in order to control facilities of special importance for tourism, trade, catering, traffic, etc, to take samples of goods and other things whose control is within authority of several inspections;
- 5) when it is estimated that the control could not be conducted faster and with less expenses and losses in time for entity subject to control and inspectors;
- 6) in order to check statements from complaint which is within competence of two or more administrative bodies;
- 7) in other prescribed circumstances.

Government of the Republic of Montenegro shall regulate in more detail the method of conduct of joint inspection control.

Cooperation in joint control

Article 68

In order to conduct joint inspection control, inspection bodies shall be particularly obliged to:

- 1) Harmonize their working programmes and to plan joint conduct of control;
- 2) To exchange experience and to harmonize opinions with regard to way and method of work and other issues;
- 3) To maintain joint meetings, consultations, conferences and other types of joint cooperation;
- 4) To inform other bodies on breaching of regulations within their scope of competence, obtained during the conduct of control.

XI INSPECTORS AND THEIR OBLIGATIONS

Appointment of inspector

Article 69

The Law shall regulate conditions and procedure for the appointment of inspector.

Official identification

Article 70

Inspector shall have identification card in order to prove his identity.

In case when inspection control is conducted by an official on the basis of authorization given by the Head of Inspection Body, authorization shall have an identification character.

The Ministry authorized for public administration shall prescribe form of identification card or authorization.

The Head of Inspection Body shall issue identification card.

Inspector's responsibility

Article 71

Inspector shall be liable for a breach of official duty in accordance with the regulations on public servants.

Relief of inspector

Article 72

Inspector shall be relieved from his position if:

- 1) He submits his request for relief in writing,
- 2) If it is determined that he permanently lost his working ability for the conduct of inspection control;
- 3) He has been convicted of a crime punishable by imprisonment of minimum 6 months or for a crime that makes him unworthy of inspector's duty;
- 4) If it is determined that he did not fulfil conditions for the appointment as Inspector;
- 5) If it is determined that he conducts the inspection control in a negligent and unprofessional manner;
- 6) If he, when conducting inspection control, does not proceed in accordance with obligations and authorizations established by this Law;
- 7) If he conducts activity being contrary to inspection control, and
- 8) In other cases prescribed by the law.

Inspector being relieved on the basis of items 1 and 2, paragraph 1 of this Article can be reassigned to position within the same body.

Inspector who cannot be reassigned on the basis of the paragraph 2 of this Article shall have the rights and obligations as an officer for whose services the need ceased to exist in accordance with a Law on public servants.

In the event set forth in items 3,4,5,6,7 and 8 of paragraph 1 of this Article Inspector's service shall cease to exist on the day of his relief.

XII PENALTY PROVISIONS

Misdemeanour Penalties

Article 73

A fine ranging from tenfold up to three hundredfold minimum wage in the Republic shall be imposed for an offence by entity subject to control – legal entity if it:

- 1) Fails to provide free conduct of inspection control to inspector or does not provide conditions for free work and establishing of factual situation (Article 21, paragraphs 1 and 2);
- 2) Fails to prepare and submit accurate data, documents or other material within given term (Article 21 paragraph 3);
- 3) Does not allow the conduct of inspection control (Article 24 paragraph 1);

66. LAW ON INSPECTION CONTROL

- 4) Fails to proceed upon the order of inspector, or fails to inform him or does not fulfil measures ordered within certain term (Article 20, 23 paragraph 2, 56 paragraph 1).

A fine ranging from one half up to twenty-fold minimum wage in the Republic shall be imposed for an offence referred to in paragraph 1 of this Article on a responsible person of entity subject to control.

A fine ranging from one half up to twenty-fold minimum wage in the Republic shall be imposed for an offence referred to in paragraph 1 of this Article on an entity subject to control-physical entity.

XIII TRANSITIONAL AND FINAL PROVISIONS

Article 74

Laws and other regulations regulating the conduct of inspection control shall be harmonized with this Law within six months following the date of entry into force of this Law.

Article 75

Regulations for implementation of this Law shall be adopted within 60 days following the date of entry into force of this Law.

Until adoption of regulations referred to in paragraph 1 of this Article, regulations brought on the basis of the former Law on Inspection Control shall be applied.

Article 76

Procedures initiated before entry into force of this Law shall be finished according to the provisions of the former Law on Inspection Control.

Article 77

The former Law on Inspection Control (Official Gazette of the Republic of Montenegro 50/92) shall be repealed on the day of entry into force of this Law, except the provision of Article 26 and Chapter IV covering Administrative Inspection, and Articles 29-32.

Article 78

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