On the basis of Article 95, para. 3, of the Constitution of Montenegro, I hereby enact this

Decree on the Proclamation of the Law on Flammable Liquids and Gases

I hereby proclaim this Law on Flammable Liquids and Gases, adopted by the Assembly of Montenegro in its 24th convocation, at the fifth session of the first regular sitting in 2010, on 22 April 2010.

Number: 01-1438/2
Podgorica, 29 April 2010

President of Montenegro,
Filip Vujanović, signed with his own hand

On the basis of Article 82, para. 1, item 2, and Article 91 of the Constitution of Montenegro, the Assembly of Montenegro in its 24th convocation, at the fifth session of the first regular sitting in 2010, on 22 April 2010, adopted the

Law on Flammable Liquids and Gases

The law has been published in the "Official Gazette of Montenegro", Nr. 26/2010 of 7 May 2010 and Nr. 31/2010.

I. BASIC PROVISIONS

Scope of the Law

Article 1

The preventive and protective security measures prescribed by this Law shall be implemented during the construction and reconstruction of buildings, warehousing, holding, trading, handling and use of flammable liquids and gases in order to protect the lives, health and safety of people, animals, plants, the environment and property.

Exemptions

Article 2

The provisions of this Law shall not apply to the warehousing and transfusion of flammable liquids and gases for the needs of the Army of Montenegro.

Definitions of flammable liquids and gases

Article 3

Flammable liquids are liquids or mixtures of liquids which at the temperature of 50°C have steam pressure less than 300 kpa (3 bar), and flash point lower than 100°C.
Flammable liquids of generally known characteristics are motor vehicle fuels sold at service stations, fuel oils and flammable nutrition liquids.
Flammable gases (compressed gases, liquified gases, and gases dissolved under pressure) are materials with critical temperatures lower than 50°C or materials which at 50°C have steam pressure higher than 300 kpa (3 bar).
Flammable gases of generally known characteristics are ground gas, propane-butane gas and city gas.

Transport of flammable liquids and gases

Article 4

The transport of flammable liquids and gases shall be performed in compliance with the regulations on the transport of hazardous substances.

Application of rules of general administrative procedure

Article 5
Unless otherwise stipulated, the provisions of the law regulating the general administrative procedures shall apply to the procedures regulated by this Law.

**Definition of terms**

**Article 6**

For the purposes of this Law the following terms used shall have their respective meanings:

1) **trade** shall mean the transfusion, loading or unloading of flammable liquids and gases to and from means of transport; handling during delivery, shipment and placement in warehouses; delivery and shipment by means of oil and gas pipelines; the sale and use of flammable liquids and gases;

2) **warehouse** shall mean a facility, part of facility or space in which flammable liquids and gases are warehoused;

3) **warehousing** shall mean any permanent or temporary storage or disposal of flammable liquids and gases in vessels and containers of total volume greater than 2,000 liters of flammable liquids and gases of II and III group, or 20 liters of easily flammable liquids of I group or 30 kg of flammable gases;

4) **holding** shall mean the storing and disposal of flammable liquids and gases in facilities, parts of facilities or outside of such facilities in containers whose total volume does not exceed 2,000 liters of flammable liquids and gases of groups II and III, or 20 liters of easily flammable liquids of group I or 30 kg of flammable gases;

5) **handling** shall mean actions during warehousing, holding or trade of flammable liquids and gases performed by physical persons fulfilling requirements prescribed by this Law;

6) **facility** shall mean a structural, spatial or technical-technological whole with installations, plants and equipment (oil pipelines, gas pipelines, tanks, storages, transfusion points etc.), or the installations, plant and equipment built into the facility or independently performed and intended for warehousing, holding and trade of flammable liquids and gases;

7) **tank** shall mean a stationary, semi-stationary or portable closed container placed on a specially arranged support which serves to hold flammable liquids and gases of volumes exceeding 250 liters of flammable liquid or 50 kg of flammable gas;

8) **vessel** shall mean a portable closed vessel for holding of flammable liquid or gas of volume up to 250 l of flammable liquid or 50 kg of flammable gases;

