

Environment Law

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I BASIC PROVISIONS

Article 1

The Republic of Montenegro (hereinafter referred to as: the Republic) shall conform its economic and social development with the principles of environmental protection.

Article 2

The Republic institutes the logo "Ecological State of Montenegro" (hereinafter referred to as: the environmental logo) which is an identification of the Republic as the ecological state.

Ecological logo and provisions as to its use shall be stipulated by the Government of the Republic of Montenegro (hereinafter referred to as: the Government).

Article 3

The Republic ensures preservation of resources and improvement of the environmental quality, reduction of the threats to human life and health, remedy and prevention of harmful impacts on the environment with a view of safeguarding and improving the entire quality of living.

The Environment as to the provisions of this Law shall be considered as: the natural surroundings i.e. air, soil, water and sea, flora and fauna; phenomena and effects of: climate, ionizing and nonionizing radiation, noise and vibrations; as well as antropogenic surroundings: towns and other urban settlements, cultural and historical heritage, infrastructural, industrial and other facilities.

Article 4

Republican natural resources shall be used in conformity with the principles of environmental protection, the law, as well as with environmental and development policy, provided that it does not jeopardize the environment in other countries.

Objectives

Article 5

The objectives of the environmental protection are the following:

- preservation and protection of human health, integrity, biodiversity and the quality of ecosystems, genetic resources, animal and plant species, fertility of soil, natural sites and spatial resources as well as cultural heritage and antropogenic resources;
- providing conditions for a limited, rational and sustainable management of living and non-living nature, preservation of ecological stability of nature, quantity and quality of natural resources as well as preventing dangers and threats to the environment.

Article 6

The objectives of the environmental protection as set out in Article 5 of this Law shall be acquired by means of the following activities:

- raising awareness for the necessity of preservation and protection of the environment and the introduction of environmental education courses into educational curriculums;
- anticipating, monitoring, prevention, limitation and elimination of harmful effects;
- protection of jeopardised areas and reclamation of particularly deteriorated areas with the view to improving their quality;
- maintaining a balanced relationship between the economic development and environmental protection;
- fostering the use of products and technologies that to the largest extent ensure preservation and protection of the environment;
- fostering rational energy consumption by the implementation of energy-efficient technologies and by means of gradual transition to renewable sources of energy;

- preventing construction and reconstruction works, changes of technology, natural resources exploitation and any other activities whatsoever which may lead to the deterioration and destruction of the environment;
- fostering scientific and research activities and strengthening institutional organisation in field of the environment at all levels segments thereof.
- informing public on the quality of the environment;

Basic principles

Article 7

Basic principles of the environmental protection are set out as follows:

(1) Preservation of natural values

It is essential to maintain the existing quality of the environment in the areas with highly preserved quality of air, water, sea and soil. Other areas have to be provided such quality as not cause harm to human health, flora and fauna with the tendency of the continual improvement thereof.

(2) Biological Diversity (Biodiversity)

Preventing any activity whatsoever that can have harmful effect to the biological diversity of living organisms and natural properties of eco-systems.

Both flora and fauna have to be protected in such way as to provide that the sustainable population of species whose authentic habitat is in the Republic, survives by natural conditions.

(3) Risk Reduction

If either the experience or scientific achievements substantiate as to the fact that some activities pose unavoidable risk or danger to the environment, the measures shall be taken as to prevent or limitate these.

(4) Environmental Impact Assessment

Any planning activity or the effectuation of a project which may have adverse effects on the environment has to be preceded by environmental impact assessment of the planned project (hereinafter referred to as: the Assessment).

(5) Alternative Solutions

If it is possible to substitute a technology or a project the may have an adverse effect on the environment with some other one which poses substantially smaller risk or threat to the environment, the latter ones shall be opted for regardless of the higher costs they imply in relation to the value to be protected.

(6) Substitution of Chemicals

The use of chemicals that are degradable into unarmful substances shall have precedence over the use of other chemicals.

Importer, producer, user and consumer shall be obliged to use the least hazardous and harmful substances available and satisfactory to their required effect.

(7) Re-use and Recycling

Re-usable, recyclable or biologically degradable substances shall have precedence regardless of the higher their cost and subject to the costs being proportional to the value to be protected.

(8) Polluter Pays

Any polluter i.e. his legal successor shall pay a real price for the harm done to the environment.

