

**28 Annex - Consumer and health protection**

**212. LAW ON NOISE PROTECTION**

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

**DECREE**

**ON PROMULGATING THE LAW ON NOISE PROTECTION**

**(Official Gazette of the Republic of Montenegro 45/06 of 17 June 2006)**

I hereby promulgate the Law on Noise Protection passed by the Parliament of Montenegro at the seventh sitting of the first ordinary session in 2006 on 10 June 2006.

No 01-992/2

Podgorica, 11 July 2006

The President of Montenegro

Filip Vujanovic

**LAW ON  
NOISE PROTECTION**

**I GENERAL PROVISIONS**

**Article 1**

This Law shall determine the protection from noise in environment and define measures for the control of noise harmful effects on health.

Regulations from this Law shall not relate to noise originating from: working place, apartments, vehicles and noise caused by military activities or eliminating the consequences of natural disaster.

**Article 2**

Noise harmful for human health, in the sense of this Law, shall be any noise above limit value determined by special legislative, taking into account time and place of appearance in the inhabited area.

**Article 3**

Protection from noise shall include measures aiming at:

1. disabling or decreasing harmful effect of noise on health and environment;
2. determining the level of noise exposure in environment according to national and internationally accepted standards;
3. collecting the environmental noise level data, ensuring their availability to the public, and
4. pursuing and preserving the satisfactory noise level in environment.

**Article 4**

Protection from noise, from Article 3 of this Law, shall be achieved by:

1. setting up the system of noise source control
2. planning, monitoring, restraining and limiting the noise source usage,
3. creating the acoustical cards based on uniform noise indicators and methods of noise estimates in environment,
4. creating the action plans for short-term, middle-term and long-term noise protection measures in environment.

#### Article 5

The terms used in this Law shall have following meanings:

- **Environmental noise** is unpleasant or harmful sound caused by human activity, including noise from road, railway, air and sea transportation, as like from industry activity;
- **Noise source** is every machine, equipment, device, installation, mean of work and transport, technological process, electro-acoustical equipment for playing music and speech loudly, noisy activities of people and animals and other activities creating noise. The units such as mobile and fixed structures, open and closed buildings for sports, games, dances, performances, concerts, listening to music, etc shall also be considered as noise source. Traffic, as a result of particular activity or contents is considered as a noise source of that activity or content.
- **Noise indicator** is a physical scale describing the noise in environment, connected to harmful effects;
- **Ld** is an indicator of day noise level, for the period of time from 6 a.m. to 8 p.m.;
- **Le** is an indicator of night noise level, for the period of time from 8 p.m. to 10 p.m.;
- **Ln** is an indicator of late night level, for the period of time from 10 p.m. to 6 a.m.;
- **Lden** is a complex noise level indicator during the day and night ,and late night hours,
- **Imission of noise** is a cumulative noise level at the place of reception;
- **Emission of noise** is cumulative noise level which emits its source in environment;
- **Limit value of noise level** is a value determined by scientific knowledge, in order to avoid, discourage or decrease harmful consequences to health and environment as a whole, which is necessary to achieve in a preset deadline , and which once achieved should not be exceeded;
- **Basic level** is a noise level in environment when the examined noise source is out of function;
- **Harmful effects** is negative noise influence on health;
- **Residential area** is every open or closed area where people live temporary or permanently;
- **Noise chart** is a scheme of the existing noise levels based upon noise indicators from all places within the observed area. These charts also indicate the exceeding of noise limit values, as well as the number of people and buildings exposed to noise of a particular level;

**Strategic noise chart** is a chart showing cumulative noise exposure to the level of the Republic of Montenegro (hereinafter: Montenegro);

**Action plan** is a plan of noise management, as well as the overview for the implementation of noise decrease to the permitted levels within the observed area;

**Technical jobs on the protection from noise** are the jobs of exploring noise level, as well as the jobs on setting up and applying mandatory measures for protection from noise, in a manner of health and environment protection;

**The best available technique** is the most efficient and updated phase in the particular development of an activity and the method of performing such an activity, which enables more convenient application of certain techniques in reaching limit values of emissions, prescribed in order to prevent or, if it not applicable, to decrease the emissions and impact on environment as a whole. Certain elements of the term "the best available techniques" have the following meanings:

