

INSPECTION SUPERVISION IN THE FIELD OF FIRE PROTECTION ACCORDING TO THE LAW ON INSPECTION SUPERVISION, COMMON ELEMENTS IN RISK ASSESSMENT AND CHECKLIST IN THE PART OF INSPECTION SUPERVISION

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Abstract The Law on Inspection Supervision brings news in all areas of inspection supervision. Inspection supervision in the field of fire protection has acquired new forms and contours, in which risk assessment will be one of the most important elements. Checklists are also a novelty in inspection supervision and provide the basis for inspection supervision based on the estimated risk, to give a picture of the current risk, which is also important in risk management in fire protection. One of the goals of inspection supervision in the field of fire and explosion protection is a strong and efficient mechanism of coordination and harmonization of supervision performed by different inspections, simplification of procedures, non-intermingling of competences and scope of application, and easier access to legal entities and the economy for incentives and in with the goal of reduced risks and dangers of fire and better protection of people and material goods from fire and explosions.

Keywords: Inspection supervision; fire; explosion.

1. INTRODUCTION

The adoption of the law on inspection supervision led to innovations in all areas of inspection supervision. Inspection supervision in the field of fire protection has acquired new forms and contours, in which risk assessment is one of the most important elements. Checklists also in inspection control provide the basis for inspection control based on the assessed risk, which is also important in risk management in fire protection.

2. INSPECTION SUPERVISION

Inspection supervision is the work of the state administration, the content and meaning of which are determined by the law regulating the work of the state administration, which is carried out by the state administration bodies, the bodies of the autonomous provinces and the bodies of the local self-government units, with the basic aim of preventive action or imposing measures to eliminate deficiencies in the behavior of the supervised entities prevent or remove harmful consequences for both the state and the legal entity or natural person. Inspection supervision is carried out by direct insight into the operations and actions of the supervised entity by inspection bodies and other entities that have public powers in accordance with special laws.

2.1. Goal of Inspection Supervision in the Republic of Serbia

The goal of passing the law on inspection supervision as well as by-laws for the execution of the law on inspection supervision is to harmonize all laws into one unit, primarily sectoral laws, and to create a systemic approach in the application of numerous laws that cover various areas. Also one of the goals is a strong and efficient mechanism of coordination and harmonization of supervision performed by various inspections, simplification of procedures, non-intermingling of jurisdictions and sphere of application, and easier access to legal entities and the economy in order to encourage and not inhibit economic and social events.

One of the goals is the creation of a single information system for all inspectors (e-inspector) with various databases, the possibility of controlling the work of all inspections, as well as complete transparency of all the work of inspection services. The key institutes and basic solutions in the application of the law on inspection supervision are:

- Preventive action, which by taking certain preventive measures and actions reduces the risk and danger of unwanted events occurring, for example in the area of fire and explosion protection to reduce the number of fires and explosions or make their number acceptable by applying preventive measures and actions, and also reduce damage caused by fires and explosions and protect people and material goods.
- Coordination and harmonization of inspection supervision is the tendency for several inspections to participate in the inspection supervision of legal and other subjects and their proper coordination, which achieves the comprehensiveness of inspection supervision (viewing from several activities and areas), thereby reducing the time of inspection supervision, reducing overlap in supervision, simplifies and reduces the costs of inspection supervision.
- Risk assessment and management is one of the most important parts of inspection supervision. Inspection supervision is based on risk assessment and is proportionate to the assessed risk, so that the risk can be managed. if it manifests itself, it should be reduced by organizational and long-term measures so that it does not cause damage, endangering material goods and human lives on a large scale. will lead to a fire or explosion, and if a fire or explosion occurs, the planned measures will reduce the damage caused and protect human lives and material goods. Risk management in fire and explosion protection has four permanent segments: preventive measures, preparedness, taking measures (reaction) when an event (fire or explosion) occurs and remediation after an unwanted event.
- Reduction of the gray economy (unregistered and equalized subjects), which through inspection and comprehensive reviews will reduce the number of legal and other persons who are outside the legal channels and bring them into the legal channels with the aim of improving the economic and economic environment.
- Standardization and transparency of inspection supervision, which enables inspection supervision to be carried out on the basis of prescribed and adopted standards, adopted directives and regulations, which reduces the possibility of arbitrary interpretation of necessary and sufficient obligations and unification of all requirements based on prescribed norms. This also enables transparency of inspection supervision from all areas and their unification, as well as monitoring the execution of

measures and orders of inspection authorities, which makes a society more resistant to negative influences.

