

REPUBLIC OF MONTENEGRO
E D I C T
DECREE ON THE PROCLAMATION OF
THE LAW ON INSPECTION CONTROL

E D I C T

ON THE PROCLAMATION OF THE LAW ON INSPECTION CONTROL

(Official Gazette RMN No. 39/03)

The Law on Inspection Control, which was passed by the Parliament of the Republic of Montenegro on its second session of the first regular sitting in 2003, on June 25, 2003, is proclaimed.

No. 01-331/2

Podgorica, June 26, 2003

The President of the Republic of Montenegro

Fillip Vujanović, (signed personally)

LAW ON INSPECTION CONTROL

I. BASIC PROVISIONS

Purports of the Law

Article 1

This Law shall regulate principles of inspection control, procedure and manners of inspection control, obligations and authorities of inspectors, as well as other issues important for performance of inspection control.

Application of the Law

Article 2

Inspection control, in accordance with the law and other regulations, shall be performed by ministries and administrative authorities (hereinafter: inspection authorities).

Provisions of this law shall be applied on all administrative areas, except when a specific law explicitly excludes the application of this law.

The local self-government authorities shall also apply provisions of this law, when they perform inspection control in accordance with the law and other regulations.

Concept of Inspection Control

Article 3

Inspection control shall be performed through direct insight at an institution, legal person, state authority and administrative authority of a municipality, the Capital City, Royal Capital, local administrative authority, other administrative authorities and organization, trade association and other forms of performing of economic activities, as well as citizens and other entities (hereinafter: controlled entity).

Inspection control shall be performed with regard to the application of law, other regulations and general acts, as well as through the performance of administrative and other measures and actions with the purpose to harmonize established irregularities with regulations.

Performance of Inspection Control

Article 4

Inspection control shall be performed by an inspector as a civil servant with specific competences and responsibilities.

Exceptionally, the chief of the inspection authority can determine that an inspector may perform inspection control in other administrative area from the competence of that authority.

Exceptionally, in cases of specific circumstances, absence or longer impossibility of an inspector to work, the chief of the inspection authority can authorize a particular civil servant that satisfy prescribed requirements, to temporarily perform inspection control with all competences of an inspector.

Smaller scope and periodical performance of the inspection control

Article 5

The chief of the inspection authority can authorize a particular civil servant that satisfy prescribed requirements, to perform inspection control in cases when there is no need for constant inspection control in some administrative area, because of smaller scope or periodical performance of the inspection control.

II. PRINCIPLES OF INSPECTION CONTROL

Principle of prevention

Article 6

Priority function of the inspection control shall be a prevention, and inspector shall perform administrative measures and actions only when the preventive function cannot achieve purpose and objective of the inspection control.

Principle of Proportionality

Article 7

In performing inspection control, inspector shall undertake only those measures and actions that are proportional to the irregularities done, and by which the objective and purpose of inspection control shall be achieved in more convenient way for the controlled entity.

Principle of Publicity

Article 8

The inspection control procedure shall be public.

In the cases of protection of private person's life and health, or in the cases of severe violation of the public interest, inspection authority shall be obliged to inform the public on the factual state and irregularities established during the inspection control procedure.

Principle of Independence

Article 9

In performing inspection control, inspectors shall be independent in scope of rights and obligations stipulated by the law and other regulations.

Principle of Protection of the public interest

Article 10

Inspectors shall perform inspection control with the purpose of achieving and protecting the public interest, as well as of interests of legal and private persons, which are in accordance with the public interest.

An inspection control procedure shall be started and conducted in line of official duty.

The initiative for starting of an inspection control procedure can be submitted by everyone.

Principle of Truth

Article 11

During the inspection control procedure, an inspector shall establish facts and present necessary evidence in line of duty.

During the inspection control procedure, a controlled entity itself can propose and present evidence for establishing the complete and correct factual state.

Principle of Subsidiary

Article 12

Some specific questions of the inspection control can be regulated by a specific regulation.

