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

PROMULGATING THE LAW ON TRANSPORTATION OF HAZARDOUS SUBSTANCES

I hereby promulgate this Law on Transportation of Hazardous Substances, as adopted by the 25th convocation of the Assembly of Montenegro at the tenth session of its first regular (spring) sitting in 2014, held on 25 July 2014.

Number: 01-864/2

Number

Podgorica, 31 July 2014

President of Montenegro,
Filip Vujanović,
with his own hand

On the basis of Article 82 item 2 of the Constitution of Montenegro and the Amendment IV para 1 of the Constitution of Montenegro, the Assembly of Montenegro of the 25th convocation, at its 10th session of the first regular (spring) sitting in the year 2014, held on 25 July 2015, adopted this

LAW ON TRANSPORTATION OF HAZARDOUS SUBSTANCES

I. BASIC PROVISIONS

Subject matter

Article 1

Transport of hazardous substances by road, rail, maritime and air transport is carried out in accordance with this law and ratified international treaties governing the transport of hazardous substances (hereinafter referred to as international agreement).

Transport of hazardous substances, in terms of this law, also implies the loading and unloading of hazardous substances, changing the means of transportation, as well as stopping that is incidental or caused by a traffic accident.

Exemption

Article 2

The provisions of this Law shall not apply to the carriage of hazardous substances:

1) which a company, legal entity or an entrepreneur performs for the purposes of their activities in a technical-technological whole (factory grounds, etc.)

2) by means of transport of the Army of Montenegro, as well as military forces of other countries and organizations who use the transport infrastructure in Montenegro in accordance with specific international agreements.

Hazardous substances

Article 3
Hazardous substances, within the meaning of this Law, are:
- Class 1 – explosive substances and objects
- Class 2 – gases;
- Class 3 – flammable liquids;
- Class 4.1 – flammable solids;
- Class 4.2 – substances liable to auto ignition;
- Class 4.3 – substances which in contact with water develop flammable gases;
- Class 5.1 – oxidising substances;
- Class 5.2 – organic peroxides;
- Class 6.1 – toxins;
- Class 6.2 – infectious substances;
- Class 7 – radioactive substances;
- Class 8 – corrosive (corroding) substances;
- Class 9 – other hazardous substances

Use of gender-sensitive language

Article 4

The terms used in this law for individuals in the masculine gender imply the same terms in the feminine gender.

Definition of Terms

Article 5

Terms used in this Law have the following meaning:

1) packaging refers to a vessel or a plurality of vessels or containers intended for packaging or filling of hazardous substances (boxes, barrels, bags, canisters, combined packaging, containers, cisterns, IBCs and other packaging units);

2) package is a packaging unit that is sealed or filled with hazardous substance and as such prepared for transport;

3) transport vehicle is any motor vehicle intended for road driving, equipped with at least four wheels, with a maximum design speed exceeding 25 km/h, with attached trailer vehicle, except vehicles that move on rails, tractors for agriculture and forestry, as well as all mobile machinery whose speed does not exceed 40 km/h;

4) driver is the person who operates the vehicle transporting hazardous substances by road;

5) rail vehicle is a not self-propelled vehicle that moves by its own wheels on railway tracks, intended for the transport of hazardous substances;

6) shipper is a company, legal entity or an entrepreneur who submits the hazardous substance for transport;

7) carrier is a company or other legal entity or an entrepreneur who transports hazardous substance;

8) organizer of the transport of hazardous substances (freight forwarder) is a company or other legal entity or an entrepreneur who organizes transport or performs other activities related to the transport of hazardous substances;

9) consignee is a company, legal entity or an entrepreneur who receives the hazardous substance;

10) packer is a person employed by the shipper who packs, fills and prepares substances
for transport;

11) **loader** is a person employed by the shipper, who loads the hazardous substance in a liquid, gas, powder or bulk form in the freight space of the transport vehicles designed for the transportation of hazardous substances, or prepares the loaded freight space and vehicles for transport;

12) **accident** is an event in which the transport of hazardous substances was interrupted or stopped due to a leak, discharge, spillage, loss of hazardous substances, packaging breakage or fire;

13) **participant** in the transport of hazardous goods is the shipper, the carrier, consignee, loader, packer and a provider of reloading when changing means of transportation during the transport of hazardous substances;

14) **loading and unloading** of hazardous substances are actions that imply loading, pouring, handling, transferring, unloading, dispensing, storing, and other actions related to loading or unloading of hazardous substances;

15) **UN number** or UN ID is a four-digit number that identifies hazardous substances provided by the Rulebook annexed to the fourteenth revised edition of Recommendations on the Transport of Hazardous Goods published by the United Nations (ST/SG/AC.10/1/Rev.14).

**II. PREVENTIVE AND PROTECTIVE MEASURES**

**Places for loading and unloading**

Article 6

Loading and unloading of hazardous substances may be performed only in places where it does not endanger people’s life and health, environment or material goods, in compliance with regulations of environmental protection.

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

**Devices for loading and unloading**

Article 7

Devices for loading and unloading must be in working order, so that every possibility of leaking, i.e. pouring out or spilling of hazardous substance is excluded and performed in way to avoid as much as possible the emission of pollutants into the air or damaging of packaging material.

The shipper or consignee who conducts the loading or unloading of hazardous substances is required to control the functionality of the devices and the electrical installations at locations where the loading or unloading of hazardous substances is performed, to take care of the functionality of technical devices, equipment and other means for protection against fire and explosion, as well as of environmental protection and to keep appropriate records.

**Prohibition on loading and unloading**

Article 8

At the location of loading or unloading of hazardous substances, the following is prohibited:
1) keeping devices and substances that can cause fire or allow its expansion;
2) having an open flame or perform actions using open flame (welding, etc.)
3) smoking and using ignition agents (matches, lighters, etc.)
4) the use of a device or agent which has a fire source;
5) the use of tools or other devices that spark;
6) installation of surface power lines regardless of voltage;
7) operating an engine of a vehicle;
8) presence of persons not directly involved in the loading or unloading of the goods.

If the loading and unloading of hazardous substances at the airport is performed outside the separate area designated for loading and unloading of hazardous substances in accordance with Article 10 of this law, persons performing duties of handling the aircrafts, passengers, baggage, cargo and/or mail and providing other ground services may be present on location.

**Time of loading and unloading**

**Article 9**

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

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

**Special locations for loading and unloading**

**Article 10**

At railway stations, ports and harbours, as well as at airports, at which loading or unloading of hazardous substances is performed, the ministry in charge of protection and rescue (hereinafter referred to as the: Ministry) shall determine special location on which loading and unloading of these substances shall be performed, in agreement with ministry competent for traffic and maritime affairs and ministry competent for environmental protection.

**III. GENERAL SAFETY MEASURES**

**1. Obligations of participants in the transportation of hazardous substances**

**Obligations of the shipper**

**Article 11**

The sender may submit hazardous substance for transport if:
1) the transport of the specific hazardous substance is not prohibited;
2) approval was issued for the transport of hazardous substances in accordance with the law;
3) they have been packed or filled into packaging that meets the requirements in accordance with Article 21 of this Law;
4) packages containing hazardous substance are clearly marked by warning signs, inscriptions, tags and labels that denote hazardous content, in accordance with international agreement;
5) all requirements are met concerning transport, loading, handling, storage, cleaning and decontamination, as well as other requirements in accordance with this law and international
agreement;
6) they provide the carrier with the proper transportation document and instruction referred to in Article 12 of this Law;
7) additional safety measures are applied, in accordance with this law and international agreement.