(9) User Pays

Any user of the natural resources shall pay for the real cost of utilisation and reclamation thereof.

(10) Compulsory Insurance

Anyone who undertakes activities which pollute or may pollute the environment shall be obliged to pay insurance against the liability for potential pollution

(11) Data Transparency

Information pertaining to the quality of the environment are public.

Everyone has the right to be informed about the environmental quality and to participate in the decision-making process the implementation of which may have adverse effects on the environment.

(12) Information accessibility

The Republic is obliged to provide citizens with timely and complete information as to the state of environment and pollution which

can pose threat to human life and health, flora or fauna.

DEFINITIONS

Article 8

For the purpose of this Law, the following definitions shall apply:

1. *natural resources* are defined as parts of living and non-living nature that man either uses or can use in pursuit of satisfying his needs;
2. *eco-system* is a dynamic community of living species (biocenosis) and habitats (bytopes) which are interactive in particular areas;
3. *biodiversity* comprises diversity of living organisms of all ecosystems as well as the diversity within respective species, among the species and their living communities;
4. *environmental pollution* means the release of polluting substances, noise and energy into the environment caused either by human activities or natural processes which results in changes as to the physical, chemical or biological properties of the environment;
5. *the polluter* is any local or foreign legal/physical person whose activity releases polluting substances, noise or vibrations into the environment (water, air, soil) in concentrations or quantities which disturb the balance between living and non-living creatures or processes in nature;
6. *polluting substance* is any natural or artificial substance, as well as phenomenon or effect, which disturbs natural composition, property or integrity of the environment as a whole;
7. *environmental protection* is any undertaking or activity intended for preservation or efficient use of both natural and man-made values as well as prevention and elimination of harmful effects which jeopardize these values, human life and health, and also reclamation of the existing state as well as ensuring the implementation of obligations stipulated in the ratified international treaties and conventions;
8. *waste* is any material or a thing which originates from the processes of production or consumption of resources, which in terms of its characteristics are divided into: hard, liquid (effluent) or gaseous and it can also be classified as hazardous, special or radioactive.
9. *harmful materials* are organic or non-organic substances which directly or indirectly threaten human health or have effect on changing the natural balance and development of flora and fauna.
10. *hazardous materials* are organic or non-organic substances that have explosive, combustible, self-combustible, oxidizing, corrosive, toxic, ecotoxic, irritating, cancerous, teratogenous, mutagenous or other hazardous properties.
11. *protected natural resource* is any preserved area of nature which due to its particular values and features is attributed with permanent ecological, scientific, cultural, educational, health-recreational, tourist or any other significance as being the resource of public interest, has been put under particular protection regime.
12. *soil* is a surface layer of the earth crust which contains underground waters and mineral beds which, due to atmospheric, hydrospheric and biospheric effects, turned into the loose cover that is mostly covered with vegetation.
13. *environmental capacity* is the capacity of the environment, or a part of it, to take in a certain quantity of polluting substances at a unit of time and to subsequently turn it into an unarmful category or permanently store it away without causing an irretrievable damage (pollution).
14. *monitoring* is a systematic and regular observation and measurement of environmental parameters (water, air, soil, biodiversity etc.) and of changes in terms of environment quality and quantity, emissions of polluting substances and of the utilization of natural resources.
15. *emission* is the release of pollutants into the environment.

16. *immission* is a concentration of polluting substances into the environment by means of which the environmental quality is assessed.
17. *pollution register* is a register kept for all kinds of polluters of the environment in which the data are entered as of polluters' respective location, production process, polluting substances that are used for production materials or produced either as semi-processed products, products or by-products; pollutant courses, release spots and ways of evacuation as well as the dumping/elimination methods.
18. *project* is any construction work or any activity whatsoever which may result in temporary or permanent deterioration of the environment related to the use of some area, construction or reconstruction projects, introduction and change of technology, exploitation of natural resources and performance of other construction works.

II ENVIRONMENTAL PROTECTION MEASURES

Prohibitions and Restrictions

Article 9

The prohibition shall be imposed on:

- (1) any release of polluting substances into the environment in excess of prescribed limits as well as on the performance of any other activity whatsoever that can deteriorate prescribed quality of the environment.
- (2) any application or use of a technologies, products, semi-products or raw materials which are prohibited in the exporting or manufacturing country.
- (3) non-observance of the prescribed manuals for production units and machines as well as of the prescribed production process.
- (4) any project in protected nature resources that can pose a threat to their natural balance, biodiversity or hydrogeographical, geomorphological, geological, cultural and physical/landscape values.
- (5) any processing, storing or disposal of radioactive waste, except for the waste

that originating from medical activities whereof the special regulations shall apply.