During the performance of the inspection control, provisions of the Law on Administrative Procedure shall be applied subsidiary on those questions that are not regulated by this law or some other specific regulation.

III OBLIGATIONS AND AUTHORITIES OF INSPECTORS

Obligations of Inspectors

Article 13

In performing inspection control an inspector shall be especially obliged to:

1. consider an initiative for starting an inspection procedure and to inform the submitter on the undertaken measures;
2. notify a responsible person on the starting of an inspection control, except if he/she deems that this notification might disparage the effectiveness of the inspection control;
3. show his/her identification to a controlled entity, respectively to a responsible or other authorized person of the controlled entity;
4. point a controlled entity to his/her rights that he/she may exercise during inspection control procedure;
5. make a record on the performed inspection control,
6. keep track of performed inspection controls, as well as other files
7. keep a state, official, business or other secret
8. act legally, promptly, and in accordance with the civil servants ethics codex

Authorities of Inspectors

Article 14

In performing inspection control, the inspector shall have the authority to:

1. examine: buildings and premises, fields, equipment and appliances, work device and other objects, products that have been put in sale, circulation of goods as well as services, business books, files and registers, contracts, public papers and other business documentation
2. establish the identity of the controlled entity and other persons
3. take statements from the controlled entity and other persons
4. take samples necessary for establishing the factual state
5. order the performing appropriate measures and actions for the purpose of providing the inspection control
6. temporary take away documentation, objects and other things necessary for establishing the factual state
7. prohibit the performance of certain activities
8. provide execution of ordered measures
9. undertake other measures by which the performance of the inspection control is ensured.

Obligations and authorities in eliminating the irregularities

Article 15

In order to eliminate the established irregularities, inspector shall have an obligation and authority to:

1. indicate on the established irregularities and to set a time limit for their elimination,
2. issue an order for appropriate measures and actions within the time limit he/she determines
3. temporarily prohibit the performing of the activity and other actions
4. temporarily, seize objects or means, which some criminal act has been committed with, until the finalization of the procedure in front of the competent authority
5. pronounce fines, in accordance with the law and other regulations
6. submit a demand for starting of an offense procedure,
7. bring criminal or other appropriate charges, and
8. perform other obligations and authorities in accordance with regulations

Administrative measures and actions

Article 16

When during an inspection control procedure it is assessed that the law or other regulation has been violated, or standards or table of norms disregarded, the inspector shall be obliged to undertake following administrative measures and actions:

1. order the opening or closing of building or premises
2. order the stoppage of construction, as well as of realization of works
3. order the demolition or removal of an illegally started or built structure, and removal of objects from certain area
4. order the withdrawal of goods from circulation, respectively put goods into circulation
5. order the requisition and destruction of things, goods and other products for general use, as well as of animals,
6. prohibit the utilization of premises, work device, equipment, operational sections, business and other premises, transportation and other means,
7. prohibit the disposal of financial resources from the business account,
8. prohibit the production, utilization or circulation of goods or the rendering of services
9. prohibit the movement of persons and objects on certain area, if there is a danger to life or health of private persons

10. prohibit the performance of any action that endangers the environment, property, or that is a threat to life or health of private persons
11. until the decision of the competent authority, seize objects, equipment, work and other resources, which some criminal act has been committed with,
12. seize obtained property avail until the decision of the competent authority,
13. order and undertake other measures that provides elimination of established irregularities, in accordance with specific regulations.

Measures and actions from paragraph 1 of this Article shall last until the elimination of the irregularities, respectively as long as the circumstances, due to which the measures have been pronounced, last.

An inspector can take several administrative measures or actions simultaneously when the public interest or achievement of the purpose and aim of inspection control call for it.

Fines as an administrative measure

Article 17

In cases prescribed by the law, inspector can pronounce a fine as an administrative measure.

The fine shall be pronounced in amount of 50 Euros.