Transportation document and instruction on special safety measures

Article 12

Shipper who delivers hazardous substance to transport shall issue transport document for every shipment of hazardous substance and instruction on special safety measures. Transport document of hazardous substance contains:

1) loading site;
2) type of packaging;
3) data on type of hazardous substance (UN number, chemical, technical or trade name of hazardous substance, and identification number according to international agreement);
4) data on quantity of hazardous substance (gross and net mass, number of pieces et al.);
5) statement by shipper confirming that all prescribed requirements are fulfilled for transportation of hazardous substances (regarding packaging, labeling, etc.);
6) name, i.e. personal name, address and telephone number of shipper and consignee;
7) statement that along with transport document of hazardous substance carrier was also handed written instruction on special safety measures;
8) signature and seal of shipper.

In addition to the data referred to in paragraph 2 of this Article, the transportation document for air transport of hazardous substances also contains information about other class of hazard if any, group and number of packages and other information in accordance with international agreements.

The shipper who submits hazardous substance for air transport, submits to the carrier two copies of the transportation document, and one copy of said document is retained and stored for at least three months.

Instruction on special safety measures contains:
1) indication of type of danger which it represents and consequences that hazardous substance may cause;
2) indication of special measures which shall be undertaken during transport of hazardous substance and preventing measures, i.e. mitigation of damaging consequences that may appear due to accident or defect of vehicle;
3) actions to be taken by the person who gets in touch with hazardous substance;
4) telephone number of the operative-communications center 112 in the Ministry (OKC 112) that must be informed about accident which happened during the transportation of hazardous substance.

Notwithstanding, the shipper submitting hazardous substance for air transportation, is not required to submit the instruction referred to in paragraph 5 of this Article in case that transportation of the aforementioned hazardous substances is not prohibited by international agreement.

Obligations of the packer

Article 13
The packer is obliged to implement safety measures, while packaging hazardous substances and to clearly mark the packaging with warning signs, inscriptions, tags and labels denoting hazardous content, in accordance with this law and international agreement.

Obligations of the loader

**Article 14**

The loader is obliged to:

1) before loading hazardous substances in the freight space of the vehicle intended for the transport of hazardous substances (hereinafter referred to as cargo space), to check whether the cargo space and its equipment are cleaned and technically sound and that the deadline for the control of their compliance has not expired;
2) cargo space is only loaded with hazardous substances that are allowed to be transported in that cargo space;
3) apply safety measures prescribed by this law and international agreement when loading hazardous substances in multi-compartment cargo space intended for transportation of various hazardous substances;
4) adhere to prescribed amount of load, ie loading mass per liter when loading hazardous substances in cargo space;
5) before and after loading hazardous substances in cargo space check the functionality of the drainage device;
6) ensure that the external side of the cargo space being filled does not hold any remains of hazardous substances;
7) fill the cargo space at a specific and specially designed loading site;
8) apply additional safety measures, in accordance with the law and international agreements.

Obligations of the carrier

**Article 15**

The carrier may transport hazardous substances only if:

1) transportation of the specific hazardous substances is not prohibited;
2) they hold a permit for the transport of hazardous substances, in accordance with the law;
3) conditions and safety measures are met pertaining to mode of transport, common shipping, handling, cleaning and decontamination of cargo space, as well as other measures, in accordance with the law and international agreement;
4) used transport vehicles meet the requirements of Article 25 of this Law;
5) the transport vehicle is properly loaded and burdened in accordance with the highest permitted amount of hazardous substances;
6) they hold evidence of insurance against liability for damage caused to third parties;
7) they have the transportation document on transport of hazardous substances and the instruction for special safety measures in accordance with Article 12 of this Law.
In addition to the requirements referred to in paragraph 1 of this Article, air carriers must hold appropriate certification that they meet the requirements for the transport of hazardous substances by air, issued by the competent authorities of the carrier's country of origin.

Obligations of the participants in the transport of hazardous substances

Article 16
Participants in the transport of hazardous substances are obliged to, with respect to the type of foreseeable dangers, take all necessary measures to prevent accidents, and to the greatest extent possible minimize the consequences of accidents.

Measures in the event of disappearance

Article 17
Carrier shall, in the event of disappearance of hazardous substance during transport, undertake necessary measures to detect it and inform Ministry and administration body competent for police affairs about danger which hazardous substance represents and, depending on the type and quantity of hazardous substance, ministry competent for health affairs, environmental protection and inspection tasks.

Measures in the event of accident

Article 18
In the event of an accident the carrier is obliged to provide, collect and remove hazardous substance or to otherwise make it harmless and inform the Ministry, and depending on the types and quantities of hazardous substances also state authority responsible for public health, administrative body in charge of environmental protection, administrative body competent for police affairs and administrative body responsible for inspection tasks. If the carrier is unable to collect, remove, place in a specific location, or otherwise secure the dropped or spilled hazardous substances, the Ministry shall invite a business company, another legal person or an entrepreneur that has the technical means for the execution of such work, to do so at the expense of the carrier.

If, due to a malfunction on the transport vehicle or in the event of a traffic accident, spilled or dropped hazardous substance should be reloaded, reloading is performed by the carrier off the road, where he is obliged to take the necessary safety measures, with the presence of the administrative authority responsible for police affairs.

Obligations of the consignee

Article 19
The consignee is obliged to:
1) promptly take over the hazardous substance and secure a location for unloading or dispensing of hazardous substances from the presence of other vehicles and persons;
2) secure the necessary equipment for loading or dispensing of hazardous substances;
3) perform the unloading and dispensing of hazardous substances in the manner prescribed by law and international agreement;
4) remove hazardous substances spilled during unloading or dispensing;
5) clean or perform decontamination of transport vehicle and cargo space and secure that warning signs, inscriptions, tags and labels for marking hazardous content are removed after the cleaning and decontamination of the transport vehicle;

6) unload or dispense of hazardous substances only at a designated and specially equipped site;

7) apply additional safety measures, in accordance with the law and international agreement.

If the transport of hazardous substances is conducted by air, tasks referred to in paragraph 1 of this Article, up to the delivery of hazardous substances to the consignee, are performed by a company or an entrepreneur that executes ground handling of aircraft, cargo or mail at the airport.

Restrictions on the transport of hazardous substances

Article 20

Hazardous substances shall not be transported in the same space with food, animal feed, medicine and consumer goods which are subject to health control.

Notwithstanding paragraph 1 of this Article, in air transport hazardous substances may be transported in the same space with cargo or goods referred to in paragraph 1 of this Article, if they meet the requirements set in accordance with international agreement.

2. Packing of hazardous substances

Packaging

Article 21

Packaging must be:

1) made to secure protection of people’s life and health and the environment during transportation and manipulation of hazardous substances;

2) closed and impermeable, in order to prevent loss or spilling of content during transport (due to vibration or temperature fluctuation, humidity or change in pressure, altitude etc.);

3) together with caps, in all parts enough solid and strong to disable loosening during transport;

4) sealed in accordance with the manufacturer’s instructions;

5) sufficiently resistant to withstand impacts that occur during transport, including reloading between transport vehicles and between transport vehicles and storage facilities, as well as any removal from a pallet or outer container for subsequent manual or mechanical handling;

6) made of materials that may not generate hazardous compounds with a hazardous substance which it contains;

7) fulfilling additional requirements in accordance with international agreement.