9) **bottle** shall mean a closed container of cylindrical shape for holding of flammable liquid or gas which can be used in households, industry, laboratories or other cases (diving bottles etc.);

10) **small bottles** shall mean closed containers for the holding of flammable liquid or gas with the volume of 0.2 l or less (varnishes, alcohol, lighter gas, butane or propane filled sprays, etc.);

11) **retail facility** shall mean a built facility, a part of a built facility or space which is built or made suitable for the sale of flammable liquid and gas in vessels, bottles or small bottles;

12) **hazard zones** shall mean areas (land areas, water areas or air areas) containing or with the likelihood of generating flammable or explosive liquid steam mixtures capable of combustion;

13) **safe distance** shall mean the distance which in case of fire or explosion, depending on the type, volume or manner of the use of flammable liquids or gases, the types of facilities and applied security measures, shall ensure the protection of the surrounding facilities, parts of facilities and the environment;

14) **distributor** shall mean a company, other legal person or entrepreneur which supplies flammable liquid or gas to consumers;

15) **transfusion** shall mean the transfer of flammable liquids or gases between tanks and transport tanks (car-tanks, wagon-tanks, trailer tanks, etc.), tankers and closed vessels;

16) **transfusion point** is a specifically designated point equipped with stationary devices for the connection of transport tanks or tankers for the purpose of the transfusion of flammable liquids and gases.

II. **SECURITY MEASURES**

**Security measures and the method of their implementation**

**Article 7**

In the exercise of their activity, the company, another legal person or entrepreneur engaged in the warehousing, holding or trading of flammable liquids and gases or engaged in the use thereof shall be obliged to ensure the protection of life, health and security of people, animals, plants, the environment and property and shall be obliged to implement preventive and protective measures determined by this law (hereinafter: security measures), by-laws adopted on the basis of this law, and other regulations governing the protection and rescue, occupational
safety, health protection, environmental protection, spatial arrangement and construction of buildings.
The manner of implementing security measures shall be regulated by general acts of companies, other legal persons or entrepreneurs from para. 1 of this Article.

The obligation to inform about the measures
Article 8
Entities from Article 7 of this Law shall be obliged to inform the persons handling flammable liquids or gases or performing other actions with respect to flammable liquids or gases with the security measures and train them to act in cases of technical-technological or other accidents, in line with the regulations on protection and prevention.

Warehousing, holding and trading in line with technical regulations
Article 9
The company, another legal person or entrepreneur shall perform the warehousing, holding and trading of flammable liquids and gases in constructed or reconstructed facilities arranged for the warehousing, holding and trading of such materials in compliance with technical regulations. Flammable liquids and gases shall be held in tanks, containers, bottles and small bottles which comply with the technical requirements and in a manner prescribed by technical regulations for the specific type of flammable liquid or gas.
Technical regulations from para. 1 and 2 of this Article shall be adopted by the public administration authority in charge of protection and prevention (hereinafter: the Ministry).

Warehouses and trade facilities
Article 10
Warehouses and facilities for the trade of flammable liquids and gases can be built only in areas designated for such purposes in the spatial planning documents and shall be equipped in a way which ensures the protection of lives, health and security of persons, animals, plants, the environment and property.
Facilities from para. 1 of this Article can be built and reconstructed only in a manner which does not pose a risk of explosion or outbreak and spreading of fire, and at a safe distance from settlements, public roads, railroads, low voltage transmission lines and other major facilities which they can endanger.
Security measures under para. 1 and 2 of this Article shall be regulated in more detail by a regulation of the Ministry.

Prohibition of constructing other facilities in hazard zones
Article 11
Construction of other facilities shall be prohibited in the zones at risk of facilities from Article 10 of this Law, except the construction of facilities serving the purpose of security of warehouses and facilities for holding and trading of flammable liquids and gases. Security zones along the facilities from para. 1 of this Law shall be the areas in the direct vicinity of such facilities and their perimeters shall be determined by the regulation adopted by the Ministry.

