On the basis of Article 95, item 3, of the Constitution of Montenegro, I hereby promulgate this

Decree on Promulgating the Law on Explosive Substances

I hereby promulgate the Law on Explosive Substances as adopted by the Assembly of Montenegro at the seventh session of its regular sitting in 2008, sitting held on 29 July 2008.

Number: 01-1552/2
Podgorica, 4 August 2008
President of Montenegro,
Filip Vujanović,
with his own hand

Law on Explosive Substances


I. GENERAL PROVISIONS

Scope

Article 1
This Law shall regulate the terms and conditions for the manufacture, trade, procurement, storage, and use of explosive substances in order to protect life, health and safety of people, animals and plants, the environment and property, as well as issues relevant to the performance of these activities.

Exemptions

Article 2
The provisions of this Law shall not apply to the manufacture, trade, repair, maintenance and destruction of explosive substances, intended for use by the Army of Montenegro, to the storage of explosive substances in mine pits storages of companies and other legal entities in the mining sector and the use of such substances in mines, as well as other cases in accordance with international treaties.

Types and Definitions of Explosive Substances

Article 3
For the purposes of this Law, explosive substances shall mean solid or liquid chemical substances which, under favourable external effects (impact or friction), can release energy in the form of heat or gas, through explosive chemical degradation.

The explosive substances referred to in paragraph 1 of this Article shall be:
1) commercial explosives;
2) ignition devices;
3) pyrotechnic devices;
4) commercial ammunition;
5) powders;
6) products filled with explosive substances; and
7) explosive raw materials used in the manufacture of the substances referred to in items 1 to 6 of this paragraph.

Commercial explosives shall mean substances intended for destruction or shaping of buildings and materials by means of energy released through the chemical reaction of explosive
decomposition.

Explosive ignition devices shall be all types of caps, igniters, fuses and pyrotechnic devices used for mining activities.

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

Commercial ammunition shall be rounds, cartridges and cartridge cases equipped with caps and filled with powder.

Powders shall be explosive substances which undergo combustion by means of thermal conductivity and are primarily intended to thrust missiles, and can be categorized into black and smokeless powders.

Products filled with explosive substances shall be products filled with explosive and/or pyrotechnic mixtures, the effects of which depend on the filling material.

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

**Relevant Application of Rules of General Administrative Procedures**

**Article 4**

Unless otherwise stipulated by this Law, the provisions of the Law regulating general administrative procedures shall also apply to procedures prescribed by this Law.

**Definitions**

**Article 5**

Certain terms used in this Law shall have the following meanings:

1) **recycling (de-elaboration)** shall mean reuse of explosive substances for other purposes after being removed from the ammunition and mine-explosive devices;

2) **neutralization** shall mean a chemical transformation of explosive substances into non-explosive ones;

3) **destruction of explosive substances** shall mean a final destruction of explosive substances by incineration, detonation or by other procedures;

4) **supplier** shall mean a manufacturer, their agent with a registered office in Montenegro, importer, or a company, other legal entity or an entrepreneur placing an explosive substances on the market or enabling its use;

5) **use** shall mean a direct preparation and activation of explosive substances;

6) **handling** shall mean actions undertaken by natural persons who meet requirements regulated by this Law, in the course of manufacture, testing, storage, trade or use of explosive substances;

7) **responsible person** shall mean a natural person in a company, other legal entity or an entrepreneur held responsible for the manufacture, testing, trade or use of explosive substances, according to this Law;

8) **storage** shall mean storing and keeping of explosive substances in manufacture and storage facilities, provisional storages and containers;

9) **manufacture facility** shall mean an enclosed and controlled facility with the accompanying premises, intended for the manufacture of explosive substances and constructed and equipped so as to ensure protection of lives, health and safety of people, animals and plants, the environment and property;

10) **storage facility** shall mean an enclosed and controlled facility with the accompanying premises, intended for storage, loading and unloading of explosive substances, constructed and equipped so as to ensure protection of lives, health and safety of people, animals and plants, the
environment and property;

11) **provisional storage** shall be a room intended for storage of ammunition, hunting powder, hunting ammunition caps, pyrotechnic devices, slow-combustion fuses and ignition accessories, provided that the total quantity of powder, including the powder contained in ammunition, does not exceed the gross weight of 20 kg or 150 kg of pyrotechnic devices;

12) **container** shall mean a portable or transport case for storage of explosive substances.

### II. SECURITY MEASURES

#### Preventive and Protective Measures

**Article 6**

In the course of manufacture, testing, use, storage, recycling (de-elaboration), neutralization or destruction of explosive substances; companies, other legal entities and entrepreneurs shall ensure protection of lives, health and safety of people, animals and plants, the environment and property, and implement measures prescribed by this Law and regulations adopted on the basis of this Law, and regulations on protection and rescue, occupational safety, health care, environmental protection, urban planning and building construction.

Enforcement of measures referred to in paragraph 1 of this Article shall be regulated by the general acts of the company, other legal entity or an entrepreneur.

**Article 7**

Companies, other legal entities and entrepreneurs engaged in the manufacture, testing, trade, use, storage, recycling (de-elaboration), neutralization or destruction of explosive substances shall inform staff handling explosive substances or undertaking other explosive related actions, of the measures prescribed by the acts referred to in Article 6, paragraph 2 of this Law, and train them to act in cases of a technical-technological accident or other risk, according to the regulations on protection and rescue.

