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In focus: Law on the protection from fire

The new Law on the protection from fire („Official gazette of the Republic of Serbia“ no. 111/2009) has entered into force on January 6th 2010, and is being implemented as of October 6th 2010. The Law prescribes general obligations of all legal persons for the prevention and protection from fire, as well as specific obligations depending on the category of endangerment from fire into which the legal person is classified.

The circle of persons to whom the Law is applied

The Law on the protection from fire (hereinafter referred to as: the „Law“) is applied to organs of the state, organs of the autonomous province/territory, the organs of Divisions/Units of local self-government, legal persons, other legal entities and natural persons.

Categorization

Depending on the degree of endangerment from fire, all edifices (buildings and other constructions), activities and lands have been divided into three categories:

- **in the first** category of endangerment from fire are the edifices, activities and lands with a high risk of a fire outbreak:

- **in the second** category of endangerment from fire are the edifices, activities and lands with an increased risk of a fire outbreak: and
- **in the third** category of endangerment from fire are the edifices, activities and lands with a certain risk of a fire outbreak.

The criteria of the assortment will be determined by a Decree of Government of the Republic of Serbia, which is yet to be enacted. Until the time when this happens, the conditions prescribed by the Decree on the bases, parameters and conditions for the assortment of organizations and organs into the adequate categories of endangerment from fire, shall apply.

The application for a Resolution on categorization according to endangerment from fire, in accordance with the currently valid categorization in force, is to be submitted to the Administration for extraordinary situations in Belgrade, at Mije Kovacevica street no. 2-4.

General obligations for all legal persons

1. *The obligation to enact a Sanitation plan for the removal and elimination of the consequences of fire*

All persons to whom the Law is applied are obligated to bring forth a Sanitation plan for the elimination of the consequences of fire.

The Sanitation plans contain the condition-state, measures, an evaluation of the effect on the life and health of persons, an evaluation of the effects on the environment, the bearers (agents), ways, dynamics and means for the realization of the plan.

2. The obligation to organize employee training

The Law prescribes the obligation of the employer to organize basic training for all employees in the area of protection from fire, at the latest within a year of the date of entering into employment, which the employees are obliged to attend.

The program of the basic training is to be brought forth by the employer, whereas the testing of employee knowledge on the subject, which the employees are obliged to attend, is to be performed once per every three years.

The basic training and the practical testing of the employees is to be conducted by persons who work on the jobs of protection from fire and the legal persons which fulfill certain conditions which are determined by the Ministry of Internal Affairs, and which have obtained the approval of the Ministry.

The obligations which depend on the category into which a legal person has been assorted

1. The obligation to provide and secure capable persons for the conduction of protection from fire

- a) securing a technically equipped and trained fire squad with the required number of firemen – for persons in the first category of endangerment from fire;
- b) organizing the conducting of preventing measures of protection from fire and a round the clock on duty attendance with the required number of persons professionally capable of conducting protection from fire – for persons in the second category of endangerment from fire;
- c) organizing the conducting of preventing measures of protection from fire with a required number of persons professionally capable for conducting protection from fire – for persons in the third category of endangerment from fire.

2. The obligation to bring forth a Plan on protection from fire, for persons in the first and second category of endangerment from fire

The approval of the Ministry of Internal Affairs is necessary for the Plan, and it contains:

- a description of the current state of protection from fire;
- an evaluation of endangerment from fire;
- the organization of protection from fire;
- a proposition of the technical and organizational measures for the elimination of any flaws and for the

improvement of the state of protection from fire;

- a calculation of the required financial means ;
- the prescribed estimated and graphical appendices;
- the data on the number of firemen, the preparedness of the fire squad and its state of being technically equipped, the organization of the preventing measures of protection from fire, and the round the clock on duty attendance, as well as the data on the number of professionally capable persons for the conducting of the protection from fire.

3. *The obligation to bring forth the Rules on the protection of fire, for the owners and users of business space and other edifices in the third category of endangerment from fire*

The Rules entail:

- the organization of the technological processes in a way that the risk of fire outbreak and spreading is eliminated, whereas in case that a fire does break out, the evacuation of persons and property is secured and spreading of the fire is prevented;
- protection from fire depending on the purpose which an edifice serves, with the required number of persons professionally capable to conduct jobs of protection from fire;
- bringing forth a Plan of evacuation and the Instructions on how to behave in case of fire – which must be displayed in a visible place;

- the way of enabling employees to conduct protection from fire.

4. *The obligation to cooperate with firemen-rescue units, for persons in the first and second category of endangerment from fire*

Firemen-rescue units make operation cards for the fire extinguishing performed at the premises of the persons in the first and second category of endangerment from fire, in which the said persons are obliged to give all necessary data and professional assistance.

Prescribed fines for offences – non-compliance with obligations

A legal person will be fined with an amount of 300,000 to 1,000,000 RSD for the performed offence, and the responsible person in the legal person, i.e. the organ of state, with an amount of 10,000 to 50,000 RSD.

In addition to the above stated, the Law prescribes that a protective measure of prohibition to perform certain activities for the duration of 6 months to 3 years, may be imposed upon a legal person.

Other remarks

The Law has foreseen the enactment of delegated legislation which still has not been enacted. Until such time when the said delegated legislation has been enacted, the delegated legislation currently in force shall be applied, to the extent in which it

doesn't collide with the provisions of the new Law.

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