If a hazardous substance is packed in packaging that is sensitive to moisture, cargo space in the transport vehicle in which such package is located must be protected from moisture and shielded by an impermeable cover.
Empty and uncleaned packaging

Article 22
Empty uncleaned tanks in which hazardous substances are placed must be closed and marked in the same way as if they are filled with hazardous substance.
Transport vehicles which transport tanks from this Article paragraph 1 must be marked in the same way as vehicles which transport tanks filled with hazardous substance.
Reusable packaging must not be re-used before being examined to determine whether it is in any way become inadequate. When reusing, packaging must be thoroughly cleaned, or in other ways adequately adjusted for the purpose.

Package labeling

Article 23
Packaging manufacturer is obliged to label the packaging placed on the market in accordance with international agreement.

Prohibition on labeling packaging and transport vehicle

Article 24
It is forbidden to label packaging and transport vehicles that do not transport hazardous substances with warning signs, inscriptions, tags and labels that indicate hazardous content.

Transport vehicles

Article 25
Transport vehicles carrying hazardous substances have to be technically functional, constructed, equipped and clearly marked in accordance with the law and international agreement.

3. Special safety measures for transport of hazardous substances and persons participating in transport of hazardous substances in road and rail traffic

Safety advisor

Article 2
Carrier in road and rail traffic, as well as the shipper and the consignee, are obligated to designate from among the employees or to hire by contract at least one person responsible for the safety of transport of hazardous substances, who has at least the sixth level of the national qualifications framework and a certificate as proof of competence for the safety in transport of hazardous substances issued in accordance with the law and international agreement (hereinafter referred to as safety advisor).
Number of safety advisors at the carrier in railway traffic is determined depending on the number of employees and qualified personnel for tasks pertinent to transport of hazardous substances, the workload of employees in the transport of hazardous substances, as well as employees on prevention of technical and technological hazards in the transport of hazardous substances. Detailed criteria for determining the number of safety advisors referred to in paragraph 2 of this Article shall be prescribed by the state authorities in charge of traffic.
Information and records on safety advisor

Article 27

Subjects from Article 26 paragraph 1 of this Law are obliged to not later than 15 days from the date of entry, i.e. engagement of safety advisors, provide the Ministry with information on the safety advisor, as well as to inform the Ministry of any changes regarding this information within five days.

About information referred to in paragraph 1 of this Article, the Ministry shall keep records. More detailed information referred to in paragraph 1 of this Article, the content and manner of keeping records referred to in paragraph 2 of this Article shall be prescribed by the Ministry.

Tasks of safety advisor

Article 28

The safety advisor:
1) follows regulations and international agreements in the field of transport of hazardous substances;
2) controls the handling of hazardous substances;
3) monitors the implementation of safety measures prescribed by this law and international agreement;
4) implements appropriate accident prevention measures;
5) checks the equipment used in transport and loading or unloading of hazardous substances;
6) determines the application of appropriate measures in the event of an accident;
7) advises employees who perform tasks related to transport of hazardous substances;
8) monitors the training of employees in relation to transport of hazardous substances and keeps records of their training;
9) writes an annual report on the implementation of safety measures in transport of hazardous substances;
10) performs other tasks in accordance with the law and international agreement.

The subjects from Article 26 paragraph 1 of the Law are obliged to submit the annual report referred to in paragraph 1, item 9 of this Article, to the Ministry no later than the 1st of March of the current year for the previous year.

Detailed contents of the records and reports referred to in paragraph 1, points 8 and 9 of this Article are prescribed by the Ministry.

Education and training of safety advisors

Article 29

Education and training of candidates for safety advisors shall be conducted by an organization for adult education which has a license to operate (hereinafter referred to as training organizer) in accordance with the regulations governing the field of education.

Education and training of candidates referred to in paragraph 1 of this Article, shall be conducted according to the program of education in accordance with the regulations governing adult education.

The program referred to in paragraph 2 of this Article, depending on the type of transport, must be in accordance with the European Agreement concerning the International Carriage of Hazardous Goods by Road (hereinafter ADR) and The Convention concerning International Carriage by Rail (COTIF), Appendix C – Regulation Concerning the International Carriage of hazardous goods by Rail (hereinafter referred to as RID).
ADR and RID ordinance shall be published on the website of the Ministry.

Knowledge assessment

Article 30
Knowledge assessment of the applicants for safety advisors is to be conducted by a committee formed by the Ministry.
The members referred to in paragraph 1 of this Article, consist of representatives from ministries, state administration competent for traffic affairs and the Center for Vocational training.
More detailed manner of organizing and conducting of assessment referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

Certificate

Article 31
Certificate of competence for safety in transport of hazardous substances from Article 26 paragraph 1 of this Law shall be issued by the Ministry.
Certificate referred to in paragraph 1 of this Article is valid for five years.
The Ministry shall keep the records on issued certificates referred to in paragraph 1 of this Article. Certificate of competence for safety in transport of hazardous substances issued by the competent authority of another country is valid in Montenegro.
The form of the certificate referred to in paragraph 1 of this Article, as well as more detailed manner and procedure of nostrification of foreign certificates referred to in paragraph 4 of this Article are prescribed by the Ministry.

Persons involved in loading and unloading of hazardous substances

Article 32
Persons involved in loading and unloading of hazardous substances in road and railway traffic must have at least Level IV of the National qualifications framework and a certificate of proficiency to perform the tasks of loading and unloading of hazardous substances issued in accordance with this Law.

Education and training of persons involved in loading and unloading of hazardous substances

Article 33
Education and training of persons from Article 32 of this Law is to be conducted by a training organizer, in accordance with the regulations governing the field of education, under the program which must be in accordance with the ADR and RID.
Education and training of persons referred to in paragraph 1 of this Article, shall be conducted under the training program in accordance with the regulations governing the adult education.

Knowledge assessment

Article 34
Knowledge assessment of persons referred to in Article 33 of this Law is to be conducted by a committee formed by the Ministry.
The members referred to in paragraph 1 of this Article, consist of representatives from ministries, state administration competent for traffic affairs and the Center for Vocational training.
More detailed manner of organizing and conducting of assessment referred to in paragraph 1 of
Certificate

**Article 35**
Certificate of competence for loading and unloading of hazardous substances is issued by the Ministry. Certificate referred to in paragraph 1 of this Article is valid for five years. The Ministry shall keep the records on issued certificates referred to in paragraph 1 of this Article. The form of the certificate referred to in paragraph 1 of this Article is prescribed by the Ministry.

Certificate of driver proficiency

**Article 36**
The driver must possess a certificate of competency for the transport hazardous substances by class of hazardous substance (hereinafter referred to as a certificate of driver proficiency). Certificate of driver proficiency is issues on request of a candidate for a driver who:
1) has at least Level III of the National qualifications framework,
2) holds a driving license for the relevant category of vehicles, and
3) has a proof of professional competence as a driver.
More detailed contents of the request referred to in paragraph 2 of this Article shall be prescribed by the Ministry.

Education and training of drivers

**Article 37**
Education and training of candidates for the driver is conducted by a training organizer in accordance with the regulations governing the field of education, under a program which must be in accordance with the ADR. Education and training of candidates referred to in paragraph 1 of this Article, shall be conducted under the program of education in accordance with the regulations governing adult education. Knowledge assessment of the candidates is to be conducted by a committee formed by the Ministry. Committee members referred to in paragraph 3 of this Article consists of representatives from the Ministry, public administrations competent for traffic affairs and the Center for Vocational Education. Training organizer shall issue a certificate of driver proficiency and keep records of issued certificates. More detailed manner of organizing and conducting of assessment referred to in paragraph 3 of this Article shall be prescribed by the Ministry.