#### Physical and Technical Protection of Facilities

**Article 8**

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

#### Organization and Control of Prescribed Protective Measures

**Article 9**

Companies, other legal entities and entrepreneurs referred to in Article 7 of this Law, shall organize and control the enforcement of the prescribed protective measures, according to the law.

#### Measures in Case of Loss

**Article 10**

Companies, other legal entities and entrepreneurs referred to in Article 7 of this Law shall immediately notify the Ministry in charge of interior (hereinafter: the Ministry) and administration authority in charge of policing of any loss or theft of explosive substances, and at the latest within an hour upon receiving the information.

#### Hazard Zones

**Article 11**

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

Battery limits of the zones referred to in paragraph 1 of this Article shall be determined by the Ministry.
III. REQUIREMENTS FOR MANUFACTURE, TRADE, PROCUREMENT AND USE

1. Technical Requirements and Conformity Assessment Procedures

Permit to Release a Product on the Market

Article 12
An explosive substance may be placed on the market and used only if accompanied with a permit to release a product on the market.

The permit referred to in paragraph 1 of this Article shall be issued by the Ministry, at the request of the supplier.

The permit to release an explosive substance on the market shall be issued provided that its conformity with technical requirements has been assessed in a prescribed procedure and marked in accordance with this Law.

Along with the permit application referred to in paragraph 2 of this Article the following is to be submitted:
- Document of compliance with technical requirements;
- Instructions for use, storage and destruction of an explosive substance;
- Data about the marking and type of marking of an explosive substance.

The instructions referred to in para 4, item 2, of this Article shall be written in a comprehensible manner, in the Montenegrin language.

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

Conformity Assessment Procedure

Article 13
The conformity of an explosive substance with technical requirements in the course of the conformity assessment shall be ensured by undertaking one of the following actions:
1) Initial testing of the product type (procedure B) by a legal entity or natural person authorized to carry out the conformity assessment and, optionally at the discretion of the manufacturer, by assessing the product type conformity (Type-testing):
   - Testing of random samples of the product (procedure C) by a legal entity or natural person authorized to check the conformity of the product with a certified type of product (Type-conformity);
   - Product quality assurance by means of evaluating the quality assurance system, under the supervision of a legal or natural person authorized to perform the conformity assessment (procedure D);
   - Product quality assurance by means of quality system evaluation, under the supervision of a legal or natural person authorized to perform conformity assessment procedure (procedure E);
   - Checking and testing of every product (product verification) by a legal or natural person authorized to perform conformity assessment procedure (procedure F);
2) Checking and testing of the conformity of each product based on technical requirements (individual verification) by a legal or natural person authorized to perform conformity assessment procedure (procedure G).

Appointment or Authorization for Performing the Conformity Assessment Procedure

Article 14
The activities referred to in Article 13 of this Law may be performed by a legal or natural person appointed by the decision or authorized by the Ministry, according to the regulations on technical requirements for products and assessment of product conformity based on the defined requirements.

Documents and Conformity Markings

Article 15
Documents and conformity markings of explosive substances issued in another country shall be valid in Montenegro if assessed by the Ministry that applied conformity assessment procedures sufficiently conform to the equivalent technical regulations applied in Montenegro, in accordance with a law.

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

Sampling

Article 16
The Ministry may take samples of explosive substances that are released on the market for the conformity assessment purpose.

In case of doubt as to whether further use of explosive substances may pose a threat to the lives, health or safety of people, animals or plants, the environment or property, the Ministry shall, until the conformity assessment is done, temporarily prohibit the trade and use of explosive substances.

If the sample taken is not compliant with the technical requirements, the Ministry shall prohibit the trade and use of the explosive substances, and the supplier shall either destroy or return them to the manufacturer.

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

List of Explosive Substances

Article 17
On the basis of issued permits under Article 12, paragraph 2 of this Law the Ministry shall compile the List of explosive substances which can be placed on the market.

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

Packaging Material

Article 18
Explosive substances may be placed on the market, transported and used only in the original packaging, which has been tested and marked in accordance with the regulations on the transport of dangerous goods.

Apart from the markings referred to in paragraph 1 of this Article, the packaging shall contain the following data:
- Manufacture and expiry date of an explosive substance;
- Instructions for use;
- Special warnings, if any; and
- A pyrotechnic device class marking.

2. Handling
Requirements for Handling Explosive Substances

Article 19
Explosive substances may be handled by a natural person:
- Older than 21 and younger than 65 years of age;
- Not convicted with a final and enforceable decision for a crime prosecuted ex officio, except for the public transport safety offences
- Not subjected to a criminal procedure for crimes against life and body, constitutional order and security of Montenegro, humanity and other values protected by international law, general safety and property, property and public peace and order;
- Not subjected to a final and enforceable decision for a public peace and order misdemeanour with elements of violence over the past three years;
- Medically fit to handle explosive substances;
- Technically qualified to handle explosive substances or trained to perform mining preparation activities in accordance with this Law.

Medical fitness to handle explosive substances shall be substantiated by a medical fitness certificate issued by a health care institution in accordance with the weapons related legislation.
The programme and manner of delivery of technical training for handling explosive substances referred to in paragraph 1, item 6 of this Article shall be regulated by a bylaw adopted by the Ministry.

Technical Qualification for Handling

Article 20
Exceptionally, a person who is not qualified for handling may handle an explosive substance only under the supervision of a person who is technically qualified for handling explosive substances provided that s/he has previously been acquainted with the operating procedures, risks and occupational safety rules.