Prohibitions and warning signs
Article 12
In the hazard zones it shall be prohibited to:
1) hold substances and devices which could cause fire or enable its spreading;
2) hold open flames or work with an open flame (welding, etc.) and work with incandescent objects;
3) smoke or use lighting devices (matches, lighters, etc.);
4) use devices or things with a firebox;
5) work with sparking tools or devices;
6) install overhead power lines, irrespective of voltage;
7) allow access to vehicles which during their operation can release sparks;
8) wear clothing or shoes which collect static electricity or use devices or equipment which are not properly protected from static electricity.
Companies, other legal persons or entrepreneurs shall place in visible locations in the warehouses and facilities in which they hold or trade in flammable liquids or gases such labels which give warning of the prohibitions from para. 1 of this Article, indications of the risk for an
explosion, outbreak and spread of fire, and instructions on how to proceed in the case of any explosion or fire.

**Submitting plan documents for opinion**

*Article 13*

In the process of developing draft plan documents for warehouses and facilities to be used for warehousing or trading of flammable liquids and gases, the entity in charge of preparatory activities shall submit the draft plan document for the approval by the Ministry.

**Approval of technical documents**

*Article 14*

In the course of constructing or reconstructing facilities from Article 10 of this Law, the investor shall be obliged to ensure the approval of the Ministry, with respect to the protection against any explosion and the outbreak and spread of fire.

The approval from para. 1 of this Article is given for the technical documentation of the construction and reconstruction of warehouses and facilities for the trade of flammable liquids and gases.

**Permanent physical and technical protection**

*Article 15*

Facilities from Article 10 of this Law shall be under permanent physical and technical protection in accordance with a separate law.

Exceptionally from para. 1 of this Article, facilities used for storing flammable liquids in volumes up to 500 m$^3$ or gases in volumes up to 100 m$^3$ shall be controlled in a manner determined by the general act of the company, another legal person or entrepreneur.

**Access to unauthorized persons**

*Article 16*

Facilities from Article 10 of this Law shall be protected against access by unauthorized persons.

**Heating**

*Article 17*

Facilities from Article 10 of this Law, as a rule, shall not be heated, and in case that the heating of certain rooms is necessary, it shall be done in accordance with technical regulations from Article 9, para. 3, of this Law.

**Apparatus, devices and installations**

*Article 18*

Facilities from Article 10 of this Law must: be equipped with the apparatus and other devices for fire extinguishing and measuring the concentrations of flammable gases; have installations for the lighting of such facilities and the surrounding area, and if they are above ground facilities they must have special devices for cooling and installations against lightning, in accordance with the law and technical regulations from Article 9, para. 3, of this Law.

Companies, other legal persons and entrepreneurs using facilities from Article 10 of this Law shall be obliged to ensure the adequate functioning of the apparatus, devices and installations from para. 1 of this Article.

**Airing**

*Article 19*

Facilities from Article 10 of this Law must have natural air circulation.

Openings for the air circulation of facilities from para. 1 of this Article shall be built so as to prevent water entry and so that they cannot be closed or sealed on their own.

**Conditions for the use of facilities**

*Article 20*

Use of facilities from Article 10 of this Law shall be allowed after acquiring the use permit, in accordance with the law and the decision approving the use of such facilities issued by the Ministry.

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**III. CONDITIONS FOR THE WAREHOUSING AND TRADE OF FLAMMABLE LIQUIDS AND GASES**
1. Common provisions

Conditions for the handling, program and method of professional training

Article 21
Flammable liquids and gases may be handled by persons:
1) who are of age;
2) who have at least secondary education in the relevant field;
3) who are technically trained to handle flammable liquids and gases, in accordance with this Law.
The program and method of professional training for the handling of flammable liquids and gases from para. 1, item 3, of this Article shall be determined by regulations issued by the public administration authority in charge of labor at the proposal of the Council for Adult Education, along with the received opinion of the Ministry.

Liability for damages

Article 22
Companies, other legal persons and entrepreneurs who are engaged in the warehousing and trade of flammable liquids and gases shall be liable for damages caused to third parties which result from their operations and contractual obligations.