Issuance of certificates

**Article 38**
Certificate of driver proficiency is issued by the Ministry. Certificate of driver proficiency is valid for five years since the date of knowledge assessment referred to in Article 37 paragraph 5 of this Law. The Ministry may, upon issuing the certificate referred to in paragraph 1 of this Article, use data from other prescribed records kept.
In the case referred to in paragraph 3 of this Article, the Ministry shall provide for the protection of data used, in accordance with the law.

**Form of certificate**

**Article 39**

Certificate of driver proficiency is issued on the form designed by the Ministry in accordance with ADR.

The Ministry may entrust a legal entity to produce the forms for certificate referred to in paragraph 1 of this Article, in accordance with the regulations governing public procurement. In the case referred to in paragraph 2 of this Article, the right of the Ministry to review and examine documents related to the process of production, storage and delivery of forms of certificates is contractually regulated.

Compensation for production costs for the form of certificates of driver proficiency shall be covered by the applicant.

The form of certificates of driver proficiency is prescribed by the Ministry.

**Records**

**Article 40**

The Ministry shall keep records of issued certificates of driver proficiency, in electronic form.

Detailed contents of the records referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

**Reimbursement of expenses**

**Article 41**

Reimbursement of the costs of education and training, as well as the knowledge assessment of applicants for safety advisors, persons involved in the loading and unloading of hazardous substances and candidates for drivers, shall be borne by those candidates, or a company, other legal entity or an entrepreneur that employs them.

The amount of the expenses referred to in paragraph 1 of this Article is determined by the Government of Montenegro (hereinafter: the Government), upon proposal from the Ministry.

**IV. APPROVAL FOR TRANSPORT OF HAZARDOUS SUBSTANCES**

**Hazardous substances that require approval**

**Article 42**

Transport of explosives, poisons and radioactive materials in road and rail traffic can be conducted only if an approval for the transport is issued in accordance with the law.

In the process of acquiring approval under paragraph 1 of this Article, the provisions of the law governing administrative procedure shall be met, unless this Law states otherwise.

**Approval to transport of explosive substances**

**Article 43**

Ministry issues approval to transport explosive substances.
Approval from this Article paragraph 1 contains:
1) information on the manufacturer, shipper, carrier and consignee;
2) UN number and classification code, data on the total quantity of explosive materials per unit of transport (gross / net weight) and packaging;
3) indication of type and label of transport vehicle; (license plate etc.);
4) name of entering or outgoing border crossing point;
5) location of loading and unloading;
6) direction (itinerary);
7) date and approximate hour when transport started ;
8) code number of certificates of validity for transport vehicle transporting explosives;
9) name, surname and ID number of the driver and assistant driver;
10) number of certificate of driver proficiency for driver and assistant driver who transport explosives.
The approval referred to in paragraph 1 of this Article may also contain special requirements if necessary to protect human life and health, property and environment.

Contents of request for issuing approval to transport explosives

Article 44

Request for issuing approval to transport explosive substances is submitted by shipper, carrier, freight forwarder, or consignee of explosive substances.
Request from this Article paragraph 1 contains:
1) information on the manufacturer, shipper, carrier and consignee;
2) UN number and classification code, data on the total quantity of explosive materials per unit of transport (gross / net weight) and packaging;
3) indication of type and label of transport vehicle; (license plate etc.);
4) name of entering or outgoing border crossing point;
5) location of loading and unloading;
6) direction (itinerary);
7) date and approximate hour when transport started ;

With the request referred to in paragraph 2 of this Article, the applicant shall submit the following documents:
1) import and export licenses (end user certificate);
2) approval of procurement issued in accordance with the law regulating explosive substances;
3) certificate on regularity of transport vehicle transporting explosive substances;
4) approval of the competent authority in the neighboring country if the transport is conducted outside of Montenegro;
5) transportation document and instruction from Article 12 of this Law;
6) certificate of driver proficiency for driver and assistant driver transporting explosives;
7) evidence of insurance of explosive substances in case of damage caused to third parties.
The Ministry may, if necessary, in order to protect human life and health, property and environment, request additional information from the applicant regarding the transport of hazardous substances.

Approval to transport of toxins

Article 45
Approval to transport toxins, other than substances that can be used in the manufacture of narcotic drugs and psychotropic substances (precursors), is issued by the administrative authority responsible for environmental protection, in agreement with the Ministry.

Approval from this Article paragraph 1 contains:

1) information on the manufacturer, shipper, carrier and consignee;
2) UN number and classification code, data on the total quantity of toxins per unit of transport (gross / net weight) and packaging;
3) indication of type and label of transport vehicle; (license plate etc.);
4) name of entering or outgoing border crossing point;
5) location of loading and unloading;
6) direction (itinerary);
7) date and approximate hour when transport started;
8) code number of certificates of validity for transport vehicle transporting toxins;
9) name, surname and ID number of the driver;
10) number of certificate of driver proficiency for driver transporting toxins.

The approval referred to in paragraph 1 of this Article may also contain special requirements if necessary to protect human life and health, property and environment.

Contents of request for issuing approval to transport toxins

Article 46

Request for issuing approval to transport toxins is submitted by shipper, carrier, freight forwarder, or consignee of toxins.

Request from this Article paragraph 1 contains:

1) information on the manufacturer, shipper, carrier and consignee;
2) UN number and classification code, data on the total quantity of toxins per unit of transport (gross / net weight) and packaging;
3) indication of type and label of transport vehicle; (license plate etc.);
4) name of entering or outgoing border crossing point;
5) location of loading and unloading;
6) direction (itinerary);
7) date and approximate hour when transport started;

With the request referred to in paragraph 2 of this Article, the applicant shall submit the following documents:

1) certificate on regularity of transport vehicle transporting toxins;
2) certificate of driver proficiency for driver and assistant driver transporting toxins;
3) transportation document and instruction referred to in Article 12 of this Law;
4) evidence of insurance of toxins in case of damage caused to third parties.

The administrating body responsible for issuance may, if necessary, in order to protect human life and health, property and environment, request additional information from the applicant regarding the transport of hazardous substances.

Approval to transport of radioactive substances

Article 47

Approval to transport radioactive substances is issued by the administrative authority responsible for environmental protection, in agreement with the Ministry.
Approval from this Article paragraph 1 contains:

1) information on the manufacturer, shipper, consignee and packer;
2) UN number and classification code, name and type of radioactive substance;
3) information on the intensity of radioactive radiation sources (transport index, individual and total activity of radioactive substance);
4) indication on the total quantity of toxins per unit of transport (gross / net weight);
5) indication of type and label of transport vehicle; (license plate etc.);
6) name of entering or outgoing border crossing point;
7) location of loading and unloading;
8) direction (itinerary);
9) date and approximate hour when transport started;
10) code number of certificates of validity for transport vehicle transporting radioactive substances;
11) name, surname and ID number of the driver;
12) number of certificate of driver proficiency for driver transporting radioactive substances.

The approval referred to in paragraph 1 of this Article may also contain special requirements if necessary to protect human life and health, property and environment.

Contents of request for issuing approval to transport radioactive substances

Article 48

Request for issuing approval to transport radioactive substances is submitted by shipper, carrier, freight forwarder, or consignee of radioactive substances.