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

3. Manufacture

Definition

Article 21
Manufacture of explosive substances, for the purposes of this Law, shall mean a process involving the storage of explosive raw materials, manufacture, processing, finishing, internal transport and storage of finished explosive products on the premises of the manufacturer.

Manufacture Permit

Article 22
A manufacturer may be a company, other legal entity or entrepreneur registered to manufacture explosive substances and holding a permit to manufacture explosive substances.

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

The manufacture permit may contain additional measures aimed at protecting the lives, health and safety of people, animals and plants, the environment and property.

Requirements for Manufacture

Article 23
A manufacturer shall have:
- A responsible person;
- Persons who will handle explosive substances during production;
- Manufacture and storage facility.

The responsible person referred to in paragraph 1 item 1 of this Article shall have a university degree in the relevant field and shall meet all requirements referred to in Article 19 of this Law.

Application Form for the Issuance of Manufacture Permit

Article 24
Along with the manufacture license application form for explosive substances, the manufacturer shall provide:

- A document confirming the registration in the Central Registry of the Commercial Court;
- Data on the responsible person;
- Data on persons who shall be handling explosive substances in the manufacture process;
- Use permit for a manufacture and storage facility;
- Evidence of fulfilment of requirements referred to in Articles 6, 7, and 8 of this Law;
- Information on the names and types of explosive substances to be manufactured;
- An overview of the technological process of manufacture;
- Description of the quality control system.

Recycling (De-elaboration) and Neutralization

Article 25
A manufacturer may recycle (de-elaborate) and neutralize explosive substances.

Termination of the Manufacture Permit Validity

Article 26
The permit to manufacture explosive substances shall cease to be valid at the request of a manufacturer or if the manufacturer no longer meets the requirements referred to in Article 23 of this Law.

The manufacturer shall submit to the Ministry the records kept in accordance with this Law, within eight days from the date of entry into effect of the decision on termination of the permit to manufacture explosive substances.

Storing in Storage Facilities

Article 27
The manufacturer shall place explosive substances in storage facilities which make up an integral part of the production facilities.

Research of New Types of Explosive Substances

Article 28
Research of new types of explosive substances may be performed by manufacturers and other legal entities who fulfil requirements prescribed by regulations on scientific-research activities and higher education and who have ensured technical capabilities and security measures in place for the protection of lives, health and safety of people, animals and plants, the environment and property.

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

The permits referred to in paragraph 2 of this Article shall be issued by the Ministry.
Conformity Document, Technical Specification and Instructions

Article 29
For each type of explosive substances manufactured, the manufacturer shall have:
- Document on conformity with the technical requirements;
- Technical specification; and
- Instruction for use, storage and destruction of explosive substances.
Along with the documents referred to in paragraph 1 of this Article, the manufacturer of pyrotechnic devices shall have the pyrotechnic devices class marking.

Notification of Commencement, Modification or Termination of Activity

Article 30
A company, other legal entity or an entrepreneur holding a permit to manufacture, trade or use explosive substances shall, within eight days from the date of commencement, modified activity, communicate it to the Ministry.

4. Trade

Definition

Article 31
Within the meaning of this Law, trade in explosive substances shall mean the sale of explosive substances to a company, other legal entity, an entrepreneur or a natural person holding a permit to acquire explosive substances, as well as the sale-related storage.

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

Trade Permit

Article 32
Trade in explosive substances shall be performed by a company, other legal entity of an entrepreneur registered for the performance of such activity and holding a permit to trade in explosive substances.

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

The permit to trade in explosive substances may contain additional measures for protection of lives, health and safety of people, animals and plants, the environment and property.

Trade Requirements

Article 33
The company, other legal entity or entrepreneur referred to in Article 32, paragraph 1 of this Law shall have:
- A responsible person;
- A storage facility or provisional storage for which a use permit has been issued.
The responsible person referred to in paragraph 1 item 1 of this Article shall have a university degree of the relevant filed and shall fulfil handling requirements referred to in Article 19 of this Law.

Application Form for the Issuance of the Trade Permit

Article 34
Along with an application for the issuance of the permit to trade in explosive substances, a company, other legal person and entrepreneur shall submit:

- A document confirming the registration in the Central Registry of the Commercial Court;
- Data on a responsible person;
- Evidence of fulfilment of requirements referred to in Articles 6, 7, and 8 of this Law;
- Evidence of having a storage facility or provisional storage referred to in Article 33, paragraph 1, item 2 of this Law.

**Obligation to Sell the Quantities Stated in the Acquisition Permit**

**Article 35**

A company, other legal entity or entrepreneur engaged in the trade of explosive substances may sell only to a company, other legal entity, an entrepreneur or a natural person holding a permit to acquire explosive substances in quantities stated in the permit to acquire explosive substances.

**Termination of the Trade Permit**

**Article 36**

The permit to trade in explosive substances shall be terminated at the request of a holder of a permit to trade in explosive substances, or in case the permit holder ceases to meet the requirements referred to in Article 33 of this Law.

The entity referred to in paragraph 1 of this Article shall submit to the Ministry records kept in accordance with this Law within eight days from the date of entry into force of the decision on termination of the explosive substances trade permit.