Mandatory Fines

Article 18

When during an inspection control procedure it is found that the controlled entity has committed an offense for which it is regulated to immediately pronounce a fine (a mandatory fine), the inspector shall pronounce and charge a prescribed fine.

The inspector shall issue an appropriate receipt to the controlled entity on the charged mandatory fine.

The receipt from paragraph 2 of this article shall content: data on name of the persons to whom is pronounced a mandatory fine, amount of the fine, time and place of pronouncing of the mandatory fine, legal basis for pronouncing of the mandatory fine, as well as on name of the inspector.

If for any reason it is not possible to immediately charge a mandatory fine, the inspector shall leave the controlled entity an appropriate mandatory fine payment order that the controlled entity shall pay within 3 days from the day the fine was pronounced.

If the controlled entity fails to persuade the inspector within the given deadline that he/she has made the payment of the pronounced fine, the inspector shall submit a demand for starting an offense procedure.

Obligation to Identification of Inspectors

Article 19

An inspector shall be obliged to identify himself/herself, before the beginning of the inspection control procedure.

A controlled entity shall not be obliged to permit inspection control to an inspector who did not identify himself/herself.

IV. RIGHTS AND OBLIGATIONS OF A CONTROLLED ENTITY AND OTHER PERSONS

General obligation of the controlled entity

Article 20

A controlled entity shall be obliged to act by a proposal or order of the inspector.

Obligations of the controlled entity in Procedure

Article 21

A controlled entity shall be obliged to provide the inspector free access for inspection control, to give information and submit documentation for inspection, respectively data needed for the performance of inspection control.

The controlled entity shall be obliged to ensure conditions necessary for undisturbed work and establishment of factual state to the inspector.

On request or order of the inspector, the controlled entity shall be obliged to submit or prepare accurate and complete data, documentation or other material needed for the inspection control to the inspector on his/her request or order, in determined deadline.

Rights of the controlled entity in the Procedure

Article 22

A controlled entity shall have the right to make a statement on the record, to make an objection to the legality of the control procedure, as well as to the conduct of the inspectors or to the accuracy of the established factual state.

A controlled entity shall have the right to refuse to sign the record if he/she does not agree with the facts stated in the record, or if he/she has denied the right from paragraph 1 of this Article.

The refusal to sign the record shall not delay the further conducting of the inspection control procedure.

Responsible Persons in the Performance of Inspection Control Procedure

Article 23

The responsibility for undisturbed inspection control and the execution of the ordered measures shall lie with the controlled entity and responsible person within the controlled entity.

The controlled entity, respectively a responsible person within the controlled entity shall be obliged to inform the inspector in written form on whether the ordered measures have been executed, in three days from the expiration of the time limit set for the execution of the same.

Duties of Other Persons

Article 24

The person, who has not been a controlled entity in the procedure, shall be obliged to permit inspection control when there is a considerable doubt that activities have been performed or that there exist objects subject to inspection control in these premises.

If the person described in paragraph 1 of this Article does not permit the inspection control, authorities that an inspector has in relation to the controlled entity shall be applied on him/her.

V. INSPECTION CONTROL PROCEDURE

Content of Inspection Control

Article 25

An inspection control procedure in the sense of this law shall comprise the performance of inspection control, decision on rights and duties of a controlled entity and execution of administrative measures and actions.

Rules of the inspection control procedure

Article 26

The inspection control procedure shall be performed, in accordance with this law, other regulations and the Law on General Administrative Procedure.

Performance of the Control in the Absence of a Controlled entity

Article 27

If the inspector does not find the responsible person of the controlled entity, or private person who it is necessary to perform the inspection control with, the inspector shall leave at the place of inspection a summon for the person to be present at a certain time for the performance of inspection control.

A subsequent damage, destruction or elimination of this summon shall not affect the validity of information.

If the person from the paragraph 1 of this article does not respond to the summon, the inspector shall perform the inspection in the presence of an official or other person.