Request from this Article paragraph 1 contains:

1) information on the manufacturer, shipper, carrier and consignee;
2) information about the company, other legal entity or an entrepreneur who conducted the packing;
3) name and type of radioactive substance;
4) information on the intensity radioactive sources (transport index, individual and total activity of radioactive substance);
5) indication of type and label of transport vehicle; (licence plate etc.);
6) name of entering or outgoing border crossing point;
7) location of loading and unloading;
8) direction (itinerary);
9) date and approximate hour when transport started;

With the request referred to in paragraph 2 of this Article, the applicant shall submit the following documents:

1) permit to conduct transport of radioactive substances;
2) copy of approval for the manufacture, transport and use of radioactive substance to be transported;
3) proof of safety of packaging;
4) transportation document and instruction referred to in Article 12 of this Law;
5) itinerary of special safety equipment;
6) instruction in the event of an accident;
7) certificate on regularity of transport vehicle transporting radioactive substances;
8) certificate of driver proficiency for driver transporting radioactive substances;
9) opinion of legal person who has permission to perform tasks on protection against ionizing radiation, in accordance with the law governing protection against ionizing radiation and radiation safety;
10) evidence of insurance of toxins in case of damage caused to third parties.

The administrating body responsible for issuance of approval to transport radioactive substances may, if necessary, in order to protect human life and health, property and environment, request additional information from the applicant regarding the transport of such hazardous substances.

Validity of the approval

Article 49
Approval to transport hazardous substances from Art. 43 and 45 of this Law shall be issued for a period of 30 days, and the approval from Article 47 of this Law for a period of 90 days.

Approval for multiple transports

Article 50
Holder of the approval to transport explosives and toxins, can be granted approval for multiple transports of these substances in road traffic with a validity of 30 days, in cases where transport of identical amounts of these substances is always done at the same time (day and hour) on the same road (itinerary) and with the same vehicle.

Holder of the approval to transport radioactive substances may be granted approval for multiple transports of the substances in road traffic, with a validity period of 90 days, and is bound to submit the travel direction (itinerary), start date and duration of transport and other required information to administrative authority for environmental protection.

The approval referred to in paragraph 2 of this Article shall indicate the amount of radioactive material or radioactive sources of ionizing radiation and their total activity.

Notification of transport

Article 51
The holder of the approval to transport hazardous substances shall, at least 24 hours prior to transport, inform the Ministry, ie administrative authority responsible for police affairs on border crossings about which hazardous substances are transported, and when it comes to the transport of radioactive materials, also the administrative authority for Inspection.

V. TRANSPORT OF HAZARDOUS SUBSTANCES BY TYPE OF TRANSPORT

1. Transport of hazardous substances by road

Implementation of safety measures

Article 52
During transport of hazardous substances by road, despite safety measures for transport of hazardous substances prescribed by this Law, provisions of the European Agreement concerning
the International Carriage of Hazardous Goods by Road – ADR, shall also be implemented.

**Obligation of carrier**

**Article 53**

The carrier may entrust transport of hazardous substances by road only to a driver who holds a certificate of driver proficiency.

**Obligation of driver**

**Article 54**

The driver may transport hazardous substance if they:

1) possess a valid certificate of driver proficiency;
2) possess a validation certificate for the transport vehicle transporting hazardous substances;
3) clearly mark the packaging and transport vehicle with appropriate warning signs and signs that denote hazardous content;
4) hold evidence of insurance against liability for damage caused to third parties from Article 15, paragraph 1, item 6 of this Law;
5) have the transportation document and instruction from Article 12 of this Law, as well as additional equipment in accordance with the ADR.

**Prohibition of transport with other hazardous substances**

**Article 55**

Packages with different warning labels must not be transported together in the same transport vehicle, unless the joint transport is permitted in accordance with the ADR. Explosive substances and their propellants should not be transported together in the same cargo space of the transport vehicle.

The prohibition referred to in paragraph 2 of this Article does not apply to the transport of objects filled with explosive substances where the means of ignition were integrated during manufacturing (ammunition, anti-hail rockets, commercial ammunition, etc.).

Explosive substances cannot be transported in the driver's cabin and space intended for the transport of persons.

**Safety measures**

**Article 56**

During loading, transport and unloading of hazardous substances, driver is obliged to implement safety measures in accordance with this Law and the ADR.

Transport vehicles carrying hazardous substance may only move on roads designated for the movement of these vehicles, stop and park only in places designated and marked for this type of vehicles.

When passing through tunnels, transport vehicles transporting hazardous substance must undertake special safety measures.

Roads for movement and places to stop and park for vehicles referred to in paragraph 2 of this Article, as well as special safety measures for the transport of hazardous substances through tunnels are prescribed by the state administrations in charge of transport, in agreement with the Ministry.

**Certificate on regularity of transport vehicle transporting hazardous substances**

**Article 57**
Certificate on regularity of transport vehicle transporting hazardous substances is issued by a legal entity appointed by the ministry, upon confirming the regularity of the vehicle. Certificate referred to in paragraph 1 of this Article, is issued for a period of one year. The legal entity referred to in paragraph 1 of this Article informs the Ministry on issued certificates on regularity of transport vehicles transporting hazardous substances. Form of certificate referred to in paragraph 1 of this Article is prescribed by the Ministry.

**Requirements for legal entity issuing certificate**

**Article 58**

Legal entity referred to Article 57, paragraph 1 of this Law, must provide:

1) facility with access and exit traffic routes;
2) devices and equipment for carrying out inspection of vehicles;
3) qualified personnel.

Detailed requirements in paragraph 1 of this Article are prescribed by the Ministry.

**Inspection of transport vehicles**

**Article 59**

Legal entity referred to Article 57, paragraph 1 of this Law, performs the inspection of vehicles for the transport hazardous substances pertaining to: electrical equipment, braking systems, fire safety, speed limit, devices to connect tractor and trailer vehicles, labeling of vehicles, exhaust system, fuel engine, equipment and systems for filling and emptying cisterns, protection from static electricity and additional equipment, that must be in accordance with the ADR. Inspection referred to in paragraph 1 of this Article, shall be done only on technically functional vehicles pursuant to the regulations governing road traffic safety.

Upon inspecting transport vehicles as referred to in paragraph 1 of this Article, a record must be written, the content and form of which are prescribed by the Ministry.

**Request for vehicle inspection and issuance of certificate**

**Article 60**

Request for vehicle inspection and issuance of certificate for transport vehicles transporting hazardous substances shall be submitted by the carrier. The request referred to in paragraph 1 of this Article shall contain information on:

1) the applicant (name and address of the company, other legal entity, name and address of the entrepreneur);
2) vehicle (model, type, chassis number, year of manufacture, body shape and type of hazardous substances being transported).

In addition to request referred to in paragraph 1 of this Article, the applicant shall submit:

1) copy of registration certificate;
2) record of the technical inspection.

**Expenses of vehicle inspection and issuance of certificates**

**Article 61**

Expenses of vehicle inspection and issuance of certificates for transport vehicles transporting hazardous substances shall be borne by the applicant.

Reimbursement of expenses of vehicle inspection and issuance of certificates referred to in paragraph 1 of this Article, is establish by the legal entity referred to in Article 57, paragraph 1 of this Law, while the maximum amount of reimbursement is determined by the Government.
Records

Article 62
Records of issued certificate on regularity of transport vehicle transporting hazardous substances are kept by the legal entity referred to in Article 57, paragraph 1 of this Law. The records referred to in paragraph 1 of this Article, contain information on:

1) issued certificates on regularity of transport vehicle transporting hazardous substances - number and date of issuance;
2) the applicant - name, place, ie name, surname and address;
3) transport vehicle transporting hazardous substances - brand, model, type, chassis number, year of manufacture, body shape and type of hazardous substances being transported.