- (6) disposal of any kind of waste out of the area specially designated for that purpose.

Article 10

The restrictions shall be imposed on:

- (1) import of any waste material unless it is used as a production material, subject to the approval granted by the ministry vested with the environmental protection authority (hereinafter referred to as: the Ministry);
- (2) disposal of waste with harmful or hazardous properties unless it is disposed at designated locations and subject to the approval granted by the Ministry;

Criteria for designating a location, method and procedure for waste disposal as referred to in line 1 of this Article, shall be prescribed by the Ministry.

- (3) killing and capturing the protected animal species, harming or eradication of the protected plants species as well as collecting or destroying their development forms, unless the approval thereof is granted by the Ministry.
- (4) export of protected movable natural resources unless the approval thereof is granted by the Ministry.
- (5) collecting, use or trade in some unprotected plants or animal species and their development forms, excluding the hunting game, unless the approval thereof is granted by the Ministry.

The Regulation on control, collection, use and trade in certain unprotected plants and animal species shall be enacted by the Ministry upon the expert opinion obtained from the Ministry of Agriculture, Forestry and Water Supply Industry.

Environmental Protection Programs

Article 11

The Program of Environmental Protection in the Republic (hereinafter referred to as the Ecological Program) is the long-term program for establishing the ecological state of Montenegro, by means of directing its economic and social development towards

their conformity with the objectives and principles of environmental protection.

Ecological Program sets forth the economic, technical, technological, scientific and other measures for protection of the environment as a whole and by its segments and as divided into spatial units.

Ecological Program particularly sets forth:

- basic elements and conditions required for preservation and protection of the environment, protection patterns on the whole, by its segments and as divided by spatial units;
- terms for implementation of the most favourable technical, technological, economic and other solutions for optimal environmental development and management;
- terms for the reuse of packaging materials, collection of secondary raw materials and recycling;
- short-term and long-term measures for prevention and limitation of the environmental pollution;
- control on the quality of the environment (monitoring), which is considered the matter of Republican interest;
- reclamation measures as for the presently damaged environment;
- sequence of the implementation of respective measures with the effectuation of the deadlines set therewith;
- sources and amounts of funds required for effectuation of the measures.

The Ecological Program as referred to in paragraph 1 of this Article shall be enacted by the Government.

Article 12

Local authorities and organisations whose basic activity pertains to the protection of particular parts of natural resources shall pass their own environmental protection programs in compliance with the Ecological Program as stipulated in Article 11 herein and in line with their respective interests and specific objectives thereof.

Two or more neighbouring local authorities may enact (pass) joint environmental

protection programs, if they find any joint interest thereof.

Article 13

The Environmental Protection Program as set forth in Article 12, shall particularly stipulate the following:

- measures for anticipation, prevention and limitation of the pollution which may result in deterioration of the environment quality;
- ways of implementation of the intervention measures in the state of emergency related to the environmental pollution;
- authorities competent for carrying out the measures and their respective powers;
- deadlines for the implementation of respective measures;
- sources and amounts of finances for the implementation of the programs.

Article 14

Any legal or natural entity whose activity is mandated by elaboration of the environmental impact assessment statement shall pass its environmental protection program comprising particularly:

- a list of regulations which rule their environmental protection activities;
- an identification and the list of impacts on the environment which are caused by its ongoing activities and use of hazardous substances;
- an identification and environmental impact assessment which may be caused by incidents, accidents or possible state of emergency; measures for prevention, limitation and monitoring of environmental pollution;
- data referring to the kinds and quantities of detrimental and hazardous substances which are used in its activities;
- a register on the type, quantity and method of disposal of detrimental or hazardous substances or their release into water, soil or air;
- deadlines for the implementation of respective measures;
- organs which are in charge of carrying out the measures and their respective powers.

Protection of the Nature Resources

Article 15

The nature resources of the Republic interest which are placed under the special protection regime are the following:

- (1) nature reserves
- (2) national parks
- (3) protected plant and animal species
- (4) natural monuments
- (5) nature parks
- (6) areas of the distinguished properties of nature

Criteria for categorisation, regime of use and protection, contents and method of keeping the register, protection zones, institutional infrastructure and other issues pertinent to protected nature resources as referred to in paragraph 1 herein, shall be prescribed by a separate regulation.