- **technique-** the way that installment have been designed, built, maintained, functioned and put out of function or shut down, including the existing technology which has been used;
- **available-** technique developed up to the level which enables the application in a certain industry sector, under economic and technical acceptable conditions, including costs and effects, if it has been available to the user under the usual terms;
- **best-** means the most effective performance in reaching high general level of environmental protection;

**Acoustic planning** means to control the provided noise within the observed area by planned measured, such as urban planning, traffic planning, mitigating the noise by the measures of noise insulation and noise source control.

## II NOISE PROTECTION MEASURES

### Article 6

Applying and ensuring conditions for implementation of noise protection shall be in charge of Government, local communities, like legal persons, entrepreneurs and inhabitants, according to this Law.

### Article 7

Noise protection shall be applied permanently, 24 hours a day, according to noise indicators.

### Article 8

Measures for noise protection are set out for preventing noise occurrence, precisely for reducing the noise level to prescribed limit noise level.

Noise protection measures are:

1. Provisional measures:
  - provisions prescribing limit values of noise levels, methods of estimation, noise calculations, and creation of noise maps and action plans,
  - verification procedures or procedures of issuing certificates for the compliance of noise source with the prescribed limit values of noise emission.
2. Urban-planning measures:
  - Planned identification of noise source depending on structures and areas need to be protected;
  - city and intercity traffic plans and planning and management of road, railway, air and sea transport.
3. Technical measures:
  - selection and usage of low-noise machines, equipment, means of work and transport
  - execution of proper noise insulation in facilities identified with noise sources,
  - application of acoustic protective measures in the places of noise occurrences and in its ways of diffusion,
4. Prohibiting measures and temporary restrictions:

- restricting the use of noise source in the vicinity of certain structures.
- prohibiting the use of noise source in certain types of vessels.

### **Regulatory measures**

#### **Article 9**

The regulations for limit noise values, the assessment methods and noise measurements shall be made by public administration body competent for the health sector (hereinafter: Competent public administration body), with prior acquired opinion of public administration body competent for urban planning and environmental protection.

#### **Article 10**

With the aim to control and constantly supervise noise level, local administration units shall be obliged to adopt an action plan together with a noise map as its component part.

#### **Article 11**

Government of the Republic of Montenegro (hereafter: the Government), at the proposal of competent public administration body, with prior acquired opinion of public administration body competent for environmental protection, shall adopt action plan for the territory of Montenegro, together with a strategic noise map as its component part.

The method of development and contents of a strategic noise map, action plans as well as a noise map are prescribed by a competent public administration body, with prior acquired opinion of public administration body competent for environmental protection and urban planning.

#### **Article 12**

The data from Article 10 and 11 of this Law are public and make the component part of Montenegrin Information System.

#### **Article 13**

The machines, means of transport, installments and equipment produced in or imported by Montenegro for marketing purpose have to comply with prescribed technical standards for limit noise level under the certain conditions of use, and sound power data emitted under such conditions of use have to be labeled onto the product according to special regulations, like European Union Directives and Standards.

### **Urban-planning measures**

#### **Article 14**

Spatial plans of all levels and legislations for their implementation have to include noise protection measures, like an opinion from competent health institution about the impact on health and environment.

The data from noise maps, from the Article 10 of this Law, represent the technical base for the development of special plan

### **Article 15**

Noise level assessment, noise protection measures, as well as an opinion from competent health institution from the Article 14 paragraph 1 of this Law are mandatory steps in an assessment procedure of environmental impact under special regulations.

### **Technical measures**

### **Article 16**

Noise protection measures, in a sense of selection and use of low-noise machines, equipment, means of work and transport, shall be implemented by most available techniques, economically and technically most affordable, in accordance with the special law.

### **Article 17**

A facility has to be built in a way that noise which people dwelling in the facility or in its vicinity are exposed to should be on such a level which cannot cause harmful noise effect on health and should also ensure acceptable atmosphere and living or working conditions.