2. Transport of hazardous substances by rail

Implementation of safety measures

Article 63
During transport of hazardous substances by rail, safety measures for transport of hazardous substances regulated by this Law are implemented, and provisions of Rulebook on the International Carriage of Hazardous Substance by Rail – RID.

Prohibition on transport by rail vehicles with passengers

Article 64
Hazardous substances shall not be transported by rail vehicles with passengers inside of them. Carrier in railway traffic is obliged to transport hazardous substances in rail vehicles for transportation of goods, in accordance with the law and RID.

The rail vehicles carrying hazardous substances must be labeled and marked with warning signs and labels indicating hazardous content.

Passenger may not carry hazardous substances as hand luggage, or hand over as cargo, or put in a vehicle that is being transported by train.

Rail vehicle manoeuvring

Article 65
Rail vehicles loaded with hazardous substances may be manoeuvred only if proper safety measures are previously carried out, in accordance with the law and RID. Carriers in railway traffic are obliged to safeguard hazardous substances that are being transported, from the moment of shipment to the moment of delivery.

3. Transport of hazardous substances by air

Implementation of regulations

Article 66
During transport of hazardous substances by air, provisions of Annex 18 (the safe transport of hazardous goods by air) shall be implemented including Convention on International Civil Aviation, as well as Technical Instructions For The Safe Transport of Hazardous Goods by Air (ICAO Doc. 9284 AN/905) along with that annex (hereinafter referred to as Technical Instructions).
Terms of transport

Article 67

Aircrafts cannot transport hazardous substances whose transport is prohibited in accordance with the technical instructions. Nonetheless, the transport of hazardous substances referred to in paragraph 1 of this Article may be allowed in the airspace of Montenegro, based on a decision on the exemption from the prohibitions in accordance with the technical instructions, which is issued by an independent legal entity in charge of Civil Aviation (hereinafter: the Agency for Civil Aviation), with the consent of the competent authorities in state administration, depending on the types of hazardous substances.

The decision referred to in paragraph 2 of this Article shall be issued only for single air transportation and valid for 24 hours.

The decision referred to in paragraph 2 of this Article shall be issued at the request of the shipper.

The prohibition in paragraph 1 of this Article applies to foreign aircrafts flying over the territory of Montenegro.

Obligation of shipper and freight forwarder

Article 68

Shipper or freight forwarder may not submit hazardous substance for air transport as other goods or cargo.

Obligation of postal operator

Article 69

Registered postal operator shall establish procedures to control the presence of hazardous substances in mail deliveries, with the consent of the Agency for Civil Aviation.

Obligation of carrier

Article 70

Air carriers may not transport hazardous substances in the passenger deck or cockpit, unless otherwise determined by technical instructions.

Air carriers shall:

1) deliver a written notice to the pilot on the hazardous substances that are transported in the aircraft, in accordance with the technical instructions;

2) enter the required information in operation manual necessary for the employees to perform tasks pertaining to the transport of hazardous substances;

3) deliver the operation manual to persons involved in the handling of aircraft, passengers, baggage, cargo and/or mail and providing other ground services;

4) inform employees on current regulations and international standards relating to the transport of hazardous substances and ensure their professional and vocational training;

5) ensure that the aircraft provides instructions for emergency response in the event of aircraft accidents caused by hazardous substances (ICAO Doc. AN/928 9481);

6) keep records on transportation of hazardous substances for at least three months and submit it to the Agency for Civil Aviation.

Handling of emergency situations

Article 71
In the event of compromising safety, accidents and serious incidents related to the transport of hazardous substances, pilot and other members of staff associated with the transport of hazardous substances must act in a manner prescribed by the guidelines for emergency responses in the event of aircraft accidents caused by hazardous substances (ICAO Doc. 9481 AN / 928).

Obligation to inform

Article 72
In the event of accidents and aircraft incidents and other events that jeopardize safety of the aircraft associated with the transport of hazardous substances, as well as violations of regulations on the transport of hazardous substances by air, the carrier shall submit a report to the Agency for Civil Aviation and the competent authorities in charge of civil aviation of the state where the incident occurred in accordance with the technical instructions.

4. Transport of hazardous substances by sea

Implementation of safety measures

Article 73
Besides safety measures for transport of hazardous substances regulated by this Law during transport of hazardous substances by sea, the provisions of International Convention for the Prevention of Pollution from Ships by Protocol shall also apply, as well as safety and security measures determined by ratified international agreements in the field of sea navigation.

VI. INSPECTION SUPERVISION

Inspection supervision over enforcement of the law

Article 74
Inspection supervision over enforcement of this Law and regulations adopted based on this Law, in accordance with law which defines inspection supervision, is performed by: the Ministry, Ministry competent for traffic and maritime affairs, administrative body competent for education, administrative body competent for environmental protection, administrative body competent for inspection, and the Agency for Civil Aviation.

Performing inspection supervision

Article 75
Inspection supervision is performed by:

1) inspection for explosives, flammable liquid and gas matter in relation to transport of hazardous substances of Class 1, 2, 3, 4.1, 4.2, 4.3 by road, in cooperation with the inspection for road safety and environmental inspection;

2) environmental inspection in relation to the transport of hazardous substances of Class 5.1, 5.2, 6.1, 6.2, 7, 8 and 9 by road, in cooperation with the inspection of road safety;

3) inspection for rail traffic in relation to the transport of hazardous substances of all classes by rail, in cooperation with the inspection of explosives, flammable liquid and gas matter and environmental inspection;

4) inspection of navigational safety in relation to the transport of hazardous substances of all classes by sea, in cooperation with the inspection of explosives, flammable materials, liquid
and gas matter and environmental inspection;

5) inspection of air transport in relation to the transport of hazardous substances of all classes by air in cooperation with the inspection of explosives, flammable materials, liquid and gas matter and environmental inspection.

**Inspector jurisdiction**

**Article 76**

When performing the inspection, the authorized inspectors referred to in Article 75 paragraph 1 of this Law, shall be authorized to:

1) order to remove the irregularities found within a specified time period;

2) prohibit further transport and handling of hazardous substances by persons who are not professionally trained for transport and handling of hazardous substances;

3) prohibiting further transport to vehicles which do not possess a certificate on regularity of transport vehicle for transportation of hazardous substances;

4) temporarily prohibit specific actions related to transport (preparation for transport, loading, handling and unloading) of hazardous materials, if the place to perform these actions does not meet the prescribed requirements;

5) prohibit the carrier to transport hazardous substances if they determined that during preparation for transport or during transport there were omissions with respect to implementing safety measures.

6) prohibit the legal entity performing activities of education and training of safety advisers, persons involved in the loading and unloading of hazardous substances and drivers, when determined that the performance of these tasks is not in accordance with the law.

**Road supervision**

**Article 77**

Supervision of the transport of hazardous substances is conducted by relevant inspector assisted by a police officer.

At the request of the competent inspector, driver is obliged to grant access to the documentation and allow an inspection of vehicle and additional equipment, review of hazardous substances and taking a required sample of hazardous substances for analysis, if necessary.

The amount of sample taken under paragraph 2 of this Article may not be subject to reimbursement.

Inspector performing the inspection shall, upon completion, deliver a copy of the record of inspection to the driver. The driver is obliged to show a copy of the inspection supervision record on re-inspection, at the request of the inspector.

Driver of the vehicle transporting hazardous substances is obliged to allow inspection of vehicle on-site or at an appropriate location chosen by the inspector.

The appropriate location for vehicle inspection pursuant to paragraph 6 of this Article, is a place where the vehicle can stop or park without disturbing other road users, and troubleshoot identified deficiencies.