Disturbing of an Inspector

Article 28

The inspector shall remind or remove the person that disturbs or prevents the performance of inspection, or he may pronounce a fine described in the Article 17 of this law.

If the inspector judges that the inspection control cannot be performed even by way of application of measures from the paragraph 1 of this Article, he/she shall request assistance of the police authorities.

Obligation of the Police to Cooperation

Article 29

Upon call by an inspector the police authorities shall be obliged to immediately undertake measures that ensure the inspector undisturbed performance of inspection.

Cooperation of other Institutions and Experts

Article 30

The inspector can seek an assistance and cooperation of expert institutions, respectively appropriate experts, if this is necessary for an accurate establishment of the factual state.

Record on the Inspection Control

Article 31

During the process of inspection control, the inspector shall make a record. Exceptionally, when for the extent and complexity of inspection control, its nature and conditions, it is not possible to make a record during inspection control, the record shall be made in the official premises of the administrative authority, within 3 days from the day the inspection control was performed.

The record shall be written clearly and legibly.

The chief of the inspection authority shall define a form and a content of the record.

Exception from the Obligation to Make a Record

Article 32

In inspection control procedures in which irregularities have been identified and eliminated during the control, it is not necessary to make a record, but the inspector shall be obliged to make an official note.

Establishing facts during the inspection control procedure

Article 33

Comments, statements, demands for exemption and other relevant facts and circumstances shall be stated in the record on an exercised inspection control.

Signature of the Record

Article 34

Upon the completion of the inspection control, the inspector and the controlled entity shall sign the record.

If the controlled entity refuses to sign the record, the inspector shall state the reasons for his/her refusal.

A copy of the concluded record shall be transmitted or delivered to the controlled entity.

Inspection Control of the unidentified controlled entity

Article 35

In cases when the inspector cannot identify the controlled entity in the procedure, the inspector shall leave at the place to be inspected, summon to an unidentified controlled entity to be present at a determined day and time at the performance of the inspection control.

If the unidentified controlled entity does not respond to summon from paragraph 1 of this article, the inspection control shall be performed without the presence of the controlled entity in the presence of an official or other person.

If the inspector during the inspection control establishes the existence of irregularities, he/she shall order the unidentified person to eliminate irregularities and shall determine the deadline.

In the case from paragraph 3 of this article, the decision shall be fastened at a visible place at constructions or objects that were the subject of inspection, whereby it is considered that the decision has been delivered, and that shall be stated in the record.

Indication

Article 36

If during an inspection control procedure the inspector establishes irregularities, he/she shall indicate the done irregularities to the controlled entity and determine a deadline to eliminate them.

Irregularities, suggested actions and the deadline for their elimination shall be included in the record.

The controlled entity shall be obliged to inform the inspector on the undertaken measures in written form within the given deadline, which cannot be longer than 7 days from the day of indication.

The inspector shall order, by a written decision, to eliminate the irregularities if, during the procedure of subsequent control, he/she establishes that the controlled entity has not eliminated the irregularities within the given deadline.

The inspector shall stop further procedure by a conclusion on the record if, during the procedure of subsequent control, he/she establishes that the controlled entity has eliminated the irregularities within the given deadline.

Conclusions and Decisions during the Procedure

Article 37

During the inspection control procedure, the inspector shall bring conclusions and decisions.

The Conclusion

Article 38

Issues of procedure arising during the inspection procedure shall be decided on by a conclusion.

A written conclusion shall be issued only in cases when a special appeal on the decision is permitted.

The conclusion from paragraph 2 of this article shall not be issued if a controlled entity waives right to appeal.

The Decision

Article 39

Upon the completed inspection control, the inspector shall issue a decision on measures, actions and deadlines for elimination of irregularities.

As an exception to paragraph 1 of this article, the inspector may order administrative measures and actions by a verbal decision on the record, when he judges that in this way direct danger to life and health of people or property of major value is eliminated, or when the protection of other public interest is at stake.