- Strengthening professional and ethical standards, integrity and responsibility of inspectors and improving the profession of inspectors. An important segment in inspection supervision because only professional and responsible inspectors can properly and effectively apply all technical standards, help with their advice and direct legal and other entities to easier and more efficient problem solving (punishment is not an end in itself), and help to implement legal and by-law norms more easily and effectively. It is also the state that must protect the rights of inspectors, improve and develop this type of profession, and in addition to the obligations of inspection bodies to create an environment of normal and professional work inspector in the field.

2.2. Laws Applicable to Fire and Explosion Protection Inspection Supervision

In the inspection supervision that monitors the field of fire and explosion protection and emergency situations covered by the Ministry of Internal Affairs, due to the fact that it is a complex and complex area, several laws are applied that cover this area, namely:

1. Law on fire protection (Official Gazette of RS No. 111/09 and 20/15)
2. Law on Flammable and Combustible Liquids and Combustible Gases (Official Gazette of RS No. 54/2015)
3. The Law on Explosive Substances, Flammable Liquids and Gases (Official Gazette of SRS No. 44/77) - the part related to explosive substances in preparation for the adoption of the new Law on Explosive Substances
4. Law on Trafficking in Explosive Substances (Official Gazette of SFRY No. 30/85).
5. Law on the Transportation of Dangerous Goods (Official Gazette of RS No. 88/2010).
6. Law on Inspection Supervision (Official Gazette of RS No. 3672015).

2.3. Law on Inspection Supervision and Relationship With Other Laws

The Law on Inspection Supervision is connected with other laws applied by authorized ministries, and the content, limits, powers, rights and obligations when performing inspection supervision are determined by the Law on Inspection Supervision and special laws covering certain areas. This practically means that in the area of protection against fire and explosions and emergency situations, the law on inspection supervision and special laws regulating the area of protection against fire and explosions and emergency situations are applied.

According to its strength, the Law on Inspection Supervision is a law of the "middle" level, which in principle means that it is of the second level and serves to regulate the relations of application of the law in inspection supervision and to cover possible gaps through the application of sectoral laws.

3. TYPES AND FORMS OF INSPECTION SUPERVISION IN THE FIELD OF FIRE AND EXPLOSION PROTECTION

Inspection supervision in the sense of the law on inspection supervision can be: regular, extraordinary, control and supplementary. These forms of inspection will also apply in the field of fire and explosion protection. In relation to the previous types of inspections in the field of fire and explosion protection, certain changes can be seen so that there is no longer a basic inspection that was carried out the first time when a legal or other entity was subject to inspection and when all the data characterizing the monitored were taken entity and when the classification of the legal entity into the fire hazard category was essentially carried out. This type of inspection in the area of fire and explosion protection will be carried out as part of a regular inspection, which will be carried out according to the inspection supervision plan.

An extraordinary inspection in the area of fire and explosion protection will be carried out when necessary and when, in accordance with the scope of the inspection, emergency measures are taken to prevent or eliminate the immediate danger of fire and explosions, danger to life or health of people, property or the environment, or when such supervision is required by the supervised entity.