The content and the form of the report referred to in paragraph 4 of this Article is prescribed by the Ministry.

**Temporary prohibition or termination of transport**

**Article 78**

If the road inspection confirms irregularities classified by risk categories established by
international agreement, the competent authority may temporarily prohibit the further transport of hazardous substances to order measures to eliminate irregularities, or take other measures in accordance with the law governing inspection.

The measures referred to in paragraph 1 of this Article can be applied, ie irregularities can be removed at the place where the inspection was conducted, if this does not endanger the lives and health of people, environment or material goods, and traffic safety.

If a competent inspector temporarily prohibits the further transport of hazardous substances, the vehicle can move only in accordance with his instructions.

In case that the driver of the vehicle transporting hazardous substances refuses to act in the manner described in paragraphs 1 and 3 of this Article, competent authority may exclude the vehicle from traffic at the expense of the carrier, keeping it in the area where it does not pose a risk to human life and health, the environment, or property, and traffic safety.

If the vehicle is damaged in an accident, the police officer who conducted the inspection, may revoke the certificate on regularity of transport vehicle transporting hazardous substances and inform the Ministry.

**Supervision of shipper, carrier, and consignee**

**Article 79**

Competent inspector may, preventively or upon establishing an irregularity during inspection supervision in transport of hazardous substances by road, carry out inspections of the shipper, carrier or consignee of hazardous substances, or companies, other legal entities or entrepreneurs or natural persons who are engaged in activities related to the transport of hazardous substances.

Commercial companies, other legal entities and entrepreneurs referred to in paragraph 1 of this Article shall allow the competent inspector to review vehicles, as well as to access documentation relating to the transport of hazardous substances.

The irregularities referred to in paragraph 1 of this Article must be removed before the vehicle departs from the place where the inspection was conducted.

**Entering the territory of Montenegro**

**Article 80**

When a police officer performing border control of transport vehicles transporting hazardous substances which are registered in another state determines irregularities, he shall prohibit the entry of the vehicle into the territory or exit from the territory of Montenegro.

When a police officer performing border control of transport vehicles transporting hazardous substances which are registered in Montenegro determines irregularities, the vehicle shall be excluded from traffic until the irregularities are eliminated, and he shall inform the competent inspection.

Police officer performing border control is obliged to examine the certificate of driver proficiency to operate a transport vehicle transporting hazardous substances, certificates on regularity of vehicles transporting hazardous substances and evidence of insurance against liability for damage to third parties.

If the police officer should find that there are irregularities in the documents referred to in paragraph 3 of this Article or that the driver does not possess these documents, the vehicle shall be excluded from traffic, and he shall inform the competent inspection.

**Annual report**

**Article 81**
State administration body in charge of transport and maritime affairs, the administrative body responsible for environmental protection, the administrative body responsible for inspection, and the Agency for Civil Aviation are obliged to submit their annual reports on the implementation of inspection from Article 74 of this Law to the Ministry, for the previous year, no later than the end of February of the current year.

The annual report referred to in paragraph 1 of this Article shall include:

1) established or estimated amount of transported hazardous substances, if possible;
2) number of completed inspections;
3) number of inspected vehicles, classified by country of registration;
4) number and types of the violations committed due to irregularities per risk categories from Article 78 paragraph 1 of this Law;
5) number and type of measures taken.

The Ministry, pursuant to the data collected, compiles a summary annual report, which is submitted to international bodies responsible for controlling transport of hazardous substances, in accordance with international agreements.

The form of the annual report referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

**VII. PENALTY PROVISIONS**

**Article 82**
Misdemeanour of a legal person shall be fined with amount of from 500 euros up to 20,000 euros, if:

1) the location of loading or unloading of hazardous substances is not supplied with appliances or other devices for fire extinguishing, there is no adequately secured and visibly highlighted labels of hazardous content (Article 6, paragraph 2);
2) control of the functionality of devices and the electrical wiring in places of loading or unloading of hazardous substances is not conducted, there are no adequate safety technical systems, equipment and other resources to protect against fire and explosion and failure to keep adequate records (Article 7, paragraph 2);
3) the place of loading or unloading of hazardous substances contains devices and substances that can cause a fire or allow its expansion (Article 8, paragraph 1, item 1);
4) the place of loading or unloading of hazardous substances contains an open flame or working with open flames (welding, etc.) (Article 8, paragraph 1, item 2);
5) at the point of loading or unloading of hazardous substances there is no ban on smoking and use of ignition agents (matches, lighters, etc.). (Article 8, paragraph 1, item 3);
6) at the point of loading or unloading of hazardous substances or devices using funds that have furnaces (Article 8, paragraph 1, item 4);
7) at the point of loading or unloading of hazardous substances these is use of tools or other devices that spark (Article 8, paragraph 1, item 5);
8) at the point of loading or unloading of hazardous substances a surface power line is placed regardless of voltage (Article 8, paragraph 1, item 6);
9) at the point of loading or unloading of hazardous substances motor engines are put in operation (Article 8, paragraph 1, item 7);
10) at the point of loading or unloading of hazardous substances presence of persons not directly involved in the loading or unloading of the goods is not prohibited (Article 8, paragraph 1, item 8);

11) loading or unloading of hazardous goods by night without electric lighting or electrical wiring or by using lighting designed so that it can cause a fire or explosion (Article 9, paragraph 2);

12) at the railway station, port or airport the loading or unloading of hazardous substances is not conducted in special places designated by the competent government authority responsible for the protection and rescue services (Article 10);

13) transporting hazardous substances which are prohibited for transport (Article 11, paragraph 1 item 1);

14) transporting hazardous substances before it is approved (Article 11, paragraph 1, item 2);

15) transporting hazardous goods in packages that do not meet the requirements of Article 21 of this Law (Article 11, paragraph 1, item 3);

16) transportation document for transport of hazardous substances or instruction for special safety measures from Article 12 of this Law are not submitted (Article 11, paragraph 1, item 6);

17) transporting hazardous goods whose transport is prohibited (Article 15, paragraph 1, item 1);

18) does not possess an approval to transport hazardous substances (Article 15, paragraph 1, item 2);

19) vehicle is not properly loaded and burdened in accordance with the maximum permitted amount of hazardous substances (Article 15, paragraph 1, item 5);

20) there is no evidence of insurance against liability for damage caused to third parties (Article 15, paragraph 1, item 6);

21) does not hold a certificate on the transport of hazardous substances and instructions for special safety measures in accordance with Article 12 of this Law (Article 15, paragraph 1, item 7);

22) does not hold an appropriate certificate that meets the requirements for transport of hazardous goods by air, issued by the competent authority of the country of carriers (Article 15, paragraph 2);
23) in the case of loss of hazardous materials during transport, does not take the necessary measures to ensure that they find about the risks posed by hazardous substances, and does not inform the Ministry and the administrative body in charge of police affairs, and depending on the type and quantity of hazardous substances other competent authorities (Article 17);

24) in the event of an accident does not isolate, collect and remove hazardous substances or otherwise make them harmless and inform the Ministry, and depending on the type and quantity of hazardous substances also other relevant authorities (Article 18, paragraph 1);

25) promptly takes over the hazardous substance and fails to provide a place for unloading, or dispensing of hazardous substance away from the presence of other vehicles and persons (Article 19, paragraph 1, item 1);

26) does not provide the necessary equipment for loading or unloading of hazardous substances (Article 19, paragraph 1, item 2);

27) does not remove hazardous substance spilled during unloading or dispensing (Article 19, paragraph 1, item 4);