An inspector who had proceeded in the sense of paragraph 2 of this article, on request of a controlled entity, shall be obliged to issue a written decision within 3 days.

Appeal

Article 40

An appeal against the inspector's decision can be declared within 8 days from the day of announcement of the verbal decision or delivery of the written decision.

Minister, respectively the chief of a public administrative authority shall be competent to decide on appeal.

The appeal shall not delay the execution of the decision

Delay of the Execution upon Appeal

Article 41

Exceptionally, the execution of the decision can be delayed until the decision on appeal is made in the case when the nature of the relations allows, when the delay is not contrary to the public interest or when the execution of the decision would cause damage to the controlled entity.

The proposal for delay of execution of the decision shall be presented in the appeal.

VII. SPECIFIC ACTIONS OF THE INSPECTION PROCEDURE

Taking Samples

Article 42

The inspector may take samples if, during the inspection control procedure, he/she estimates that it is necessary to identify whether the products in the production or circulation comply with the prescribed or declared composition, respectively quality.

Procedure of Taking Samples

Article 43

At the occasion of taking samples, the inspector shall be obliged to do the following:

1. under the same conditions and at the same time take at most three samples in a quantity necessary for examination (for the first analysis, the second analysis upon request of the controlled entity and for the super analysis),
2. compose a record on the taking of samples,
3. seal and properly designate taken samples,
4. deliver the first sample for first analysis without delay to an expert institution for expertise, and save the second and third sample in appropriate conditions,
5. notify the controlled entity on the analysis results without delay,
6. upon demand and by choice of the controlled entity, deliver the second sample for analysis to another expert institution without delay,
7. by a special conclusion determine the amount of expenses that have arisen from the procedure of analysis of the samples, who they are to be paid to, and in which time frame, in the case when a taken sample does not comply with the prescribed standards.

Assumption of concord

Article 44

If the controlled entity, during the sample taking, does not demand the simultaneous taking of samples for the second analysis, he/she cannot deny the analysis results of the first sample.

Denial of analysis results

Article 45

The controlled entity may deny the analysis results of the first sample with a demand for carrying out an analysis of a second sample (taken at the same time and in the same manner), within 3 days from the day of delivery of the first analysis results.

If the demand from paragraph 1 of this Article is not submitted in the specified deadline, it shall be assumed that the controlled entity agrees with the results of the first analysis.

If the analysis result of the second sample disagrees with the result of the analysis of the first sample, the result of the analysis of the second sample shall be paramount.

The analysis of the second sample cannot be entrusted to the expert institution that carried out the analysis of the first sample.

Super Analysis

Article 46

If the inspector does not agree with the analysis results of the second sample, he may order a super analysis within 3 days from the day of delivery of the analysis results of the second sample, except when the analyses results of the first and second sample are equal.

A super analysis cannot be entrusted to the expert institution that had carried out the previous analyses, except when there is no third institution authorized to make such analyses and when the inspector and the controlled entity agree that the analysis be entrusted to one of the institutions that had already carried out the analysis.

Expenses of Analysis

Article 47

Expenses of an analysis shall be borne by the controlled entity, if it is ascertained that the samples do not comply with the prescribed standards.

Expenses of an analysis shall be borne by the competent inspection authority, if it is ascertained that the samples comply with the prescribed standards.

Temporary Seizure of Objects for Provision of Evidence

Article 48

In performing the inspection control, the inspector may seize documentation, goods and other objects that might serve as an evidence in the appropriate procedure.

The seizure of objects described in the paragraph 1 of this article, shall last until the adoption of a legally binding decision in appropriate procedure.

Obligatory Temporary Seizure of Objects

Article 49

The inspector shall be obliged to seize, temporarily, objects when their obligatory seizure is stipulated by regulations, particularly when by means of them an offense, criminal act or economic violation has been committed, or if it is necessary in order to avoid severe consequences.