Standards

Article 16

As regarding the environmental protection, the Republic shall be obliged to set forth, where it is possible, stricter standards and norms than the standards prescribed by international legislation.

Standards of Environmental Quality

For any respective segment of the environment, and for the areas considered particularly valuable, fragile or endangered, there shall be the environmental quality standards set forth to prescribe pollutions levels that must not be exceeded.

Emission Standards

For any specific source of pollution, subject to the kind and number of pollutants, the standards for emission of substances polluting the environment shall be set forth.

Standards for Production Processes

Standards for production processes shall set forth the ecological terms of production which shall not allow a polluter to opt for any other production process, with a view to achieving emission reduction and environmental quality improvement.

The standards as set out in paragraph 1 herein, shall be enacted by the Government.

Environmental Impact Assessment (EIA)

Article 17

Each development project/activity either planned or carried out by legal or physical entity, either local or foreign one, which is likely to result in pollution of the environment or to pose any risk for the environment, shall be subject to preparation of the EIA statement.

Prior to carrying out the project/activity as referred to in paragraph 1 herein, the investor shall carry out the procedure of environmental impact assessment.

The environmental impact assessment shall identify, describe and assess both direct and indirect effects on the environment, particularly and respectively regarding:

- (1) human beings, flora and fauna
- (2) soil, water and sea, air, climate and landscape;
- (3) interaction between factors as of lines (1) and (2);
- (4) assets and cultural and historical heritage;
- (5) economic and social surroundings;

The investor shall bear the expenses for the elaboration of the environmental impact assessment statement.

Article 18

Types of the projects that are mandated with preparation EIA statement, the contents, methods for drawing up the EIA statement, selection of alternative solutions in terms of technology and chemicals, selection of location, criteria that must be fulfilled by professional organisations to be entitled for drawing up the EIA statements, the method of appraisal and verification, public participation and other issues pertaining to the EIA statement shall be enacted by the Government.

Article 19

The Ministry is entitled to grant approvals to the EIA statements as for the projects referred to in Article 17 of this Law.

The permission for the effectuation of any project shall not be given prior to the provision of the approval stipulated in paragraph 1 herein.

Article 20

Prior to the elaboration and enactment of physical and urban plans, the environment

capacity shall be duly assessed and it shall particularly consider its sensitivity in particular area, its relation to the ambiental values, nature resources, cultural heritage, renewable and unrenovable nature resources and the entirety of interrelation between existing and planned projects.

The plans referred to in paragraph 1 of this Article shall be enacted subject to provision of the opinion given by the Ministry.

Monitoring of the State of the Environment

Article 21

The Republic shall ensure a continuous monitoring of the state of environment i.e.: the degree of the pollution of air, water, sea, soil, flora and fauna, climatic changes, ionizing and nonionizing radiation, noise and vibration, as well as the observance of the obligations as stipulated by international treaties and conventions.

The Government enacts the Program of Environmental Monitoring.

Article 22

Any legal or physical entity whose activity is mandated by the obligatory drawing up the EIA statement shall by itself or through some competent institution:

- monitor its emissions
- share the expenses of emission measurements
- monitor other effects of their activities on environment.

The Ministry prescribes: types of emissions and other phenomena that are subject to the environmental monitoring, methodology of measurements, samples taking, keeping the register and deadlines for forwarding data as well as the requirements in terms of personnel qualifications, technical equipment and other terms that shall be fulfilled by an institution licenced for environmental monitoring.

Article 23

With a view to monitoring both quantitative and qualitative changes in the environment, the Republican Pollution Register

(hereinafter referred to as: the Register) shall be set up.

The contents, pattern for drawing-up and keeping particular parts of the Register referred to in paragraph 1 of this Article shall be prescribed by the Ministry in cooperation with competent ministries.

The Ministry shall keep the pollution register.