Extraordinary inspection supervision at the request of the supervised subject can be ascertaining, which is carried out when it is necessary to determine compliance, after the fulfillment of which the supervised subject acquires the right to start work or carry out activities, carry out activities or realize a certain right in accordance with a special law or when the supervised subject submits a request to confirm the legality and safety of the procedure. In the field of fire and explosion protection, these requirements can be in the part of consent to the technical documentation regarding fire and explosion protection measures, consent to the implemented fire and explosion protection measures provided for in the technical documentation, a request to determine conditions of fire and explosion protection for obtaining a license to perform activities, as well as resolving security requirements upon applications by legal and natural persons.

Control inspection supervision is carried out in order to determine the execution of measures that were proposed and ordered to the supervised entity within the framework of regular or extraordinary inspections.

Supplementary inspection supervision is carried out ex officio or at the request of the supervised entity, in order to establish facts that are important for inspection supervision, and which were not determined in regular or extraordinary inspection supervision or control inspection supervision. Supplementary inspection supervision can be carried out only once in a period which cannot be longer than 30 days from the end of the regular, extraordinary or control inspection.

And if in the earlier practice in the field of fire and explosion protection this type of inspection did not exist in certain cases, especially at the request of the supervised entity, and in order to reduce misdemeanor liability, this type of inspection was carried out as a supplementary inspection, and very often at the request of the authority for conducting misdemeanor liability.

3.1. Forms of Inspection Supervision in the Part of Fire and Explosion Protection

Inspection supervision in the field of fire and explosion protection can be field and office. Field inspection supervision is performed outside the official premises, on the spot and consists of a direct inspection of the land, objects, plants, devices, premises, vehicles and other means of transport, objects, goods, acts and documentation of the supervised entity. In the field of fire and explosion protection, the inspection of the land means: access roads for fire engines in case of fire, evacuation routes to free space, forest areas and danger from fire, fire roads in the forest, water supply for fire extinguishing, etc.

Inspection of buildings includes: characteristics of the building and risk of fire or explosion, distance from other buildings in terms of fire transmission, applied protection measures, existence and presence of fire protection and extinguishing equipment, presence of evacuation routes, possibility of effective rescue, etc.

Control of the plant includes: its characteristics and the possibility of causing fires and explosions, inspection documentation for the plant, applied protection measures at the plant, the possibility of extinguishing fires, etc.

Room control includes: layout of rooms and separation from the point of view of fire transmission (fire protection sectors), technological process in rooms and the possibility of fire or explosions, applied protection measures, presence of fire extinguishing equipment, condition of installations and devices, possibility of evacuation, etc.

Control of vehicles and other means of transport, especially vehicles that transport dangerous goods, implies possession of a certificate for the transport of dangerous goods, the manner and type of marking, possession of prescribed equipment, possession of fire-extinguishing equipment, possession of safety measures, etc.

Control of objects and goods includes control of characteristics from the aspect of flammability and fire transmission, certificates prescribed for certain goods and objects, protection measures, etc.

When it comes to acts and documentation, controls are carried out in relation to: possession of normative acts (basic training programs, fire safety rules, possession of a fire protection plan), possession of periodic controls and actions (training of workers and knowledge checks in the field of fire protection, special training for persons working on fire protection, control of pressure and flow of water in the hydrant network, control of lightning rods, control of fire alarm and extinguishing systems, control of initial fire extinguishing apparatus, etc.), having consent to technical documentation and implemented fire protection measures for buildings.

Office inspection supervision is carried out in the official premises of the inspection, by inspecting official acts, data, documentation of the supervised facility, such as: training programs, fire safety rules, fire safety plan, technical documentation in the area of fire safety, or inspection supervision when submit the necessary documentation on the execution of measures, etc.

4. RISK ASSESSMENT IN INSPECTION SUPERVISION

Inspection supervision is based on risk assessment and is proportionate to the assessed risk, and the aspiration is to effectively manage the risk. The question is very often asked, is it possible to completely eliminate the risk?

Through risk analysis, the prevailing opinion is that the number of risks and their effects are large, so it is not possible to eliminate all risks, but it is possible to manage them and reduce them to acceptable risks. Risk is the probability of occurrence of harmful consequences and the probable severity of those consequences. Risk according to degree can be: insignificant, low, medium, high and critical.