Obligation to Issue a Receipt on Temporarily Seized Objects

Article 50

The inspector shall issue a receipt to the controlled entity from who are being temporarily seized goods or objects.

The receipt from paragraph 1 of this article shall contain: a name, respectively a title of the controlled entity, time and place of the seizure, legal basis for the seizure, exactly specified seized objects according to type, quantity and other features recognizable for identification, and name of the inspector.

Obligation to Deliver the Seized Objects and goods to the Competent Authorities

Article 51

The inspector shall deliver the temporarily seized goods or objects, along with an appropriate demand for starting a procedure, to the competent legal, contravention or other authorities.

The demand for starting an appropriate procedure from the paragraph 1 of this article shall be submitted at latest within 48 hours from the moment of temporary seizure.

The competent legal, contravention and other authorities shall be obliged to decide in the case from the paragraph 1 of this article in an urgent procedure.

Ensuring of Conditions for Temporary Seizure of Objects

Article 52

The competent inspection authority shall be obliged to ensure the conditions for storage and maintenance of temporarily seized goods or objects until their delivery to the authority competent for conducting the procedure.

The competent authority for decision on the inspector's demand shall be obliged to take over the seized objects and goods for storage until the final decision and to issue the inspector a receipt on the objects taken over.

Prohibition of the Disposal of Temporarily Seized Objects

Article 53

The competent inspection and other authority cannot dispose of the temporarily seized goods and objects, except if it is not stipulated otherwise by this law or other regulation.

Exceptionally to paragraph 1 of this Article, if the seized objects or goods are apt to decay, animal to death, or if their storage requires considerable expenses, the inspector may order the object to be sold, which he/she shall be obliged to inform the authority competent for conducting the procedure.

The chief of the inspection authority shall prescribe ways and sale of seized goods and objects.

Money obtained in the sense of paragraph 2 of this Article shall be deposited until the decision of the competent authority.

Obligation to Compensation of Damage to the Controlled entity

Article 54

If for inefficiency or negligence of the competent authorities, which are obliged to secure the temporarily seized goods or objects, material damage from decay, death of animals, or in

another way arises for the controlled entity, that authority shall be obliged to compensate the damage arisen to the controlled entity.

The damage arisen in the sense of paragraph 1 of this Article shall not be compensated to the controlled entity, if in the court or other procedure, in which it is to be decided on the temporarily seized objects, the responsibility of the controlled entity is established.

Prohibition of Performance of Activities

Article 55

If the inspector ascertains that there are irregularities of a major extent or irregularities that cause a threat to life or health of private persons or the environment, he/she shall prohibit the performance of the activities by sealing off premises, buildings, construction sites, equipment, work device and other means, until the elimination of the irregularities.

The inspector shall order enterprises that perform public services (the supply of water, electricity, telecommunications etc.) to stop the delivery of the appropriate services necessary for the performance of activities to the subject who violates the prohibition of performance of activities.

Subjects from paragraph 2 of this Article shall be obliged to act upon the order of the inspector.

VI. EXECUTION

Monitoring of Execution

Article 56

The controlled entity shall be obliged to execute a decision, within the deadline determined in the decision.

If the controlled entity fails to execute a decision in determined deadline, a decision shall be executed in administrative manner.

The inspector shall inform the controlled entity on time and manner of the administrative execution.

The inspector shall monitor, respectively ensure the execution of measures that he/she ordered.

Administrative Execution

Article 57

The administrative act of the inspector shall be administrative executed through other persons, by a fine or direct force.

During the execution procedure, the inspector shall assess which method is the mildest for the controlled entity to achieve the aim and purpose of the execution.

Execution through other Persons

Article 58

If the ordered measure consists of execution of a certain action that can be executed by other person, and the controlled entity does not execute it in a certain period or in a certain manner or he/she executes it partially, the execution shall be carried out through other persons at the expense of the controlled entity.

The execution from paragraph 1 of this article shall be performed by the executive service of the inspection authority, respectively persons assigned by the inspector.