**5. Procurement**

**Acquisition permit**

**Article 37**

Permits to acquire explosive substances shall be issued by the Ministry at the request of a company, other legal entity, entrepreneur or natural person holding the permit to use explosive substances.

The permits to acquire explosive substances shall be issued for a period of three months.

The application form the issuance of the permits referred to in paragraph 1 of this Article shall include data on:
- The applicant (name and registered office, i.e. name and surname, address and ID card number);
- Name, quantity, packaging, the manufacturer of an explosive substance, reasons and justification for acquisition;
- Place and approximate time of use;
- Persons who shall take over explosive substances;
- Person who shall handle explosive substances;
- Storage method and requirements.

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

**Acquisition Permit Issued to a Natural Person**

**Article 38**

Permits can be issued to a natural person for the acquisition of a maximum of five kilograms of explosive substances, 50 pieces of ignition devices and the relevant quantity of slow-combustion fuses.
Explosive substances referred to in paragraph 1 of this Article can be handled only by persons to whom a permit has been issued for performing blasting activities, in accordance with this law.

The permit to acquire explosive substances issued to a natural person shall also specify the place of acquisition of the substance, closest to the place of use of the explosive substances.

A natural person that has acquired explosive substances shall return, after the use, the remaining quantities of substances to a company, other legal entity, or an entrepreneur from whom the substance were acquired, or ensure that they be destroyed by a qualified person and shall be obliged to so notify the Ministry and the authority in charge of policing.

A natural person who is acquiring explosive substances of class I and II shall not be obliged to have an acquisition permit.

**Multiple Acquisition Permit**

**Article 39**

A company, other legal entity or an entrepreneur whose activity requires regular use of explosive substances may, depending on the capacity for storage and the volume of utilization of explosive substances, be issued a permit for multiple acquisition of such substances.

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

**Acquisition of Explosive Substances in Quantities that can be Stored**

**Article 40**

A company, other legal entity or an entrepreneur may acquire explosive substances necessary for mining activities and pyrotechnic devices for public fireworks in quantities that can be stored.

**Number of Copies of the Issued Acquisition Permits**

**Article 4**

Permits to acquire explosive substances shall be issued to an applicant in two copies.

When selling explosive substances, a company, other legal entity or an entrepreneur engaged in the trade in explosive substances shall indicate in both copies of the acquisition permit the type and quantity of the explosive substances sold, of which they shall keep one copy and hand the other copy to the acquiring person.

The company, other legal entity or entrepreneur using explosive substances may acquire explosive substances from several suppliers, provided that every supplier indicates the supplied quantity and type of explosive substance on the back of the permit and certify it with a signature of a responsible person and a stamp.

**Storage Container**

**Article 42**

The company, other legal entity or entrepreneur engaged in mining activity shall have containers for storage of unused explosive substances at the construction site.

**6. Use**

**Place of use**

**Article 43**

Explosive substances may be used in places stated in the acquisition or use permits for such substances.
Prohibition of Use

Article 44
A company, other legal entity or an entrepreneur may use explosive substances for performing works at the construction sites or in other similar places only if such substances are taken over from their storage facility or containers.

Explosive substances shall not be used in places where the authority in charge has prohibited the performance of works requiring the use of such substances.

1) Use of Pyrotechnic Devices

Types of Pyrotechnic Devices

Article 45
Depending on a quantity and type of a pyrotechnic mixture, i.e. explosive charge, sound level and other security requirements, pyrotechnic devices shall be divided into:
- Class I pyrotechnic devices – pyrotechnic toys;
- Class II pyrotechnic devices – devices for small firework displays;
- Class III pyrotechnic devices – devices for medium firework displays;
- Class IV pyrotechnic devices – devices for big firework displays.

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

Permits

Article 46
Public firework displays may be performed by a company, other legal entity or an entrepreneur holding a permit for public fireworks activities and a permit to conduct public firework displays. The permits referred to in paragraph 1 of this Article shall be issued by the Ministry.

Requirements for Public Firework Display Activity

Article 47
A company, other legal entity or an entrepreneur referred to in Article 46, paragraph 1 of this Law shall have:
- A responsible person;
- A storage facility or provisional storage for which a use permit has been issued;
- At least one employee who is technically qualified to perform public firework displays.

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

The programme and the conduct of vocational training and taking the professional exam for a person conducting public firework displays shall be regulated by the Ministry regulation.

Application Forms for the Issuance of Public Firework Displays

Permits

Article 48
Along with an application form for the issuance of the permit for public fireworks activities, a company, other legal person and an entrepreneur shall submit:
- A document confirming registration in the Central Registry of the Commercial Court;
- Data on a responsible person;
- Data on employee who is technically qualified to perform public firework displays;
- Evidence of having a storage facility or provisional storage for which a use permit has been issued.

Termination of Validity of the Public Firework Displays Permits

**Article 49**

The permit for public fireworks activity shall be terminated at the request of the permit holder or if the permit holder no longer meets the requirements referred to in Article 47 of this Law.

Entities referred to in paragraph 1 of this Article shall submit to the Ministry the records they kept in accordance with this Law within eight days from the date of entry into force of the decision on termination of the validity of the permit for public firework activities.

Types of Fireworks

**Article 50**

Public fireworks shall be professional fireworks and special effects fireworks.

Professional fireworks shall be conducted with approved II, III and IV class pyrotechnic devices, in surfaces especially prepared for such purposes and at a prescribed distance from facilities, communications and other areas.