In the procedure of issuing use permit, as well as the opinion for performing such an activity, it is mandatory to obtain an opinion on applied noise protection measures.

Legal person or entrepreneur competent for performing the activities of technical noise protection shall issue the opinion from the paragraph 2 of this Article.

### **Article 18**

Sources of noise used for performing the activity, and which have been used temporary or are permanently installed in an open space on the ground, onto building walls and roofs, onto immovable and movable objects or are used on the water or in the air have to have the data on sound power.

Noise sources from paragraph 1 of this Article can be used if a competent body determines whether that noise level from the source shall not exceed the limit noise level in the environment.

### **Measures of prohibition and temporary restrictions**

### **Article 19**

The use of noise source has been permitted in the inhabited areas in the period of 6:00 to 22:00 and also for electro-acoustic equipment for playing music from 9:00 to 01:00 , providing that they do not exceed the limit noise values.

The provision of paragraph 1 of this Article does not relate to structures outside inhabited areas, the structures with noise insulation according to Article 8 paragraph 2 item 3 of this Law, as well as to advertising by ringing or by electro-acoustic equipments during religious ceremonies.

### **Article 20**

The use of noise source is forbidden in the area less than 100 meters from health care facilities performing health treatments and rehabilitation, homes for older people and daycare-educational institutions.

The restriction from the paragraph 1 of this Law does not concern emergency measures maintenance.

#### **Article 21**

The use of electro-acoustic equipment and advertising equipment (megaphone and similar) is forbidden for performing and playing music on excursion vessels.

#### **Article 22**

By its ordinances local administration unit shall indicate streets, part of the streets and districts, squares and other locations for performing public meetings, parties and sport events and other activities in the open air or in closed space, which can exceed limit noise level

By the act from paragraph 1 of this Article the roads for coming and leaving for the participants of the above mentioned events shall be determined.

### **III TECHNICAL JOBS CONCERNING NOISE PROTECTION**

#### **Article 23**

Technical jobs concerning noise protection could be performed by legal persons and entrepreneurs who fulfill conditions regarding the space, employees and equipment regulated by this Law, as well as the standards ISO/IEC 17025.

Regulation for more precise conditions regarding the space, personnel and equipment from paragraph 1 of this Article shall be made by a competent public administration body.

Fulfilling the conditions from paragraph 1 of this Article shall be dealt by a competent public administration body and it shall issue the approval for performing such activity, which are published in the Official Gazette of the Republic of Montenegro.

#### **Article 24**

The supervision for the technical work of person from Article 23 of this Law shall be performed by a competent public administration body.

A competent public administration body shall adopt the regulations on the method of supervision from paragraph 1 of this Article.

#### **Article 25**

Legal persons and entrepreneurs from the Article 23 of this Law shall be obliged to follow national and international standards in performing their activities.

If by a professional supervision it is determined that authorized legal persons and entrepreneurs have not performed their job according to paragraph 1 of this Article, a competent public administration body shall bring a decision on prohibiting further work.

### **IV SUPERVISION**

#### **Article 26**

The supervision over the implementation of this Law and regulations brought based on this Law shall be performed by the following:

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1. a competent public administration body in regard to the structures and activities for which a work permit is issued by the public administration bodies;
2. a competent local administration body, in regard to the structures and activities for which a work permit is issued by the local administration bodies.

### **Article 27**

Sanitary inspector, according to the Law on Inspection Supervision, shall perform inspection supervision from the Article 26 item 1 of this Law.

Inspection supervision work from Article 26 item 2 of this Law, shall be performed by local administration body competent for municipal police work, through municipal inspectors, in compliance with the Law.

### **Article 28**

Apart from the obligations and authorizations determined by the Law on Inspection Supervision, in order to eliminate certain irregularities, a sanitary inspector, i.e. a municipal inspector shall be authorized and in charge of:

1. ordering the measuring of noise level at the legal persons facilities and entrepreneurs in the environment inhabited by people;
2. measuring the noise level at catering facilities whose work permit is issued by a public administration body, i.e. local administration body.