Execution through Fines

Article 59

If by an ordered measure, the controlled entity is obliged to do something or to endure some action, and thus acts contrary to that obligation, and the ordered measure cannot be executed through other persons or through direct coercion, the inspector shall fine the controlled entity. The inspector shall fine a legal person with an amount from 500 to 5000 Euro and a private person with the amount from 50 to 500 Euro, if the obligation is not fulfilled until the defined deadline.

A fine can be pronounced as long as the obligation has been carried out.

A fine shall be pronounced by a conclusion, without right to appeal.

Execution through Direct Coercion

Article 60

If the execution cannot be ensured through other persons or by fines, it shall be ensured through direct coercion.

The inspector shall determine the form and method of direct coercion, in accordance with the legal nature of the administrative matter.

Execution of Financial Obligations

Article 61

Decision and conclusion on financial obligations of the controlled entity shall be executed coercively by the competent authority for public revenues.

The inspector shall put an executive clause on the decision, respectively conclusion, and such decision or conclusion he/she shall deliver to the competent authority for public revenues for the payment.

Expenses of Execution

Article 62

The expenses of administrative execution shall be borne by the controlled entity.

The inspector shall decide on expenses from paragraph 1 of this article by the decision or conclusion.

VIII. RELATIONS BETWEEN INSPECTION AND OTHER AUTHORITIES

Cooperation among authorities

Article 63

In performing inspection control, inspection authorities shall be obliged to mutual cooperation and cooperation with other authorities and organizations.

Public administration authorities, local self-government authorities, and other organs and organizations, upon demand of the inspector, shall be obliged to deliver the requested data and information necessary for the achievement of his/her functions.

Urgency of Procedure

Article 64

The procedure on demand and report of an inspector shall be urgent.

The competent authorities shall be obliged to immediately consider demands and reports of the inspector, not later than 8 days from the day of submission of the demand, respectively report.

Obligation to Notification of the Results of the Procedure

Article 65

The authority, to which criminal or economic violation charges, or a demand for starting a contravention or other procedure were brought, shall be obliged to notify the competent inspection authority on the results,

IX. EXPENSES OF INSPECTION PROCEDURE

Expenses of Procedure

Article 66

The expenses of an inspection procedure that was decided on in favor of the controlled entity shall be borne by the inspection authority, if the law does not provide something else.

The expenses of an inspection procedure that was decided on unfavorably for the controlled entity shall be borne by the controlled entity itself.

The expenses of a procedure that arose from illicit activities of the controlled entity shall be borne by the controlled entity, regardless of how the procedure was completed.

Expenses of a procedure, which are known at the time of decision-making, shall be decided on by a decision parallel with the administrative act on the main matter, respectively by a

special conclusion when the expenses are not known at the time of decision-making on the main matter.

Expenses of a procedure shall be decided on in accordance with special regulations.

X. JOINT INSPECTION CONTROL

Need for performance of the joint inspection control

Article 67

An inspection control can be performed simultaneously by more inspection authorities (hereinafter: joint inspection control).

The joint inspection control shall be performed especially:

1. to eliminate of immediate danger for life and health of people and property of major value
2. to take urgent measures which cannot be delayed
3. because of complexity of control or importance of elimination of established irregularities
4. to control objects important for tourism, trade, services, traffic and similar; to take samples of goods and other objects for which control are competent more than one inspection authority
5. when it is assumed that joint inspection control is more effective, cheaper for the controlled entity and inspectors, that regular inspection control
6. to check statements from petitions or appeals, and two or more administrative authorities are competent for that
7. in other cases determined by the law or other regulations

The Government of the Republic of Montenegro shall precisely determine manner of performance of the joint inspection control.