28) does not clean or perform decontamination of transport vehicle and cargo space and ensure that after cleaning or decontamination of the transport vehicle warning signs, inscriptions, tags and labels for denoting hazardous content are removed (Article 19, paragraph 1, item 5);

29) does not unload or dispense of hazardous substance only at a designated and specially equipped location (Article 19, paragraph 1, item 6);

30) hazardous substance are transported in the same cargo space with food, animal feed, medicine and other consumer goods which are subject to health check (Article 20 paragraph 1);

31) any discharged untreated container carrying hazardous substances is not sealed and highlighted in the same as it was when loaded with hazardous substances (Article 22 paragraph 1);

32) transport vehicle transporting containers not marked in the same way as vehicles transporting containers loaded with hazardous substances (Article 22, paragraph 2);

33) packaging and transport vehicle not transporting hazardous substances are marked by warning signs, inscriptions, tags and labels to indicate hazardous content (Article 24);

34) among the employees engaged in transportation tasks not at least one person is responsible for the safety of transport of hazardous goods (safety advisor) (Article 26, paragraph 1);

35) within 15 days of appointment of safety advisors, information is not submitted to the Ministry, as well as the Ministry is not informed on any change in such information within five days (Article 27 paragraph 1);

36) they do not submit to the Ministry, no later than March 1st of the current year for the previous year, an annual report from Article 28, paragraph 1, item 9 of this Law (Article 28, paragraph 2);

37) persons involved in the loading and unloading of hazardous goods by road and rail traffic do not possess a certificate of competence to perform the tasks of loading and unloading of hazardous goods (Article 32);

38) there is no issued certificate of driver proficiency and there are no kept records of issued certificates (Article 37, paragraph 5);
39) at least 24 hours prior to the transport they do not notify the Ministry or government authority competent for police affairs of the border crossings by which hazardous goods are transported, and when it comes to the transport of radioactive materials, also the administrative authority responsible for inspection (Article 51);

40) hazardous substances are entrusted for transport to a driver who does not possess a certificate of driver proficiency (Article 53);

41) transporting hazardous substances and their initiation agents together in the same cargo space (Article 55, paragraph 2);

42) inspection of vehicles for transport of hazardous substances fail to produce a report (Article 59, paragraph 3);

43) person referred to in Article 57 paragraph 1 of this Law fails to keep records of issued certificates of transport vehicles for transportation of hazardous substances (Article 62, paragraph 1);

44) rail vehicles carrying hazardous substances are not labelled and marked with warning signs and markings to indicate hazardous content (Article 64, paragraph 3);

45) transport of hazardous substances without an approval on the exemption from prohibition (Article 67, paragraph 2);

46) they fail to enter required notices for employees into operating manual required to perform the transport of hazardous substances (Article 70, paragraph 2, item 2);

47) operation manual is not handed to persons who perform duties of handling of aircraft, passengers, baggage, cargo and/or mail and providing other ground services (Article 70, paragraph 2, item 3);

48) does not ensure that the aircraft provides instructions for emergency situations in the event of aircraft accidents caused by hazardous substances (ICAO Doc. AN/928 9481) (Article 70, paragraph 2, item 5);

49) does not maintain records on the transport of hazardous materials for at least three months and submit them to the Agency for Civil Aviation (Article 70, paragraph 2, item 6);

50) fails to submit a report on accidents and aircraft incidents and other events that jeopardize safety of the aircraft associated with the transport of hazardous substances to the Agency for Civil Aviation and the competent authorities of civil aviation in the country where the event occurred (Article 72).

Person in charge within legal person shall be fined for misdemeanour from this Article paragraph 1 in the amount of from 00 euros up to 2.000 euros.

An entrepreneur shall be fined for misdemeanour from this Article paragraph 1 in the amount of from 300 euros up to 6.000 euros.

**Article 83**

Misdemeanour of a natural person shall be fined with amount of from 300 euros up to 2.000 euros, if:

1) before loading hazardous substances in the cargo space of the vehicle intended for the transport of hazardous substances does not check whether the cargo area and its equipment are cleaned and technically sound (Article 14, paragraph 1, item 1);

2) it loads the cargo space with hazardous which must not be transported in the specific cargo space (Article 14, paragraph 1, item 2);
3) hazardous substances in the cargo space do not comply with the prescribed level of filling - mass per liter (Article 14, paragraph 1, item 4);
4) before and after loading hazardous substances in cargo space does not verify the safety of the drainage device (Article 14, paragraph 1, item 5);
5) does not provide that no remains of hazardous substances are found on the outside of the loaded cargo space (Article 14, paragraph 1, item 6);
6) cargo space of is not filled on a specially arranged loading site (Article 14, paragraph 1, item 7);
7) does not possess a valid certificate of driver proficiency (Article 54, paragraph 1, item 1);
8) transport vehicle is transporting hazardous substances without a certificate of regularity for the transport of hazardous substances (Article 54, paragraph 1, item 2);
9) packaging and transport vehicles are not marked with warning signs and markings to indicate hazardous content (Article 54, paragraph 1, item 3);
10) there is no evidence of insurance against liability for damage caused to third parties from Article 15, paragraph 1, item 6 of this Law (Article 54, paragraph 1, item 4);
11) does not hold a transport document and instruction for special safety measures from Article 12 of this Law (Article 54, paragraph 1, item 5);
12) transportation of hazardous goods via routes that are not specific for the movement of these vehicles or stopping and parking in places not designated and marked for this type of vehicle (Article 56, paragraph 2).

VIII. TRANSITIONAL AND FINAL PROVISIONS

Initiated proceedings

Article 84

The proceedings initiated before the entry into force of this Law shall be completed by the legislation under which they were initiated.

Time limit for adoption of secondary legislation

Article 85

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

Until issuance of regulations referred to in paragraph 1 of this Article, the regulations that were in force before the entry into force of this law shall be abided, if not inconsistent with this law.

Time limit for appointing safety advisors

Article 86

Companies, other legal entities and entrepreneurs conducting the transport of hazardous substances by road and rail traffic, as well as companies, other legal entities and entrepreneurs that ship and receive hazardous substances, are obliged to within 12 months from the date of the entry into force of this law, appoint a safety advisor in terms of Article 26, paragraph 1 of this Law.

Time limit for alignment of actions of subject conducting transportation

Article 87
Companies, other legal entities and entrepreneurs who are engaged in transport of hazardous substances are obliged to align their operations in compliance with the provisions of this Law, within 12 months from the date of entry into force of this Law.

**Time limit for alignment of actions of legal entities conducting vehicle inspections**

**Article 88**

Legal entities that are authorized to perform tasks of inspection of transport vehicles transporting hazardous substances are required to align their operations and activities in accordance with this Law and the regulations adopted to implement this Law, within six months from the date of the entry into force of act referred to in Article 58 paragraph 2 of this law.

**Time limit for alignment of certificates**

**Article 89**

Certificates on driver proficiency for the transport of hazardous substances and certificates on regularity of transport vehicles transporting hazardous substances issued before the entry into force of this law, shall be valid until the expiration of their validation period issued.

Certificates of vocational training for persons handling hazardous substances or participating in the preparation for transport, loading, handling and unloading of hazardous substances, without a specified expiry date, shall be valid for five years from the date of issuance.

**Former law out of force**

**Article 90**

The Law on Transportation of Hazardous Substances ("Official Gazette of Montenegro" no. 5/08) and Article 13 of the Law Amending the Law on Monetary Fines ("Official Gazette of Montenegro" no. 40/11) shall be repealed on the day of entry into force of this Law.

**Entry into force**

**Article 91**

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