Special effects fireworks shall be used in theatres and similar institutions, in film and TV studios, or outdoor with approved I, II, III and IV class pyrotechnic devices, and other explosive substances used for such purposes.

Permits to Conduct Public Firework Displays

**Article 51**

Permits to conduct public firework displays shall be issued at the request of a company, other legal entity and an entrepreneur holding a permit to conduct public fireworks activity.

The permit to conduct public firework display shall specify the type and class of pyrotechnic devices for the purpose, as well as the place and time for of conducting public firework displays.

2) Mining

Types of Mining

**Article 52**

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

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

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

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

Blasting during de-mining includes blasting performed during de-mining activities.

Mining in de-mining process shall be the mining conducted in the scope of de-mining activities.
Permits to Conduct Mining Activities

Article 53

Mining activities may be conducted by a company, other legal person or an entrepreneur holding a permit to conduct mining activity.

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

Requirements for Conducting Mining Activities

Article 54

The company, other legal entity and entrepreneur referred to in Article 53, paragraph 1 of this Law shall have:
- A responsible person;
- at least one employee holding a permit to conduct mining activities in accordance with this Law;
- A storage facility or provisional storage for which a use permit has been issued.

The responsible person referred to in paragraph 1, item 1 of this Article shall have college or university degree in the relevant field and shall meet the handling requirements referred to in Article 19 of this Law.

Permit Application Form

Article 55

Along with a permit application form for mining activities, a company, other legal person and an entrepreneur shall submit:
- A document confirming the registration in the Central Registry of the Commercial Court;
- Data on a responsible person;
- Data on an employee holding a permit to conduct mining activity pursuant to this Law;
- Evidence of having a storage facility or provisional storage for which a use permit has been issued.

Termination of Permit Validity

Article 56

The permit to conduct mining activity shall be terminated at the request of the holder of the permit to conduct mining activities, or if the holder of such a permit no longer meets the requirements referred to in Article 54 of this Law.

Entities referred to in paragraph 1 of this Article shall submit to the Ministry the records they kept in accordance with this Law, within eight days from the date of entry into force of the decision on termination of validity of the permit to conduct mining activities.

Mining Plan and Security Measures

Article 57

When conducting mining activities, a company, other legal entity or an entrepreneur shall undertake security measures and perform mining activities according to the mining plan, so as not to endanger life, health and security of people, animals and plants, environment and property.

The mining plan referred to in paragraph 1 of this Article shall be made by a person holding a mining university degree and passed professional exam, pursuant to mining legislation.
A company, other legal person and an entrepreneur conducting mining activities shall no later than 24 hours prior to mining inform the Ministry, administration authority competent for policing and the public through the media, about mining to be conducted in a settlement or in the vicinity of a settlement, and shall inform in writing companies and other legal persons managing the facilities, three days before conducting mining in the vicinity of roads, railways, water supply systems, electricity or telephone lines and similar facilities.

Permit for performing the tasks of surface blasting

Article 58
Above ground mining may be performed by the employed person referred to in Article 54, paragraph 1, item 3 of this Law, who has acquired a permit to perform above ground blasting. The permit referred to in paragraph 1 of this Article shall be issued by the Ministry.

The permit to perform above ground mining may be issued to the person referred to in paragraph 1 of this Article who has:
- Secondary, college or university degree in the relevant field;
- Four-year working experience in mining preparation activities provided that s/he has completed secondary school education, or two-year working experience in the related activities provided that s/he holds college or university degree.

Permit to Perform Special Mining Activities

Article 59
Special mining may be performed by the employee referred to in Article 54, paragraph 1, item 3 of this Law, granted with a permit to perform special mining activities.

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

The permit to perform special mining activities may be issued to the person referred to in paragraph 1 of this Article who fulfills requirements referred to in Article 19, paragraph 1 of this Law and has:
- Secondary, college or university degree in the relevant field;
- Passed professional exam for performing mining activities; and
- Five-year working experience in mining activities provided that s/he holds college degree or four-year working experience in the related activities provided that s/he holds university degree.

Permit to Perform Underground Mining Activities

Article 60
Underground mining may be performed by the employee referred to in Article 54, paragraph 1, item 3 of this Law, who has acquired a permit to perform underground mining activities.

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

The permit to perform underground mining activities can be issued to the person referred to in paragraph 1 of this Article fulfilling the conditions referred to in Article 58, paragraph 3 of this Law.

Permit to Perform Mining in De-mining Process

Article 61
Mining in de-mining process may be conducted by the employee referred to in Article 54, paragraph 1, indent 3 of this Law granted with a permit to perform mining in de-mining process.

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

The permit to perform mining in de-mining process can be issued to the person referred to in paragraph 1 of this Article who has:
- Secondary, college or university degree in the relevant field;
- Passed professional exam for performing mining activities; and
- Two-year working experience in demining or mining activities provided that he/she holds high school degree, or one-year working experience in the related activities provided that he/she holds college or university degree.

Professional Exam

Article 62
Professional development, programme and professional exam for conducting mining activities referred to in Articles 58, 59, 60 and 61 of this Law shall be regulated by the Ministry legislation.