Stimulating Measures

Article 24

Separate regulations shall stipulate the terms for:

- deductions and exemptions from taxes and other charges that are payable on the account of : the use of technology, on production and trade of goods that have more favourable effect on the environment as compared to other related technologies, productions and products; on the use of renewable sources of energy (sun, wind, sea waves, biogas etc.) and on equipment and machines used for environmental protection and monitoring;
- deductions and reduction of taxes and other public charges for producers which ensure the substitution of the used and non-used units, machines or their parts, of products or their packing materials, the institution of caution money or for those who in other organized manner reduce negative effects on the environment;
- deductions or stimulating measures for all legal entities which collect secondary materials or whose production is based on the secondary materials (recycling) as well as for all those who, in some other way, remove secondary materials or waste from the environment and contributing to its improvement.

III INFORMATION SYSTEM

Article 25

With a view to collecting and coordinating information related to the environmental quality, the Ministry establishes and operates

the environment information system for the Republic.

Information system comprises selected and systematized data provided from: the monitoring, environmental data registers, data from the register of protected nature resources, data from the Register of Polluters, scientific and technical data and other data collected from domestic or international organisations, data collected from literature or documents, factual and methodological data, as well as other information related to the environment.

The contents, methodology, the obligation of forwarding data and the data management pattern shall be prescribed by the Ministry in cooperation with competent ministries.

Article 26

Institutions, organisation and other legal entities which perform monitoring or study the environment are obliged to forward to the Ministry the data and information required for establishing and operation of the information system.

Polluters who continuously release polluting emission which is likely to have significant effect on the quality of the environment in the Republic are obliged to respectively establish system for automatic monitoring and processing data on the emission which shall be linked to the information system of the Republic.

The list of the polluters as defined in paragraph 2 herein shall be enacted by the Government.

IV PUBLICITY OF INFORMATION

Article 27

The Republic is obliged to provide citizens with timely and complete information about the state of the environment and about the pollution which may pose threat to human life or health and/or flora and fauna.

Legal and physical entities as referred to in Article 14 herein shall submit reports on the effectuation of the environmental protection programs to the local authority competent for the territory where these are located.

The reports on the effectuation of the environmental protection programs shall be forwarded by local authority or organization as referred to in Article 12 herein to the Ministry on annual basis.

Article 28

Data on the state and quality of the environment and data on the emission of polluting substances shall be considered public ones.

No one shall be entitled to withhold information or in any other way render them inaccessible to the public.

V LIABILITY FOR POLLUTION OF THE ENVIRONMENT

Article 29

Any legal or physical person which/who produces environmental pollution which/who was knowledgeable or could have been knowledgeable about circumstances that imply any danger to human life or health or danger to the environment, is obliged to undertake measures for elimination of the danger and of any further damages whatsoever.

Either a person vested with a responsibility in a legal entity or a physical entity are obliged to instantly inform the competent inspection unit about the measures as defined in paragraph 1 of this Article.

Either a legal or a physical entity whose activity resulted in pollution of the environment is liable for performing the reclamation thereof and bearing expenses for the damage caused by the referred pollution as well as for the expenditures related to the undertaking of measures for eliminating the pollution danger in compliance with provisions of this law and other relevant regulations.

Article 30

Any legal or physical entity whose activity may jeopardize the environment by hazardous substances and other activities is obliged to insure itself with an insurance company against liability for the damage that it may cause to some third party.

Article 31

Any legal or physical entity as referred to in Article 22, paragraph 1 is obliged to draw up the reclamation program and to carry out at its expense within the deadlines set by the Ministry, in case that by its activity it exceeded the prescribed emission levels or if any effects on the environment were caused thereof.

Any legal or physical entity is obliged to ensure that the reclamation program is approved by the Ministry or, if needed, by other competent ministries.

Any legal or physical entity which carried out the reclamation program is obliged to ensure the monitoring of the state of the environment in compliance with the reclamation program and to forward the measured data to the Ministry and other competent ministries.

Article 32

In cases of urgency related, prevention of the considerable damages or limitation of adverse effects on the environment, the Ministry can at the expense of the polluter undertake all necessary activities for preparation, drawing up and effectuation of the reclamation program.

Article 33

If a polluter is unknown and if the circumstances require the drawing up of a rehabilitation program for the protection of human health, the Ministry shall undertake all measures and activities for preparation, drawing up and realisation of the rehabilitation program.

Article 34

In case that environment pollution is caused by more than one polluter and that their respective shares in it can not be established, the elimination of pollution, prevention or limitation as of its further adverse effects onto the environment shall be borne by all doers on solidarity basis.