In inspection supervision, the risk is assessed during the preparation of the inspection supervision plan and before and during the inspection supervision. If during the implementation of the annual inspection supervision plan, the circumstances on the basis of which the risk was assessed change, the inspection is obliged to harmonize the inspection supervision plan with the new circumstances (change of technological cycle, introduction of new raw materials, new organization, use of new materials, etc.).

Risk assessment is reduced to the fact that the inspection in the scope of its competence monitors and analyzes risks in the scope of its work, identifies risks in the supervised entity and assesses the severity of harmful consequences and the probability of their occurrence, so that based on this the estimated degree of risk is obtained.

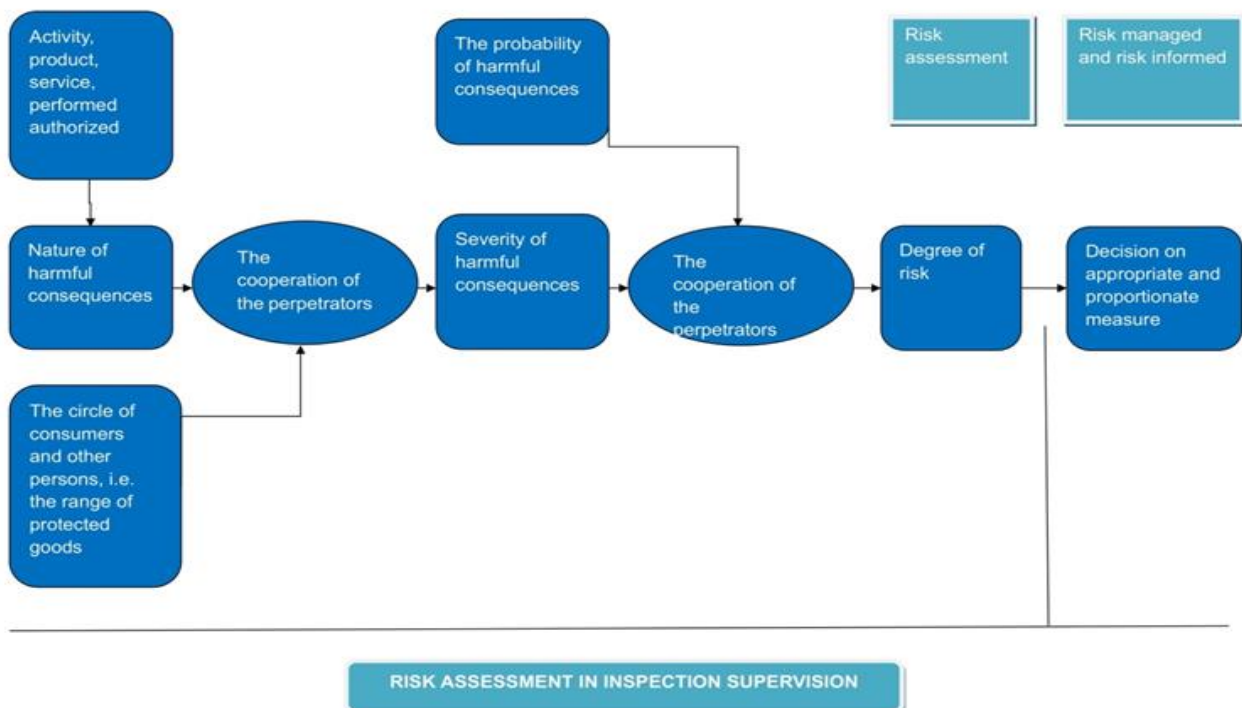


Figure 1. Overview of the risk analysis process.