Cooperation during the joint inspection control

Article 68

During the joint inspection control, inspection authorities shall be obliged to:

1. harmonize their working programs and to plan a joint inspection control
2. exchange experiences and to harmonize their opinions on methods and manner of work and other issues
3. organize joint meeting, consultations, conferences and other form of a mutual cooperation

4. inform other authorities on violation of the regulations from their competence, if they find it out during the joint inspection procedure.

X. INSPECTORS AND THEIR RESPONSIBILITY

Appointment of Inspectors

Article 69

The law shall determine conditions and procedure of the appointment of inspectors.

Official Identification

Article 70

The Inspector shall have an identification to prove his/her capacity as inspector.

When a civil servant performs the inspection control, on the basis of the special authorization by the chief of an inspection authority, than authorization shall have a character of the official identification.

The ministry competent for public administration shall prescribe the form of the identification.

The chief of the inspection authority shall issue the identification.

Responsibilities of an Inspector

Article 71

The Inspector shall be responsible for violation of official duty in accordance with regulations on civil servants.

Release of Inspectors

Article 72

The Inspector shall be released in the cases:

1. when he/she asks for that in written form,
2. if it is established in a legal way that he/she has permanently lost his/her work ability for the performance of inspection control
3. if he/she is sentenced to prison of at least six months or for a criminal act that makes him unworthy of the duty of an inspector,
4. if it is established that he/she did not have the necessary requirements for the appointment as inspector,
5. he/she does not perform his/her duty orderly, conscientiously and responsibly

6. if he/she, during the inspection control, doesn't act in accordance with his/her obligations and authorities determined by this law,
7. if he/she engages in activities that are incompatible with inspection control,
8. in other cases prescribed by law on termination of office.

The inspector, who was released for reasons stipulated in paragraph 1 point 1 and 2 of this Article, may be assigned to another position in the same organ.

The inspector that cannot be assigned in the manner described in the paragraph 2 of this article, has rights and obligations as a civil servant, for which work there is no more need, in accordance with the Law on civil servants.

In the cases stipulated in paragraph 1, points 3, 4, 5, 6, 7 and 8 of this Article, the inspector's duty shall be terminated on the day of release.

XI. PENAL PROVISIONS

Penalty for Offenses

Article 73

A controlled entity - legal person shall be fined in the amount **from ten to three hundred** minimal salaries in the Republic for an offense, if:

- 1) he fails to allow the inspector undisturbed performance of the control, or fails to provide conditions for undisturbed work and establishment of the factual state (article 21, paragraphs 1 and 2);
- 2) he fails to prepare and deliver the requested data and documentation within a fixed deadline (article 21, paragraph 3);
- 3) he doesn't permit performance of the inspection control (article 24, paragraph 1)
- 4) he fails to act on inspector's order, fails to inform the inspector on the execution, or he fails to execute an ordered measure, in a fixed deadline (article 20, 23 paragraph 2, article 56 paragraph 1);

For the offense from paragraph 1 of this Article, the responsible person in the controlled entity shall be fined in the amount from one-half to twenty minimal salaries in the Republic.

For the offense from paragraph 1 of this Article, the controlled entity - private person shall be fined in the amount from one-half to twenty minimal salaries in the Republic.

XII. TRANSITORY AND FINAL PROVISIONS

Article 74

Laws and other regulations that prescribe the performance of inspection control shall be harmonized with this law, within a period six months from the day of entering into force of this law.

Article 75

Regulations for carrying out this law shall be adopted within a period of 60 days from the day of entering into force of this law.

Regulations adopted in accordance with the Law on Inspections shall be applied until the regulations from the paragraph 1 of this article enter into force.

Article 76

Procedures started before entering into force of this law, shall be finished in accordance with the Law on inspections.

Article 77

Entering into force of this law, the Law on Inspection Control (Official Gazette of RMN, No. 50/92), except for the provisions of the article 26 and Chapter IV on Administrative Inspection (articles from 29 to 32), cease to be in effect.

Article 79

This law shall enter into force on the eighth day from its publication in the "Official Gazette of the Republic of Montenegro".