Mining Preparation Activities

Article 63
Mining preparation activities (borehole explosive filling, placing explosives initiating devices, etc.) may be conducted by a natural person (hereinafter referred to as the “Miner”) who:
- meets the requirements referred to in Article 19 paragraph 1 of this Law;
- has at least high school degree, and;
- is competent to conduct mining preparation activities, holding a certificate issued pursuant to the mining regulations.
Auxiliary mining preparation activities (transport of explosive substances, loading, unloading, etc.) may, under the supervision of a miner, be conducted by a natural person holding an elementary school degree, previously acquainted with the operating procedures, risks and workplace safety rules in handling explosive substances.

7. Destruction of Explosive Substances

Requirements and Explosive Substances Destruction

Article 64
Explosive substances shall be destroyed in compliance with manufacturer’s instructions at the locations where the use of explosive substances is allowed, and the destruction shall be performed so as not pose a threat to life, health or safety of people, animals and plants, the environment or property.

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

A company, other legal persons or an entrepreneur shall notify the Ministry and the public administration body in charge of policing 24 hours in advance of the date set for destruction about the manner, quantity, location and time of destruction of the unused explosive substances and packages.

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

IV. MANUFACTURE AND STORAGE FACILITIES

Security Measures in the course of Construction and Equipping

Article 65
Manufacture and storage facilities for explosive substances shall be constructed and equipped so as to ensure protection of life, health or safety of people, animals and plants, the environment and property.

Construction Site

Article 66
An opinion on the location for construction of manufacture and storage facilities, provisional storages and placement of containers shall be issued by the Ministry.

The consent on the design and financial-technical documentation for the construction of manufacture and storage facilities and provisional storages, from the point of view of fire protection, shall be given by the Ministry.

Placement of Containers

Article 67
Containers for storage of explosive substances may be placed exclusively in locations identified by the Ministry in accordance with the law regulating fire protection measures.

Containers for explosives may take only the quantity of explosive substances prescribed by the technical regulation or the quantity stated in the certificate issued by the container manufacturer.

Storage of Several Types of Explosive Substances

Article 68
In manufacture and storage facilities, provisional storages and containers used for keeping more than one type of explosive substances, such substances shall be stored in separate sections or in compartments specially built for this purpose.

Ignition devices shall not be stored in manufacture and storage facilities, provisional storages and containers together with explosive substances, unless the facilities have sections specially equipped for this purpose.

Lighting

Article 69
As a rule, daylighting shall be provided for the interior of manufacture and storage facilities, provisional storages and containers.

If the manufacture and storage facilities, provisional storages and containers are illuminated by electric lighting, electrical installations shall be made in accordance with technical regulations and should be kept operational.

Heating

Article 70
As a rule, manufacture and storage facilities, provisional storages and containers shall not be heated; if, the heating of some premises is necessary, it shall be done in accordance with technical regulations.

Ventilation

Article 71
Manufacture and storage facilities, provisional storages and containers shall have ventilation.

Ventilation openings shall be constructed so as to be closed or sealed, in order to prevent water entering the manufacture and storage facilities, provisional storages and containers.

Tools, Devices, and Grounding Installations

Article 72
Manufacture and storage facilities, provisional storages and containers shall be equipped with tools and other fire extinguishing devices and shall have grounding installations.

Packaging material

Article 73
Explosive substances shall be held in manufacture and storage facilities, provisional storages and containers in a prescribed packaging and assorted in the manner prescribed by technical regulations.
Use
Article 74
The use of manufacture and storage facilities shall be approved by the Ministry decision only after the competent authority Commission has conducted the technical inspection of the relevant facility.

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

Adoption of By-Laws
Article 75
The content of application forms and documentation for the issuance of opinion and consent referred to in Article 66 of this Law, safe distances for all types of manufacture and storage facilities, requirements to be met by the manufacture and storage facilities and their locations, as well as the manner of their physical and technical security shall be regulated by by-laws of the Ministry.

V. RECORDS
Keeping records
Article 76
The Ministry shall maintain records on:
- Legal and natural persons authorized i.e. nominated to conduct explosive substances conformity assessment;
- Explosive substances granted with permits to release on the market;
- Issued permits to manufacture, trade, and acquire explosive substances, perform public firework display activity, perform mining activities and authorization to conduct mining activities;
- Issued decisions on termination of validity of permits to manufacture and trade explosive substances, perform public fireworks activity and mining activities;
- seized explosive substances.

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

A company, other legal entity or an entrepreneur engaged in the trade, acquisition and/or use of explosive substances, shall keep records on the type and quantity of the acquired, sold, used, destroyed, returned, missing or stolen explosive substances.

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

The content and manner of keeping records referred to in paragraph 1, 2, and 3 of this Article shall be prescribed by the Ministry.

Article 77
The collection, processing, keeping and use of data from records prescribed by this Law shall be governed by regulations on protection of unpublished and personal data.

VI. SUPERVISION
Inspection Supervision
Article 78
Supervision over the enforcement of this Law shall be performed by the Ministry.

Inspection supervision within the Ministry jurisdiction shall be performed by inspectors for
explosive substances, flammable substances, liquids and gases, in accordance with the law regulating inspection supervision.