IETI Transactions on Ergonomics and Safety

<http://ietl.net/TES>

2024, Volume 8, Issue 2, 61-73, DOI: 10.6722/TES.202412_8(2).0007

The severity of adverse consequences is assessed based on:

1. The nature of harmful consequences, arising from the type of activities or activities of the supervised entity, that is, the characteristics of the goods or products that the supervised entity puts into circulation or the services that the supervised entity provides.
2. Scope of harmful consequences, primarily for the circle of persons who use goods, products or services, that is, for the circle of persons who exercise certain rights in the supervised subject or in connection with the supervised subject.

The probability of adverse consequences is estimated based on:

- the previous actions of the supervised entity, including the most recently determined state of legality and security in its actions
- standards and rules of good practice applied by the supervised entity
- system of management and internal control over legality
- the regularity and safety of actions at the supervised entity
- risk management at the supervised entity
- the situation in the area in which his activity or activity is carried out and predictions of the future movement in it
- internal and external professional, technical, technological and financial capacities of the supervised entity.

The inspection is not obliged to carry out inspections when the assessed risk is insignificant. The law allows but also requires that business entities assess the level of risk themselves, and later the accuracy of those assessments is checked using checklists. This gives several advantages namely:

- businessmen are introduced to the risk-based system from the very beginning
- this way should help in the ranking of new subjects without being an obstacle in their starting business a message is sent to businessmen that the legislator (the state) trusts them and considers them to be his partners, which is the basis for creating good and fair relations.

The risk is also assessed on the basis of later inspections and the assessment can be changed when the inspector determines the actual state of affairs. The business entity is also given the opportunity to earn and improve the level of risk (on the basis of technology change, use of safer materials and raw materials, installation of new protection systems, better organization in the work process, etc.), therefore the risk assessment should be constantly reviewed.

4.1. Common Elements of Risk Assessment in Inspection Supervision

The risk assessment during the preparation of the inspection plan is carried out by the inspection, in the monitoring and analysis of the situation in the field of inspection, which is within its scope, identifying the risks of goods, rights and interests protected by law and long regulations, which may arise from the business or actions of the supervised entity. and according to the appropriate criteria,

evaluates the severity of adverse consequences and the probability of their occurrence, so that an estimated level of risk is obtained.

Risk identification includes the determination of the internal and external causes of the risk, including the main narrow and probable, i.e. possible harmful consequences in the event of the realization of the risk, which includes defining the goods, rights and interests that are harmed or threatened by the realization of the risk, i.e. which may be adversely affected by the realized risk.

When approaching the risk assessment for certain supervised subjects, the risk can be assessed for certain activities or activities, products, a group of supervised subjects with common characteristics or related business relationships. The criteria for the severity and probability of occurrence of harmful consequences, which are determined by the Law, are specified and adjusted to individual areas in the inspection supervision.

For each criterion for assessing the severity of adverse consequences and the probability of their occurrence, a certain number of points is given, ranging from the lowest to the highest determined number of points, and proportional to the impact and size, so that a numerical value expressed in points is obtained for each criterion. The risk assessment during the inspection is carried out by the inspector, i.e. the official authorized to carry out the inspection, using checklists.

4.2. Method of Risk Assessment in the Field of Fire and Explosion Protection

The risk assessment in inspection supervision in the field of fire and explosion protection will for now be carried out based on the classification of the legal entity into the fire hazard category. Namely, Article 23 of the Law on Fire Protection stipulates that legal entities are classified into three categories of danger from fire, namely:

1. With high danger from fire - the first category of danger from fire
2. With medium risk of fire - second category of danger from fire
3. With a moderate risk of fire - the third category of danger from fire.

The classification of legal entities is carried out on the basis of the regulation on the classification of buildings, activities and land in the category of danger from fire (Official Gazette of RS No. 76/2010). Only the classification allows us to roughly determine the fire hazard of a legal entity and to determine the organization and structure of the fire and explosion protection system.

In the field of fire and explosion protection, the risk assessment is carried out based on the classification of the legal entity into the category of danger from fire, which has three gradations of risk, while the law on inspection supervision provides five categories of risk, one of which is insignificant, which gives the possibility that in such legal subjects are not inspected.

