

LAW ON NOISE PROTECTION

I GENERAL PROVISIONS

Article 1

This Law determines noise protection in environment and defines measures for human health protection from harmful noise.

Regulations from this Law are not concerning noise originated from: working place, apartments, traffic vehicles and noise caused by navy activities or debugging of natural disaster effects.

Article 2

Noise harmful for human health, in the sense of this Law, is every voice whose limiting deflection frequency is higher then it is defined by special legislative, taking into account time and place of appearance in the inhabitation area.

Article 3

Noise protection includes measures aiming:

- disabling or decreasing damageable noise exposures in order to protect health and environment,
- determining the level of noise exposure in environment according to national and international standards,
- collecting of environmental noise level data, ensuring their publicity,
- pursuing and preserving of satisfactory noise level in environment.

Article 4

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

- setting up of noise device control system,
- planning, monitoring, restraining and limiting of noise device usage,
- creating of acoustical cards based on unify noise indicators and methods of noise estimations in environment,
- creation of action planes for short term, middle term and long term measures of protection from noise in environment.

Article 5

Terms used in this Law have following meanings:

noise in environment is unpleasant or harmful voice caused by human activity, including noise from road, railway, air and sea transportation, as like from industry activity;

noise device is every machine, equipage, installment, alignment, mean of work and transport, technological process, electro-acoustical equipage for loudly playing music and speech, noisy activity of people and animals and other activities creating a noise. Noise devices are, also, unites considered as mobile and fixed structures, open and closed buildings for sport, game, dance, performances, concerts, listening the music, etc. Traffic, as a result of particular activity or purport is considered as a noise device of that activity or purport;

noise indicator is a physical scale describing a noise in environment, resulting from harmful exposure;

Ld is an indicator of daily level of noise, for the period of time from 6 a.m. to 20 p.m. hours;

Le is an indicator of night level of noise, for the period of time from 20 p.m. to 22 p.m. hours;

Ln is an indicator of late night level of noise, for the period of time from 22 p.m. to 6 a.m. hours;

Lden is a complex indicator of noise level during the day and night and late night hours,

imision of noise is cumulative level of noise at the place of reception;

emission of noise is cumulative level of noise which device beam in environs;

limited value of noise level is a value originated from the scientific researches, defined for avoiding, discouraging or decreasing harmful consequences to population health and environment as a whole, which is necessary to reach by the planned deadline, and which shouldn't be stepped over after reaching that particular value;

basic level is a noise level in environment when the observed noise device is out of function;

harmful influence is negative noise influence on human health;

residence place is every open or close space where people live temporary or permanently;

noise chart is a scheme of existing levels of noise based upon noise indicators from all places inside the observed area. This cards contents levels of overreached limited values of noise, as well as number of people and buildings exposed to noise of particular level;

strategic noise chart is a chart showing cumulative noise exposure on the area of the Republic of Montenegro (hereafter called Montenegro);

action plan is a plan of noise control, as well as measurement for decreasing noise down to permitted levels inside the observed area;

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

best accessed techniques are best efficient and best updated phases in that particular field of development and in the way of their applying, which enables more convenient applying technique in reaching limited values of emissions, prescribed for disabling or, if it couldn't be applicable, for decreasing of emissions and exposures to environment as a whole;

Some parts of phrase «best accessed techniques» have following meanings:

- **technique**- the way that installment have been constructed, built, maintained, functioned and out of functioned or shouted down, taking in account existing technology;
- **accessed**- technique developed enough to the level of particular industrial field appliance, according to acceptable economical and technical conditions, including costs and effects, if it is available for user under common conditions;
- **best**- means most efficient result in reaching higher total level of environment protection;

acoustic planning is supervising of necessary noise inside the observed area by created measures, like as urban planning, traffic planning, suspending noise by noise isolation measures and noise device control.

II NOISE PROTECTION MEASURES

Article 6

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

Article 7

Noise protection is applying permanently, during 24 hours, according to noise indicators.

Article 8

Measures for noise protection are set out for noise aversion, precisely for reducing noise level to prescribed limited noise level.

Noise protection measures are:

1. Provisional measures:
 - provisions prescribing limited values of noise levels, methods of estimation, noise calculations, and creation of noise cards and action planes,

- verification and issuing procedures for credential of noise device in correspondence to prescribed noise emission limited values.
2. Plane- Urban measures:
 - planning locations of the noise device, depending from objects and areas that need to be protected,
 - city and intercity traffic plans and planning and governance of road, railway, air and sea transport.
 3. Technical measures:
 - selection and usage of low-noise machines, equipment, means of work and transport
 - setting up proper noise isolation in facilities with noise devices,
 - applying acoustic protective measures on the places of noise appearance and on its ways of dissemination,
 4. Forbidding and short-term limiting measures:
 - limiting noise device usage nearby particular buildings,
 - forbidding noise device usage in special kinds of swimming objects.