2. Requirements for performing the activity of warehousing and trade and issuing of permits

Permit for warehousing and trade

Article 23
Warehousing and trade of flammable liquids and gases may be performed by companies, other legal persons and entrepreneurs who are registered for the performance of such activities and who have a permit for warehousing and trade of flammable liquids and gases. The permits from para. 1 of this Article are issued by the Ministry.

Requirements for performing the activity of warehousing and trade

Article 24
Companies, other legal persons and entrepreneurs from Article 23 of this Law must have:
1) a responsible person;
2) employees who shall handle flammable liquids and gases;
3) a warehouse or a facility for the trade of flammable liquids and gases.
The responsible person from para. 1, item 1, of this Article must fulfill the requirements from Article 21 of this Law.

Permit application

Article 25
Companies, other legal persons and entrepreneurs shall, along with the permit application from Article 23 of this Law, attach the following:
1) an excerpt from the Central Registry of the Commercial Court on their registered activity;
2) data regarding the responsible person;
3) data on the number and structure of employees who shall be handling flammable liquids and gases;
4) use permit for the warehouse or the facility for trade of flammable liquids and gases;
5) evidence of the fulfillment of requirements from Articles 7, 8, and 15 of this Law;
6) data about the type and volume of flammable liquids or gases to be warehoused or traded.

Expiration of the permit
Article 26
The permit for the warehousing and trade of flammable liquids and gases shall be terminated at the request of the companies, other legal person or entrepreneur from Article 23 of this Law, or it shall be terminated if the company, other legal person or entrepreneur no longer fulfills the requirements from Article 24 of this Law.

Notification on the initiation, modification or termination of activity

Article 27
Companies, other legal persons and entrepreneurs to whom the permit has been issued for the warehousing or trade of flammable liquids and gases shall be obliged to notify the Ministry within eight days of the commencement, modification or termination of the activity.

3. Marketing flammable liquids and gases

Conditions for marketing flammable liquids

Article 28
Companies, other legal persons and entrepreneurs shall be obliged, before marketing flammable liquids, to determine the category of flammable liquid according to the flashpoint, category and degree of hazard from the explosion, outbreak, and spread of fire in accordance with technical regulations from Article 9, para. 3, of this Law and compile instructions for safe warehousing, holding and trade of flammable liquids.

At the time of marketing, the containers, vessels, bottles and small bottles containing flammable liquids shall be labeled with the written data on the type and volume of flammable liquid, name of manufacturer and distributor, and data from para. 1 of this Article, which shall be written on a quality printed and visibly attached label or printed on the container, vessel, bottle or small bottle itself, except when they contain flammable liquids intended for nutrition.

Materials used for making containers, vessels, bottles and small bottles

Article 29
Containers, vessels, bottles and small bottles used to contain flammable liquids shall be made of materials resistant to the contained liquid, marked with clear signs about the danger of an explosion, outbreak and spread of fire, and a text of warning for safe holding and use, in the manner prescribed by technical regulations from Article 9, para. 3, of this Law.

Data on the group of flammable liquids

Article 30
Companies, other legal persons and entrepreneurs engaged in the warehousing and trade of flammable liquids, with the exception of flammable liquids of generally known characteristics, shall be obliged to have the data regarding the group of flammable liquids according to the flashpoint, the category and degree of hazard of an explosion, outbreak, and spread of a fire, in accordance with the technical regulations from Article 9, para. 3, of this Law.

Conditions for marketing flammable gases

Article 31
Companies, other legal persons and entrepreneurs shall be obliged, prior to marketing flammable gases, to provide along with the containers, vessels, bottles and small bottles a written instruction about the safe warehousing, holding and trade, stating data on the type and volume of the gas, as well as the category and degree of hazard of an explosion, outbreak, and spread of fire, in the manner prescribed by technical regulations from Article 9, para. 3, of this Law.

Containers and vessels containing flammable gases shall be labeled, colored and made of materials according to technical regulations from Article 9, para. 3, of this Law and shall, prior to
and in the course of use be controlled in a manner and within deadlines stipulated in such regulations. Bottles and small bottles containing flammable gases shall be made of materials resistant to the contained flammable gas and marked with clear symbols of fire hazard and a warning text for its safe holding and use.