**Administrative Measures and Actions**

**Article 79**

Apart from administrative measures and actions prescribed by the law regulating inspection supervision, the inspector in charge of explosive substances, flammable substances, liquids and gases is also authorized to:

- Enter and inspect facilities and premises used for the manufacture, storage, destruction and trade in explosive substances, and premises suspected to contain explosive substances;
- Inspect documentation related to explosive substances;
- Inspect documents on specialist qualifications for handling explosive substances;
- Check and verify the identity of persons found on the premises used for the manufacture, and storage of explosive substances;
- Prohibit the persons with no handling specialist knowledge from handling explosive substances;
- Prohibit manufacture of explosive substances and certain actions related to trade, storage, use, loading or unloading of explosive substances due to irregularities made in undertaking security measures which may pose a risk to life, health and security of people, animals and plants, the environment and property;
- Issue orders to remove identified irregularities within a specific deadline;
- Issue orders for other measures in the manufacture, trade and use of explosive substances, as needed to protect life, health and safety of people, animals and plants, the environment and property.

**VII. PENATLY PROVISIONS**

**Article 80**

A fine in the amount ranging from 20 to 300 hundred times the minimum salary in Montenegro shall be imposed for an offence on a company, other legal entity or an entrepreneur if they:

1) fail to adopt the general act referred to in Article 6, paragraph 2 of this Law;
2) fail to inform the persons handling or performing other tasks related to explosive substances on the measures stipulated in acts referred to in Article 6, paragraph 2 of this Law or if fail to train them to respond in case of technical-technological accident or another risk, in accordance with regulations on protection and rescue (Article 7);
3) fail to ensure permanent physical and technical protection of facilities for manufacture and storage of explosive substances (Article 8);
4) fail to organize and monitor the enforcement of prescribed protection measures (Article 9);
5) fail to notify the Ministry and the administration body in charge of policing of the loss or theft of explosive substances without delay, and at the latest within an hour upon finding out about it (Article 10);
6) place on the market and use explosive substances without a permit to release on the market (Article 12 paragraph 1);
7) perform activities referred to in Article 13 of this Law without the relevant permit (Article 14 paragraph 1);
8) allow an explosive substances to be handled by a person not fulfilling requirements for handling explosive substances (Article 19 paragraph 1);
9) initiate manufacture of explosive substances without the relevant permit of the Ministry (Article 22 paragraph 2) or continue the manufacture after failing to meet the requirements referred to in Article 23 of this Law;
10) conduct research of new types of explosive substances without the relevant permit of the Ministry (Article 28 paragraph 3);
11) engage in the trade of explosive substances without the relevant permit of the Ministry (Article 32 paragraph 1);
12) engage in sales of explosive substances to companies, other legal entities, entrepreneurs or physical persons that do not have the permit to acquire explosive substances (Article 35);
13) acquire explosive substances without the relevant permit of the Ministry (Article 37 paragraph 1);
14) perform public firework display without the relevant permit of the Ministry (Article 46 paragraph 2);
15) engage in mining activities without the relevant permit of the Ministry (Article 53);
16) in the course of mining fail to undertake security measures for the protection of life, health and security of people, animals and plants, the environment and property (Article 57 paragraph 1);
17) endanger life, health and security of people, animals and plants, environment and property by irregular and unprofessional destruction of explosive substances (Article 64 paragraph 1 and 2);
18) fail to construct and equip the manufacture and storage facilities so as to provide protection of life, health and security of people, animals and plants, environment and property (Article 65);
19) construct facilities for manufacture and storage of explosive substances without obtaining an opinion on the location and approval of the project and financial – technical documentation (Article 66);
20) place containers contrary to Article 67 of this Law;
21) use manufacture and storage facilities without the permit of the Ministry (Article 74).

For offences referred to in this Article, a fine in the amount ranging from five up to twenty times minimum salary in Montenegro shall also be imposed on a responsible person in a legal entity.

Article 81

A fine in the amount ranging from twenty to two hundred times the amount of the minimum salary in Montenegro shall be imposed for an offence on a company, other legal entity or entrepreneur if:

1) explosive substances are handled by a person without specialist knowledge and not being under the supervision of a person with specialist knowledge for handling explosive substances, and without being previously acquainted with the method of work, risks and workplace protective measures (Article 20 paragraph 1);
2) within eight days from the date the decision on termination of a license for manufacture of explosive substances becomes final and enforceable fail to submit to the Ministry the records they kept pursuant to this Law (Article 26 paragraph 2);
3) within eight days fail to notify the Ministry on the commencement, changes or termination of performing the activity (Article 30);
4) within eight days from the date of entry into force of the decision on termination of validity of permit to trade in explosive substances they fail to submit to the Ministry the records they kept in accordance with this law (Article 36 paragraph 2);
5) they acquire explosive substances necessary for performing mining activity and pyrotechnic devices for the public fireworks in quantities which cannot be stored (Article 40);
6) they sell explosive substances without keeping a copy of the permit, or fail to specify the type and quantity of sold explosive substances (Article 41 paragraph 2);
7) they do not have a container for storage of unused explosive substances at the construction site (Article 42);
8) they use the acquired explosive substances contrary to Article 44, paragraph 2 of this Law;
9) within eight days from the date of entry into force of the decision on termination of validity of permit for performing public firework displays, they fail to submit to the Ministry the records they kept in accordance with this Law (Article 49 paragraph 2);
10) they perform public fireworks without the permit, or if they perform public fireworks at a location, at a time, with a type or class of pyrotechnic devices contrary to the permit for performing public firework displays (Article 51);
11) within eight days form the date of entry of the decision on termination of validity of permit to perform mining activity, they fail to submit to the Ministry the prescribed records (Article 56 paragraph 2);
12) they fail to undertake security measures, fail to develop a mining plan or fail to perform the mining according to the mining plan (Article 57 paragraph 1);
13) they perform mining activities in a settlement or in the vicinity of a settlement, previously failing to notify the Ministry, administration authority in charge of policing, the public and companies and other legal entities managing roads, railroads, water supply systems, power and telephone lines and similar facilities (Article 57 paragraph 3);
14) above ground mining, special mining, underground mining or mining in de-mining process are
carried out by persons without the permit to conduct mining activities or to conduct some types of mining (Articles 58, 59, 60 and 61);  
15) mining preparation activities or mining preparation auxiliary activities are carried out by a natural person not fulfilling the requirements referred to in Article 63 of this Law;  
16) in the manufacture and storage facilities provided for different types of the explosive substances fail to store those substances in separate rooms or compartments specially built for this purpose, or if they keep ignition devices together with explosive substances (Article 68);  
17) they fail to keep the prescribed records (Article 76 paragraph 2, 3, and 4).