1. Provisional measures

Article 9

Creating regulations for limiting values of noise level, noise estimation and measurement methods are in charge of Governmental institution for health sector (here and after: competent Governmental institution), considering prior opinion of institution for urban planning and environment.

Article 10

Concerning checking and permanent supervising of noise level, municipalities are obliged to establish action plane with noise card in it.

Article 11

Government of the Republic of Montenegro (hereafter: Government), on suggestion of competent Governmental institution, with prior opinion of Governmental institution for urban planning and environment, accepts action plane for Montenegro, whose one part is strategic noise card.

The way of creation and content of strategic noise card, action plane like as noise cards, have been prescribed by competent Governmental institution, with prior opinion of Governmental institution for urban planning and environment.

Article 12

Data from Article 10 and 11 of this Law are public and are main parts of Montenegrin information system.

Article 13

Machines, means of transport, installments and equipment produced in Montenegro or imported by Montenegro, have to, dwelt to processing and usage, correspond with prescribed technical standards for limited noise level under the special conditions of use, and noise value data under that special conditions of use have to be pointed out, according to special regulations, like as European Union directives and standards.

1. Plane- urban measures

Article 14

Area urban planning of all levels and legislations for their implementation have to obtain noise protection measures, like as opinion from competent health institution about the human health and environment exposure.

Data from noise chards, from the Article 10 of this Law, are the technical base for area planes creation.

Article 15

Noise level estimation, noise protection measures, as well as opinion from competent health institution from the Article 14 paragraph 1 of this Law are mandatory steps in processing environment exposure estimations under the special conditions.

3. Technical measures

Article 16

Noise protection measures, in a sense of selection and use of low-profit machines, equipment, means of work and transport, have to be applied by most accessible techniques, economically and technically most affordable, according to special law.

Article 17

Facilities have to be build in a way that can not cause harmful noise effects to human health, living inside the building or nearby, as well as to provide acceptable atmosphere and conditions for rest and work.

Opinion of applied noise protection measures is mandatory for issuing usage and work license.

Legal person or entrepreneur gives opinion from the paragraph 2 of this Article. This legal person or entrepreneur is competent for applying technical jobs for noise protection.

Article 18

Noise devices used for working, temporary or permanently set up in open space on the ground, on building walls and roofs, stand and mobile facilities, or used on water or in air, should have pointed out noise values.

Noise devices from paragraph 1 of this Article could be used if competent institution decides that noise level from that device wont overreach limited noise level in environment.

4. Measures of forbidding and short term limiting

Article 19

Noise devices usage has approved in inhabitant areas in a period from 6-22 hours, and for electro-acoustic equipment for playing music from 9 a.m. to 1 a.m. hours, under conditions not to overreaching limited value of noise level.

Obligation of paragraph 1 of this Article does not concerns buildings out of inhabitant areas, buildings with voice isolation according to Article 8 paragraph 2 point 3 of this Law, like as bells ringing, or electro-acoustic equipments, during religious ceremonies.

Article 20

Noise device is forbidden for use in the area less then 100 meters from health institutions performing health treatments and rehabilitation, homes for old age persons and daycare-educational institutions.

Limit from the paragraph 1 of this Law does not concern emergence maintenance measures.

Article 21

Use of electro-acoustic equipment and announcement equipment (megaphone and similar) is forbidden for performing and playing music on excursion swimming objects.

Article 22

Municipalities by ordinances indicates streets, part of the streets and districts, squares and other locations for performing public meetings, parties and sport events and other activities on open air or in closed space, which can cause limited noise level overreach.

Defined ways of coming in and going out from mentioned events, are given by Paragraph 1 of this Article

III TECHNICAL JOBS CONCERNING NOISE PROTECTION

Article 23

Technical jobs concerning noise protection could perform legal persons and entrepreneurs which fulfils conditions of space, working staff and equipment, regulated by this Law, like as by standards ISO/IEC 17025.

Regulation of precise conditions of space, working staff and equipment from the paragraph 1 of this Article, is in charge of competent Governmental institution.

Fulfillment of conditions from paragraph 1 of this Article and issuing license for work, concerns competent Governmental institution, established in the « Gazette of the Republic of Montenegro».

Article 24

Competent Governmental institution has applied technical supervision of working stuff from the Article 23 of this Law.

Competent Governmental institution has conducted regulation concerning supervision from paragraph 1 of this Article.

Article 25

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

If supervision would show that authorized legal persons and entrepreneurs have not performed their job according to paragraph 1 of this Article, competent Governmental institution should establish normative deed for work forbidding.