VI FINANCING

Article 35

The sources of financing environmental protection activities are the following:

- budgetary funds;
- eco-charges;

- funds from the collection of fines prescribed by this Law;
- funds from particular sources as prescribed by local authorities, subject to the approval of Government;
- funds from other sources.

Article 36

Eco-charges as prescribed by Article 35, line 2 herein are the following:

- charges on investments;
- charges on pollution of the environment (principle "polluter pays").

Article 37

Charges on investments shall be paid by the investor to the investment projects by the rate of:

- 2% of the investment value in the area of national park, unless the project is direct functional relation to the protection of nature resources;
- 1% of the investment value for the investment projects for which the elaboration of EIA statement is stipulated.

The basis for computing the amounts charged is taken from the preliminary value of the investment plus estimated additional expenditures.

The calculation and payment of the charges on the preliminary value of investments shall be made by the investor from the funds earmarked for investment projects by the following dynamics: 10% at the moment of the issuance of the EIA statement and the remaining amounts successively by accounting positions.

The payment of the charges as stipulated in paragraph 3 herein shall precede the issuance of the operational licence.

Article 38

The charges as prescribed in Article 36, line 2 of this Law are payable by legal and physical entities.

Pollution charges are payable for:

- release of polluting substances into air;
- consumption of fossil fuels;
- use of substances that impair the ozone layer;
- use of lubricant oils;

- production and disposal of hazardous waste;
- use of motor vehicles, aircrafts and vessels.

Article 39

The amount of payable charge, the calculation and payment model as of Article 36 herein shall be prescribed by the Government.

Article 40

The funds collected from eco-charges as prescribed by Article 36 of this Law shall be paid to the Republican Budget, to its separate subaccount (ecological account) and shall be used for the purposes as stipulated by this Law.

Article 41

The funds as of Article 35 of this law shall be used for:

- realisation of the Ecological Program;
- cofinancing of the programs of protection and development of protected nature resources;
- financing the elaboration and performing the rehabilitation program in case of unknown polluter;
- cofinancing measures of intervention in cases of emergency related to pollution of the environment;
- cofinancing other investment programs which contribute to significant reduction of environmental pollution;
- providing funds for case-studies, applicable scientific projects, studies, elaborates and construction projects;
- cofinancing professional training of staff in professional, scientific, industrial and public institutions related to the field of environment of the Republican interest;
- cofinancing of organized pollution prevention activities and rehabilitation of the environment that are carried out by ecological non-government organisations;
- cofinancing publications, magazines, professional and scientific gatherings and information/promotional activities in field of protection and improvement of the environment.

VII NON-GOVERNMENTAL ORGANISATIONS

Article 42

Non-governmental ecological organisations and associations represent the organised public participation in decision-making regarding the environment.

Program objectives, model and scope of the activities shall be determined independently by non-governmental ecological organisations by their respective statutes and program documents.

On the basis of the status and the role of respective non-governmental ecological organisations, the Republic may chose to stimulate their activities and support them with a view to providing elements for effectuation of the objectives of environmental protection.

VIII SUPERVISION

Article 43

Supervision as to the enforcement of this law and of the regulations enacted on the basis of it shall be entrusted to the Ministry.

The activities of the inspection/supervision shall be performed by the ecological inspection in compliance with law.

Article 44

Within his inspection supervising competence, each ecological inspector is entitled to controll the following:

- implementation of the prescribed protection measures as prescribed by the regulation on granting/issuance of ecological permission on the basis of EIA statement;
- observance of the standards and norms stipulated by the regulations enacted on the basis of this Law;
- whether the quality of the environment is monitored in compliance prescribed by this Law and other regulations enacted on the basis of provisions stipulated herein;
- implementation of the prescribed measures for the environment protection;
- the operating pattern, work conditions and technical equipment of firms and other legal entities in terms of measures for environmental protection;
- keeping the register and records on data pertinent to the environmental protection;

- distribution of funds appropriated for implementation of the measures for environment protection;
- the use of Ecological logo in compliance with provisions set out herein and the regulations enacted on the basis of this law;
- other activities and equipment which have effect on the quality of the environment.

Article 45

If an inspector in the course of performing inspection control finds that, in addition to the infringement of provisions of this law, some other law or regulation is violated regarding the provisions that prescribe issues pertinent to environment protection or some segment of the environment, he is obliged to inform hereof other competent inspection authority in addition to measures he undertakes as by his competence.

Other competent inspection authority is obliged to inform an ecological inspector as of the measures he undertakes.