**Data on the type and degree of hazard**

**Article 32**
Companies, other legal persons and entrepreneurs engaged in the warehousing and trade of flammable gases, except flammable gases of generally known characteristics, shall be obliged to have data regarding the group and degree of hazard of an explosion, outbreak, and spread of fire, in accordance with the technical regulations from Article 9, para, 3, of this Law.

**Selling in trade facilities**

**Article 33**
Flammable liquids and gases in vessels, bottles and small bottles may be sold only in selling facilities for flammable liquids and gases. With one exception, the selling of flammable liquids and gases in small bottles can be performed outside the selling facilities for flammable liquids and gases if their volume does not exceed 20 l.

**Selling in original packaging**

**Article 34**
Flammable liquids and gases may be sold in selling facilities only in their original and intact packaging.

**4. Testing of installations**

**Testing of gas installations**

**Article 35**
Gas installations in the facility or part of the facility shall be made in compliance with the gas installation design documents made in accordance with the technical regulations from Article 9, para. 3, of this Law, or in accordance with the rules of technical practice. Before the commissioning of gas installations in the facility or part of the facility, it is mandatory to perform testing of the installation with respect to its correctness and impermeability, in accordance with the gas installation design documents, and relevant documentation shall be produced to document it. Unless different, briefer time intervals are prescribed by other regulations, the distributor shall be obliged to test the correctness and impermeability of the gas installation from the street connection, or the gas reservoir, to the device within the housing facility or part of the housing facility, not less than once in 10 years, on the occasion of changing or gauging the gas-meters. If different, briefer time intervals are prescribed by other regulations, public administration and local government authorities, companies, other legal persons and entrepreneurs who use flammable gases for the heating of working premises or use them in a technological process shall be obliged to enable the gas distributor to test, without any obstacles, the correctness and impermeability of the gas installation from the street connection or the reservoir to the device not less than once in five years. A certificate shall be issued by the distributor regarding the correctness and impermeability of the tested gas installation. The costs related to the testing of the correctness and impermeability of the gas installation shall be prescribed by the public administration body in charge of energy.

**Termination of gas delivery**

**Article 36**
If, during the testing of correctness and impermeability of gas installations from Article 35 of this Law, it is determined that the installation is not adequate, that it is permeable to gas or is not performed in accordance with the design or technical regulations, the distributors shall be obliged to terminate the delivery of gas to consumers with respect to the irregularities of which have been identified, until the time when such irregularities have been removed.

**IV. SUPERVISIONS**

**Exercising supervision**

**Article 37**

Supervision over the enforcement of this Law and bylaws adopted in the basis of this Law shall be exercised by the Ministry.

The tasks of inspection supervision within the competences of the Ministry shall be performed by the inspection services for explosive substances, flammable substances, liquids, and gases, as in accordance with the law.

**Administrative measures and actions**

**Article 38**

Apart from administrative measures and actions prescribed by the law regulating inspection supervision, the inspector for explosive substances, flammable substances, liquids, and gases, is specifically authorized to prohibit:

- the trading of flammable liquids and gases if conditions prescribed by the law or technical regulations are not fulfilled;
- the handling of flammable liquids and gases to persons who are not technically qualified to handle such substances;
- the use of warehouses or other premises for the warehousing of flammable liquids and gases if they do not meet the requirements prescribed by this Law and technical regulations;
- the warehousing, holding and trade of flammable liquids and gases in quantities greater than allowed, as well as the warehousing, holding and trade of flammable liquids and gases which are not allowed.

The inspector for explosive substances, flammable substances, liquids, and gases may temporarily prohibit the performance of certain actions with respect to the warehousing, holding and trade of flammable liquids and gases, if he/she determines irregularities in security measures for the protection of explosions, outbreaks and the spread of fire.