The question arises as to whether this method of risk assessment in the field of fire and explosion protection gives a true picture of the vulnerability of a legal entity and whether, based on it, we can conclude what is the probability of a risk manifesting in a legal entity and causing damage.

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The answer can be reduced to two things, which is that it is acceptable as an initial basis, but that it should be supplemented with clearer and more comprehensive methods of risk assessment. It is also very important to predict possible consequences due to the manifestation of risk, in order to determine measures for managing such risks. risk in one legal entity, which is the essence of security and inspection supervision itself.

As an addition, the design and technical documentation, i.e. the main fire protection project, can be used, because Article 30 paragraph 2 item 2 of the Law on Fire Protection stipulates that a fire risk assessment is made for buildings, which basically gives us how much is an object at risk and what measures (organizational and technical) should be taken to reduce that risk, that is, how to manage this risk.

Although the risk assessment in the technical documentation provides another quality in determining the risk of fire and explosion of an object and in some way identifies certain risks, this is not enough to determine and correctly classify the risk, and little attention is paid to the possible consequences when an unwanted event occurs and the magnitude of the damage that can occur.

In this area, it would be good to create special risk assessment methodologies for the most vulnerable facilities, primarily for vulnerable public facilities where a large number of people reside (hospitals, schools, children's institutions, theaters, social institutions, etc.) in which risks must be identified, perform classification and analysis of those risks, the manner of manifestation, risk evaluation, determine the actual threat, the probability of manifestation and then create a risk management system that would lead to the fact that the risk or risks do not manifest themselves (preventive measures) or if they do manifest themselves and create unwanted the event that it is amortized and does not cause damage to material goods or people.

The current method of risk assessment, by classifying subjects into the fire hazard category, often does not give a true picture of the hazard, so it happens that two legal entities classified into a different fire hazard category do not have the same risks and are not equally endangered and are in the same category (for example : gas stations and homes for the elderly), the probability of the occurrence of an unwanted event is not the same as the probability of the resulting consequences. That is why it is desirable to create a comprehensive system that would complement the current fire and explosion risk assessment system and a corresponding risk management system that would give an accurate picture of measures and actions to prevent the occurrence of fires and explosions.

The law and the regulation represent the initial stage for an approach to risk assessment based on available information, however, that framework also requires concretization. The reality is much more complex, especially in practice. A risk assessment framework is good, but it must allow for the adjustment of the risk level in the following cases:

- when the inspector makes a judgment on the self-assessment of the business entity (accept or reject)
- when there is a change in the risk factor, which results in a new risk assessment
- re-prioritization of risk criteria, based on public complaints or by changing the current policy.

After several years of conducting inspections based on previous risk assessments, there should be a larger amount and number of very valuable data collected and analyzed based on direct experiences in inspection supervision. It is necessary to control the quality of these data, sort them, classify them, analyze them, and evaluate them, but they are still valid data for further risk assessment, because risk assessment is a constant task.

4.3. Checklist in Inspection Supervision

The inspection is obliged to prepare checklists from its area of inspection supervision and to publish them on its website and apply them in the procedure of regular inspection supervision. The inspector is obliged, acting within the scope of the inspection order, to undertake those checks and actions that are contained in the control list. Other checks and actions for which he is authorized, the inspector can undertake if during the supervision he determines that it is necessary to undertake them in order to complete determination of the factual situation and legal and safe action, when these checks and actions are dictated by the reasons for preventing or eliminating an immediate danger to the life or health of people or the environment (abbreviated procedure).

The contents of the control list and the facts stated in it must be certified by the signature of the inspector and the supervised subject, that is, the person present. If necessary, and at least twice a year, the inspection reviews the content of the checklist and, if it determines that it is justified, changes and supplements it. This left room for more inspections to be carried out in one supervised entity if it does not implement the measures from the checklist, while in another with the same risk, the number of inspections is lower if it implements the measures from the checklist.