IV SUPERVISION

Article 26

Implementation of this Law and its bylaws is in charge of:

- competent Governmental institution, according to facilities and activities whose work permission are issued by the Governmental institutions,
- competent local self- governmental institution, according to facilities and activities whose work permission are issued by the authorized local self- governmental Body , according to this Low.

Article 27

Sanitation inspectors, according to Law on inspection supervision, have performed jobs of inspection supervision, from the Article 26 paragraph 1 of this Law.

Jobs of inspection supervision from Article 26 paragraph 2 of this Law, were performed by local self- governmental Bodies competent for public (communal) police jobs, through communal inspector, according to law.

Article 28

Besides obligations and authorizations, given by law on inspection supervision, for aversion of fortified irregularities, sanitation inspector, or communal inspector, is competent to:

- order noise level measurement undertaken upon legal person and entrepreneurs, using noise devices at places of inhabitance,
- measure noise level in catering objects whose work permission is issued by Governmental institution of, or local self- governmental Body.

Article 29

As regards provisions and acts referred to law on inspection supervision, sanitary or communal inspector is obliged to:

- 1) forbids use of built, or reconstructed facility, if it have not applied noise protection measures, until that measures would be applied;
- 2) forbids use of noise device until applying noise protection measures;
- 3) forbids use of machines, transport means, installments and equipment that haven't got data about noise values caused by special conditions of use;
- 4) forbids production, or other activities if they started without competent institution permission for applied noise protection measures.

V PENALTY PROVISIONS

Article 30

Legal persons should be penalized by fine penalty in amount of thirteen or sixteen times of minimum salary in Montenegro if:

- 1) it is performed harmful noise (Article 2);
- 2) have not applied or have not performed applying noise protection measures (Article 6),
- 3) processing or using machines, transport means, installments and equipment made in Montenegro, or imported by Montenegro, without harmonization with prescribed technical standards for limited noise level under the special conditions of use, as well as obtaining noise values data of their performance under that special conditions of use, according to special regulations, guidelines and norms of European Union (Article 13);
- 4) if noise devices have been temporary used or permanently installed in open air on the ground level, on walls and roofs of buildings, fixed or mobile facilities, or used on water or in air without noise values data (Article 18 paragraph 1);
- 5) used noise devices without competent institution permission for not overreaching limited values of noise levels in environment (Article 18 paragraph 2);
- 6) used electro-acoustic installments for performing, or playing music and equipment for announcing, in excursion swimming objects (Article 21);
- 7) have not pointed out streets, part of streets and districts, squares and other locations by regulations, intended for public meetings, party and sport events and other activities on open air and in closed space, like as paths for coming in and going out of this events participants (Article 22);

For violation from paragraph 1 of this Article, shall be penalized competent person from legal person by fine penalty in amount of ten or twenty times of minimum salary in Montenegro.

For violation from paragraph 1 of this Article, shall be penalized competent natural person by fine penalty in amount of ten or twenty times of minimum salary in Montenegro.

Article 31

Legal person and entrepreneur should be penalized by fine penalty in amount of hundred or two hundred times of minimum salary in Montenegro if:

- 1) have carried out technical jobs without permission of competent Governmental institution (Article 23).

For violation from paragraph 1 of this Article should be penalized competent person from legal person with amount of fifteen to twenty times of minimal Montenegrin salary.

For violation from paragraph 1 of this Article should be penalized also natural person in amount of fifteen to twenty times of amount of minimal Montenegrin salary.

VI TRANSITIONAL AND FINAL PROVISIONS

Article 32

Provisions for limited values of noise level from the Article 9 of this Law have to be established within 30 days, and the provision for estimation method and noise measurement, within six months from the day of enforcement of this Law.

Until the establishment of provisions from the paragraph 1 of this Article, Decree on Noise Protection («Official Gazette of the Republic of Montenegro, No .24/95, 42/02 and 25/03), which determines limiting values of noise level, should be in force.

Provisions from Articles 23 and 24 of this Law should be established within the six months from the day of enforcement of this Law.

Article 33

Action plan from the Article 11 paragraph 1 of this Law shall be established within the three years from the day of enforcement of this Law.

Provision from the Article 11 paragraph 2 of this Law will be established within the six months from the day of coming into force of this Law.

Local self- governmental Bodies are competent for establishing national plane from the Article 10 of this Law within two years, from the day of enforcement of this Law.

Article 34

Legal persons and entrepreneurs, applying existing regulations for noise measurement, are obliged to get authorization for work, within 12 months from the day of regulation establishment, from the Article 23 of this Law.

Article 35

Legal persons and entrepreneurs, using noise devices without noise values emission data, are obliged to harmonize them according to regulations of this Law within five years from its enforcement.

Article 36

By the enforcement of this Law, Noise Protection Decree would be suspended, except some regulations prescribing limited values of noise levels.

Article 37

This Law shall come into force on the eight day after being published in “The Official Gazette of the Republic of Montenegro”.