**V. PUNITIVE PROVISIONS**

**Article 39**

A fine whose amount is equivalent to that of 20 to 300 times the minimum wage in Montenegro shall be imposed for offences by companies, other legal entities and entrepreneurs, if:

1) persons who handle or perform other actions with respect to flammable liquids and gases are not familiar with security measures or are not trained to handle them in case of technical-technological or other accidents as prescribed by regulations on the protection and rescue (Article 8);

2) warehouses and facilities used for the warehousing or trading of flammable liquids and gases do not have visibly displayed locations of relevant fire and explosion warning signs or instructions on how to proceed in the case of a fire or an explosion (Article 12, para. 2);

3) warehouses and facilities used for the warehousing or trading of flammable liquids and gases are not protected against the access of unauthorized persons (Article 16);

4) warehouses and facilities used for the warehousing or trading of flammable liquids and gases are not equipped with an apparatus and other devices for fire extinguishing, an apparatus for measuring the concentrations of flammable gases, or lightning protection, or if such an apparatus and devices are not maintained in a correct state (Article 18);

5) openings for air circulation in warehouses and facilities used for the warehousing or trading of flammable liquids and gases are not built in a way to prevent the entry of water and to prevent them from closing or clogging on their own (Article 19, para. 2);

6) they order or allow the handling of flammable liquids of gases by persons who do not fulfill the prescribed requirements (Article 21);

7) before the marketing of flammable liquids, the group of flammable liquids is not determined based on its flashpoint, category and degree of hazard of an explosion, outbreak, and spread of fire, or do not develop instructions for the safe warehousing, holding and trade of flammable liquids (Article 28, para. 1);
8) before the marketing of flammable gases they do not develop, along with containers, vessels, bottles and small bottles, also written instructions for safe warehousing, holding and trade of flammable gases, including data on the type and volume of flammable gas, category, and degree of hazard of an explosion, outbreak, and spread of fire (Article 31, para. 1);
9) in their trading facilities they trade in flammable liquids and gases which are not in their original or intact packaging (Article 34);
10) they do not stop delivering gas to customers for which it has been determined that the installation is not correct, that it leaks gas or is not built in accordance with the gas installation design documents (Article 36).

Offences from para. 1 of this Article shall be accompanied also by fines against the responsible person in an amount equivalent to that of 5 to 20 times the amount of minimum wage in Montenegro.


Article 40
A fine equivalent to that of 3 to 10 times the amount of minimum wage in Montenegro shall be instituted against the physical person if it handles flammable liquids and gases without fulfilling the prescribed requirements.

VI. TRANSITIONAL AND FINAL PROVISIONS

Regulations for implementation of the Law

Article 41
Regulations for the implementation of the Law shall be adopted within two years of this Law coming into force.
Until the adoption of the regulations from para. 1 of this Article, the regulations which were in force until the coming into force of this Law shall be applied, unless they are contrary to this Law.

Harmonization of operations and activities with the law

Article 42
Companies, other legal entities and entrepreneurs who are engaged in the warehousing, holding and trade of flammable liquids and gases shall be obliged to harmonize their operations and activities with this Law and the regulations adopted for the implementation of the Law within one year of coming into force, as well as the regulations adopted for the implementation of this Law.

Repealing of the old law

Article 43
On the day this Law comes into force, the Law on explosive substances, flammable liquids and gases (the "Official Gazette of the Republic of Montenegro", Nr. 44/76, 49/76, 34/86 and 11/88), in the section applicable to flammable liquids and gases, shall be repealed.

Coming into effect

Article 44
This Law shall come into effect eight days after its publication in the "Official Gazette of Montenegro".

SU-SK Nr. 01-36/12
Podgorica, April 2010

Assembly of Montenegro, 24th convocation

President
Ranko Krivokapić, w.h.o.h.

CHANGES

After checking this and the original text of the Law on Flammable Liquids and Gases, published in the "Official Gazette of Montenegro", number 26/10, a technical error was found, therefore the following change is to be made:
Correction to the Law on Flammable Liquids and Gases

The correction has been published in the "Official Gazette of Montenegro", Nr. 31/2010 of 4 June 2010.

In Article 39, item 8, the wording: "(Article 32 para. 1)" should be replaced by the wording: "(Article 31 para. 1)".

Technical Services of the Assembly of Montenegro