In cases that ecological inspector establishes a irregularity or illegality prescribed as the competence vested with other inspection authority, he is obliged to inform minister outright with a view to initiating procedure for joint inspection control.

IX PENALTY PROVISIONS

Article 46

The fine in the amount of hundredfold to threehundredfold the minimum wage in the Republic shall be imposed on a legal entity if it:

1. does not adopt its environment protection program (Article 14)
2. embarks on the effectuation of development project prior to working out the environment impact assessment statement/ (Article 17);
3. does not provide conditions for taking measures prescribed by the permission as of Article 19, paragraph 1 herein or embarks on carrying out their development project prior to being granted the approval to the EIA statement as of Article 19, paragraph 2 herein;

4. does not monitor emissions and other impacts caused by its operation (Article 22, paragraph 2);
5. does not set up a system of data processing and automatic monitoring of the emissions (Article 26);
6. hides or, in some other way whatsoever, withholds from observation data pertinent to the state of the environment and emissions of polluting substances (Article 26);
7. causes pollution of the environment even though it knew or could have known about the circumstances which pose threat to life, human health and the environment, does not introduce measures for elimination of danger and further damages and if it fails to timely notify the competent inspection thereof (Article 29, paragraph 1 and 2);
8. does not conclude contract for insurance against the damages to the third party with the insurance organisation (Article 30);
9. fails to draw up the reclamation program within the terms set by the Ministry as defined by Article 31, paragraph 1 herein or fails to obtain approval as to the reclamation program as of Article 31, paragraph 2 herein or does not provide monitoring of the state of environment in compliance with the reclamation program and fails to forward measurements data thereof to the Ministry and to other competent authorities as of Article 31, paragraph 3 herein.

The offence as of paragraph 1 of this Article shall be charged against the physical entity or responsible person from the legal entity and fined in the amount of fivefold to twentyfold minimum salary in the Republic.

Article 47

Fine in the amount of tenfold to hundredfold minimum salary in the Republic shall be imposed on a legal subject if it:

1. dumps waste materials on locations/sites that are not designated for that purpose (Article 9, paragraph 6);
2. fails to forward data and information necessary for establishing and operating of information system as of Article 26, paragraph 1 herein;

3. fails to forward report on effectuation of the environmental protection program to the local authority in the territory where they are located (Article 27, paragraph 2);
 4. fails to forward a report on the effectuation of the environmental protection program to the Ministry on annual basis (Article 27, paragraph 3);
- The offence as of paragraph 1 of this Article shall be charged against the physical entity or responsible person from the legal entity and fined in the amount of one half to fivefold minimum salary in the Republic.

Ecological inspector can prescribe a fine payable on the spot in the amount of maximum threefold amount of the minimum salary in the Republic against physical entity or responsible person in the organ or legal entity for the offence as of paragraph 1, item 1.

X TRANSITIONAL AND FINAL PROVISIONS

Article 48

Legal entities are obliged to comply their activities with provisions of this Law within two years from the date of entering into force of this Law.

Article 49

Republican regulation which defines particular segments of the environment shall be harmonised within the period of one year upon coming into force of this Law. The usage of natural resources, management and operation of particular segments of the environment shall be carried out under terms and in manner prescribed by separate laws unless this Law prescribes otherwise.

Article 50

Ecological program as of Article 11 herein shall be passed within the period of two years upon coming into force of this Law, while programs of the local authorities as of Article 12, paragraph 1 herein shall be passed within 6 months after the Ecological program is adopted.

Article 51

Regulations as of Article 2, paragraph 2; Article 18 and 39 shall be enacted within

three months upon the day of entering into force of this Law.

Regulations as of Article 10, paragraph 2 and Article 23, paragraph 2 and Article 24 shall be enacted within six months upon the day of coming into force of this Law.

Regulations as of Article 15, paragraph 2; Article 22, paragraph 2 and Article 24 shall be enacted within one year upon the day of entering into force of this Law.

Regulations as of Article 16, Article 21, paragraph 2; Article 25, paragraph 3 and Article 23, paragraph 3 shall be enacted within two years upon coming into force of this Law.

Prior to enactments of the regulations as of Article 16 herein, the standards prescribed by valid regulations and other enactments shall apply.

Article 52

This Law enters into force on the eighth day upon its publication in the Official Gazette of the Republic of Montenegro.