### **Article 29**

1. Apart from the administrative measures and activities determined by the Law which regulate inspection supervision, sanitary, i.e. a municipal inspector is obliged to:
  1. prohibit the use of constructed, or reconstructed structures, if they did not comply with noise protection measures, until those measures would have been applied;
  2. prohibit the use of noise source until noise protection measures have been applied;
  3. prohibit the use of machines, transport means, installments and equipment that don't have the data on sound power emitted by special conditions of use;
  4. prohibit the production, or other activities if they are started without the decision issued by a competent body which determines whether the noise protection measured have been applied.

## **V PENALTY PROVISIONS**

### **Article 30**

Legal persons should be fined for an offence with the penalty in the amount of thirteen-fold or sixteen-fold higher than a minimum salary in Montenegro if:

1. it caused the noise harmful to health (Article 2);
2. it does not implement or does not provide with the implementation of noise protection measures (Article 6),
3. it markets or uses machines, transport means, installments and equipment made in or imported by Montenegro, without harmonization with prescribed technical standards for limiting the noise level under the certain conditions of use, as well as without the data on



sound power which they emit under such conditions of use, in compliance with the special regulations, guidelines and norms of European Union (Article 13):

4. the noise sources has been temporary used or permanently installed in open air on the ground level, onto walls and roofs of buildings, movable and immovable objects or used on water or in the air without sound power data (Article 18 paragraph 1);
5. it uses noise source without a proof from a competent body that the noise from the source will not exceed the noise limit level in the environment (Article 18 paragraph 2);
6. it uses electro-acoustic installments for performing or playing music and equipment for announcements, on excursion vessels (Article 21);
7. by its decision it does not identify streets, part of streets and districts, squares and other locations, intended for public meetings, parties and sport events and other activities in the open air and in closed space, as well as the roads for coming in and leaving of the participants from the stated events. (Article 22);

For the violation from paragraph 1 of this Article, an authorized person from a legal person shall be fined with the penalty in the amount of ten or twenty-fold higher than the minimum salary in Montenegro. For the violation from paragraph 1 of this Article, a physical person shall be fined with the penalty in the amount of ten or twenty-fold higher than the minimum salary in Montenegro.

### **Article 31**

A legal person and entrepreneur shall be fined with the penalty in the amount of hundred or two hundred-fold higher than the minimum salary in Montenegro if he/she carries out technical work without the approval from the competent public administration body (Article 23).

For the violation from paragraph 1 of this Article a competent person from legal person shall be fined with the penalty in the amount of fifteen to twenty-fold higher than the minimum salary in Montenegro.

For violation from paragraph 1 of this Article a natural person shall be fined also with the penalty in the amount of fifteen to twenty-fold higher than the minimum salary in Montenegro.

## **VI TRANSITIONAL AND FINAL PROVISIONS**

### **Article 32**

The regulation on limit values of noise level from the Article 9 of this Law is to be established within 30 days, and the regulation on the assessment method and noise measurement within six months from the day of enforcement of this Law.

The provisions from Decree on Noise Protection (Official Gazette of the Republic of Montenegro 24/95, 42/02 and 25/03), which prescribe the approved limit values of noise level, shall be applied until the new regulations from paragraph 1 of this Article are passed.

The regulations from Articles 23 and 24 of this Law are to be passed within six months from the day the new Law comes into force.

### **Article 33**

The Action plan from the Article 11 paragraph 1 of this Law shall be passed within three years from the day this Law comes into force.

The provision from the Article 11 paragraph 2 of this Law shall be passed within six months from the day this Law comes into force.

Local administration Bodies are competent for establishing national plane from the Article 10 of this Law within two years, from the day this Law comes into force.

**Article 34**

Legal persons and entrepreneurs, who, based on the previous regulations were measuring the noise, are obliged to obtain the approval for performing the activities within twelve months from the day the regulations from Article 23 are passed.

**Article 35**

Legal persons and entrepreneurs, using noise sources for which there are no data on sound power they emit, are obliged to harmonize them with the regulations of this Law within five years from its enforcement.

**Article 36**

By coming into force of this Law, Noise Protection Decree would be suspended, except for some regulations prescribing limit values of noise levels.

**Article 37**

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