The supervised entity can submit to the inspection a report on the self-verification of the fulfillment of the requirements from the checklist and the self-assessment of risk, which it carried out in accordance with the content of the checklist and the rules of risk assessment. Along with this report, the supervised subject submits appropriate documentation to the inspection, i.e. other material (photographs, etc.) supporting the findings of the report.

4.4. Order for Inspection Supervision

The head of the inspection or a person authorized by him issues a written order for inspection supervision. The order for inspection supervision must contain: information about the inspection, information about the inspectors who carry out the inspection supervision with the official identification number, information about the inspector who replaces them in case of inability, information about the supervised entity if known, the legal basis of the inspection supervision, a description and a short notification and explanation of the type and form of inspection, estimated risk, precise and clear description of the object of inspection, planned duration of inspection, reason for the absence of notification, number, time and place of issuance, signature of the order issuer and stamp.

In carrying out inspection supervision, the inspector is bound by the content of the order, i.e. the determined object of inspection supervision, unless the inspection supervision is performed over an

unregistered entity, then the inspection supervision is performed without a warrant, but within the limits of the subject determined by the inspector during the inspection supervision.

The order for inspection supervision can be supplemented when it is necessary to increase the number of inspectors performing inspection supervision and extend the duration of supervision. Orders for inspection supervision are issued for regular, extraordinary and supplementary inspection supervision, with the fact that extraordinary and supplementary inspection supervision is possible without a warrant when the reasons for preventing or eliminating immediate danger to life or health of people or the environment require it.

4.5. Notice of Existing Inspection Supervision

The inspector informs the supervised subject in writing about the upcoming inspection, no later than three working days before the start of the inspection. The notification contains information about the website where the checklist is available. When the order for inspection supervision has not been issued, the reasons for the absence of notification are entered in the minutes.

4.6. Initiation of Inspection Supervision Procedure

The inspection supervision procedure is initiated and conducted ex officio or due to the request of the supervised entity to perform inspection supervision, as well as due to the request of other persons who are recognized as party to the procedure by a special law. The inspector takes into account the petitions as assessments of the existence of reasons for initiating the procedure ex officio. The inspector will not initiate a procedure ex officio on the basis of a petition if the risk is assessed to be insignificant or there is an abuse of rights.

The inspection supervision begins when the inspector hands the supervised subject, i.e. the present person, an order for inspection supervision. If the supervised entity, that is, the person present refuses to hand over the order for inspection supervision, it is considered that the inspection supervision begins with showing the order and presenting its contents to the supervised entity, that is, the person present. Figure 2 shows inspection supervision initiation scheme.

4.7. Method of Keeping Records in Inspection Supervision

On inspection supervision, for the purposes of monitoring the situation in a certain area and monitoring work, each inspector is obliged to keep records. Records are kept in electronic form within a functional single information system for inspections.

Until the transition to a unified information system for inspections, inspections are required to keep records in written or electronic form within their own software solution. Records are kept according to the principle of orderliness and accuracy, and in chronological order.

The records, in addition to the data established by the law on inspection supervision, also contain:

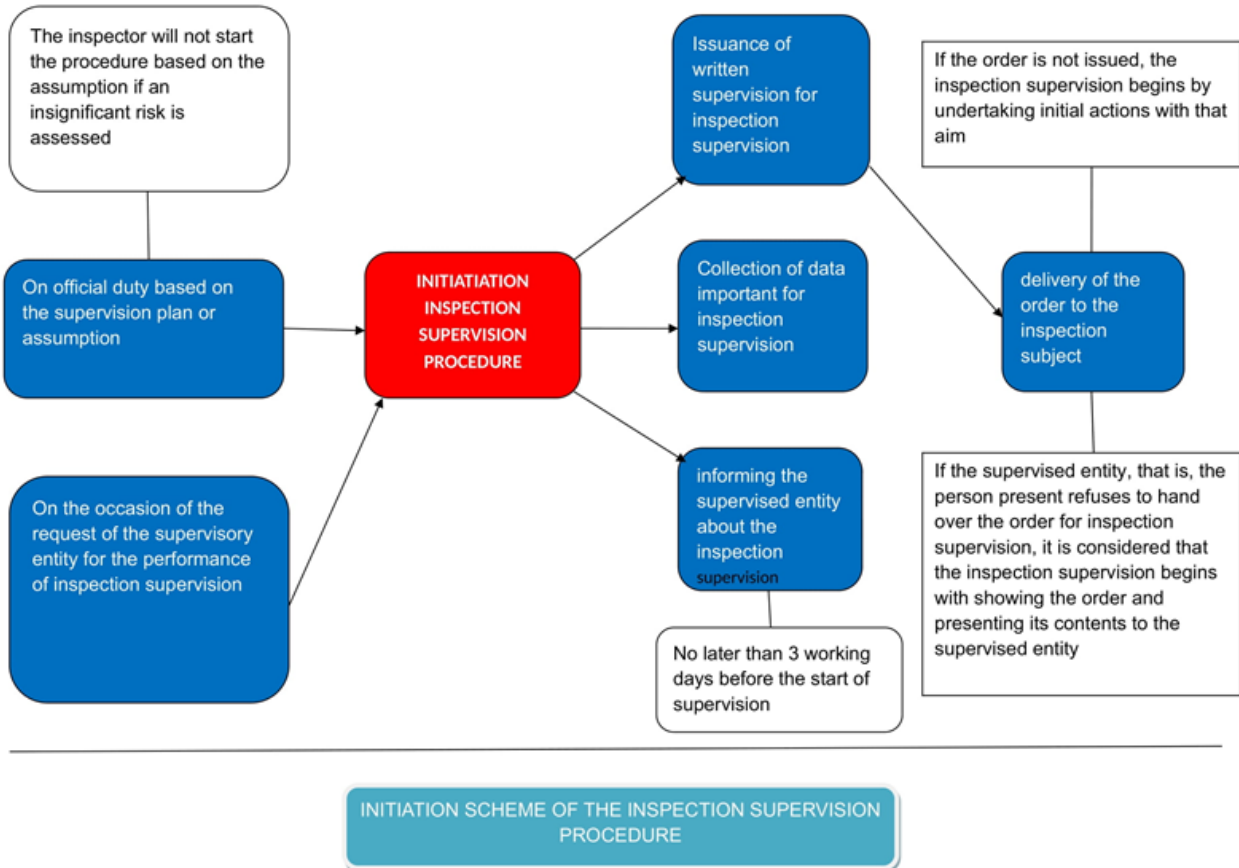


Figure 2. Inspection supervision initiation scheme.

1. data on joint supervision and reasons for joint supervision
2. data on whether the supervision was carried out over a registered or unregistered entity
3. data related to the initiation of the inspection supervision procedure
4. data on the applicant
5. data on the estimated risk of the supervised entity
6. data on the appeal and the appeal procedure
7. data on the execution of the decision
8. data on complaints about the inspector's work
9. date of data entry and data changes in the records
10. data about the inspector, that is, the other person who entered the data into the records.

Data is entered into the records by an inspector and an official authorized to perform inspection supervision, that is, another authorized person by order of the inspector or an official authorized to perform inspection supervision, i.e. the head of the inspection.

The inspector is obliged to enter the data on the conducted supervision into the records within three days from the day of drawing up the minutes, the actions taken and the receipt of the act, that is, knowledge of the fact that is entered into the records.

5. FINAL CONSIDERATION

Inspection supervision in the field of fire and explosion protection is the basis for taking preventive measures and should influence the reduction of the number of fires and explosions and the reduction of material damage caused by fires and explosions. The inspection procedure itself must be the beginning and the basis for risk management in the field of fire and explosion protection in order to assess the situation and dangers and impose measures to reduce the dangers and risks to the smallest possible extent.

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