For offences referred to in paragraph 1 of this Article, a fine in the amount ranging from 5 to 15 times of the minimum salary in Montenegro shall also be imposed on a responsible person in the legal entity.

Article 82
A fine in the amount from three to twenty times the amount of the minimum salary in Montenegro shall be imposed for an offence on a natural person, if it:  
1) upon the completion of works, fails to return the remaining quantities of explosive substances to the company, other legal person or an entrepreneur from whom it acquired them, fails to ensure the destruction of such substances by a qualified person and communicate it to the Ministry and the administration body in charge of policing (Article 38 paragraph 4);  
2) performs above ground mining, special and/or underground mining and/or mining in the de-mining process without the relevant permit to perform such tasks (Article 58 paragraph 1, Article 59 paragraph 1, Article 60 paragraph 1, and Article 61 paragraph 1);  
3) performs mining preparation activities without meeting the requirements referred to in Article 63, paragraph 1 of this Law.

For offences referred to in paragraph 1 of this Article, a fine can be imposed on a natural person on the spot amounting to three times of the minimum salary in Montenegro.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Deadlines for the Adoption of By-Laws

Article 83
By-laws for the implementation of this Law shall be adopted within two years from the date of entry into force of this Law.

The List referred to in Article 17 of this Law shall also contain explosive substances granted with a permit for placing on the market in accordance with the regulations applicable until the date of entry into force of this Law.

Deadline for Harmonization with this Law

Article 84
Companies, other legal entities and entrepreneurs engaged in the manufacture, testing and trade in explosive substances or use and store of explosive substances on the basis of permits prescribed by the Law on Trade in Explosive Substances ("The Official Gazette SFRJ", No. 30/85, 6/89, 53/91 and "The Official Gazette SRJ", No. 68/2002) and the Law on Explosive Substances, Flammable Liquids and Gases ("The Official Gazette SRCG", No. 44/76, 49/76, 34/86 and 11/88) shall harmonize their business operations and activity with this Law and regulations adopted thereof within a year from the date of entry into force of the regulation on the implementation of this Law.

Recognition of the Professional Exam

Article 85
The professional exam for conducting mining activities or conducting public fireworks pursuant to the legislation valid before the entry into force of this Law shall be considered as passed within the meaning of this Law.
Procedures for the issuance of Authorizations i.e. Permits

Article 86

Procedures for the issuance of authorizations i.e. permits initiated before the entry into force of this Law shall be finalized pursuant to the Law on Trade in Explosive Substances ("The Official Gazette SFRJ", No. 30/85, 6/89, 53/91 and "The Official Gazette SRJ", No. 68/2002) and the Law on Explosive Substances, Flammable Liquids and Gases ("The Official Gazette SRCG", No. 44/76, 49/76, 34/86 and 11/88).

Cessation of Validity of the Previous Law

Article 87

As of the date of entry into force of this Law, the Law on Trade in Explosive Substances ("The Official Gazette SFRJ", No. 30/85, 6/89, 53/91 and "The Official Gazette SRJ", No. 68/2002) shall no longer apply and the Law on Explosive Substances, Flammable Liquids and Gases ("The Official Gazette SRCG", No. 44/76, 49/76, 34/86 and 11/88) shall cease to be in effect in the part referring to explosive substances.

Entry into force

Article 88

This Law shall enter into force on the eight days following the date of its publication in the "Official Gazette of Montenegro".

SU-SK No. 01-554/6
Podgorica, 29 July 2008

Assembly of Montenegro
President
Ranko Krivokapić
with his own hand

AMENDMENTS

Upon editing the text and comparing it with the source text, the following technical errors have been identified in the text of the Law on Explosive Substances as published in the "Official Gazette of Montenegro" No. 49/08; therefore, the following

Corrections have been made in the Law on Explosive Substances


1. In Article 2 instead of two words written together as one “iupotrebu” a change is to be made to separate the words as follows: “i upotrebu”;
2. In Article 15, paragraph 2, instead of two words written together as one "usaglašenostikoji" a change is to be made to separate the words as follows: “usaglašenosti koji”;
3. In Article 30, after the word "početka" a comma should be added;
4. In Article 41, paragraph 3, instead of two words written together as one "odgovornoglica" a change is to be made to separate the words as follows: “odgovornog lica”;
5. In Article 79, paragraph 1, instead of two words written together as one “gasoveima” a change is to be made to separate the words as follows: “gasove ima”;
6. In Article 80, paragraph 1, after the word “preduzetnik”; a comma should be added.

The Technical Service of the Assembly of Montenegro