

International Workshop of Industrial Safety Regulation Bodies of BRICS countries "Effective Regulation of Industrial Safety as an Element of Stability of National Economy"

Report

«Regulatory legal acts and technical regulatory legal acts of the Republic of Belarus in the field of industrial safety. Latest changes to the law of the Republic of Belarus in the field of industrial safety, changes to mechanisms of supervisory activities in the Republic of Belarus»

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The following basic legislative acts
in supervision of industrial safety in the Republic of Belarus are in force

Law on Industrial Safety of hazardous facilities

as of January 10 2000 N 363-3 (in version of regulations of the Republic of Belarus as of 29.06.2006 № 137-3, as of 20.07.2006 № 162-3, as of 09.11.2009 № 53-3, от 04.01.2014 № 130-3, as amended by Presidential Decree as of 19.12.2008 № 689)

Law on Pipeline Transport

January 9 2002 N 87-3 (in version of regulations of the Republic of Belarus as of 29.06.2006 N 137-3, as of 20.07.2006 N 162-3, as of 07.05.2007 N 212-3, as of 08.07.2008 N 367-3, as of 10.11.2008 N 444-3, as of 28.12.2009 N 96-3, as of 14.07.2011 N 293-3)

Law on Gas Supply

as of January 4 2003 № 176-3 (in version of regulations of the Republic of Belarus as of 29.06.2006 N 137-3, as of 20.07.2006 N 162-3, as of 08.07.2008 N 367-3, as of 28.12.2009 N 96-3, as of 14.07.2011 N 293-3)



Law on Transport of Dangerous Goods

as of June 6 2001 № 32-3 (in version of regulations of the Republic of Belarus as of 12.07.2013 N 62-3)

Presidential Decree of the Republic of Belarus «On measures to strengthen public safety and discipline»

as of March 11 2004 № 1
(in version of Edict of the Republic of Belarus as of 12.10.2015 N 420)

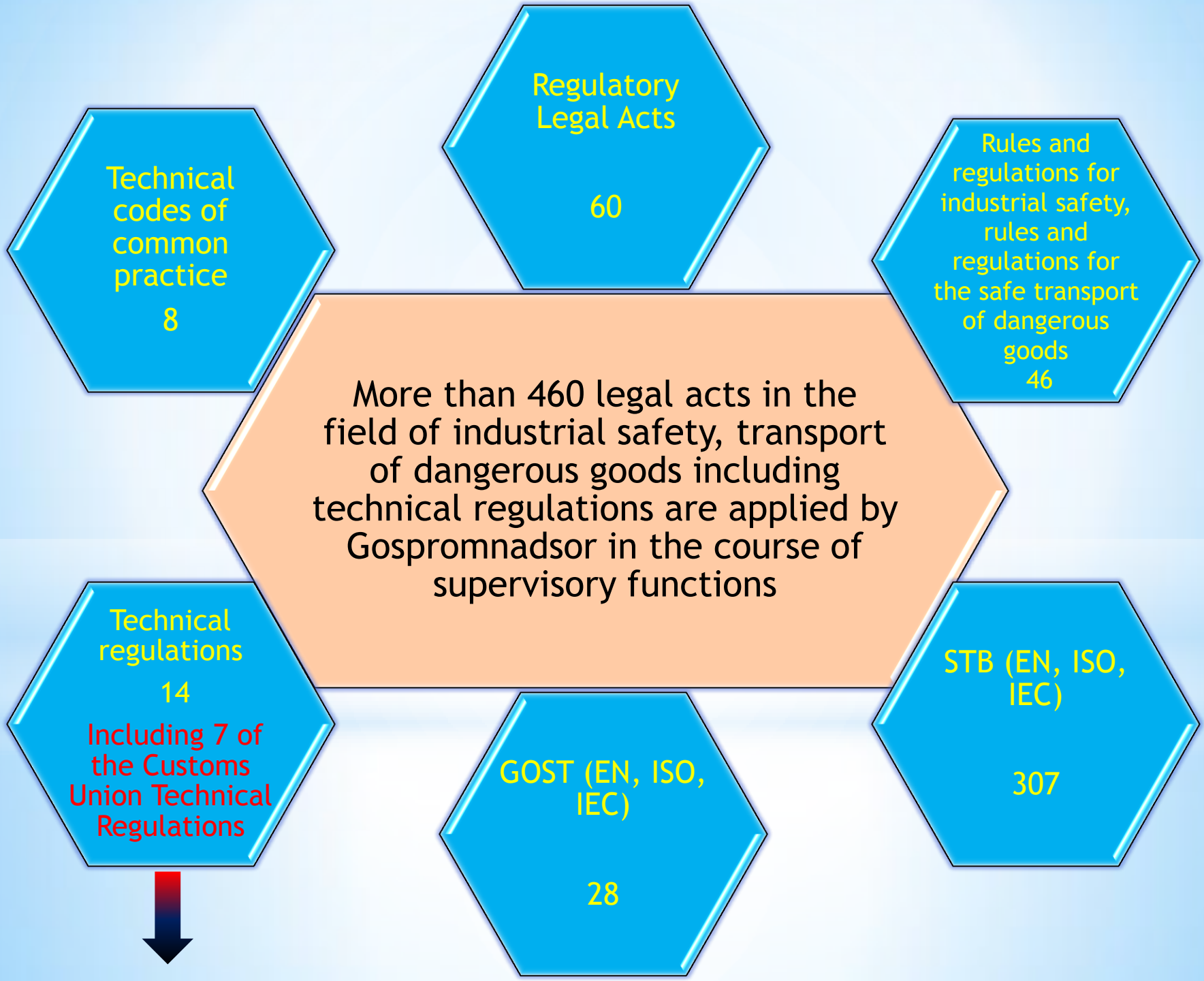


A clear statement on common approach and systematic work to ensure public safety and discipline, both in territorial and institutional levels, as well as additional measures to reduce the death and injury of citizens from external controllable causes are key features of the new version of the Decree.

In connection with this a list of assessment rules on implementation of Decree № 1 is expanded. One of them offered to consider promotion of the health and safety of working conditions, industrial, fire, nuclear and radiation safety and so on.

Legislative Framework defines government in the field of industrial safety in the Republic of Belarus.

№ п/п	Regulatory Legal Act	Defines
1	Act of the Republic of Belarus as of January 10 2000 «On industrial safety of hazardous facilities»	State administrative body approved by the President of the Republic of Belarus carries out the government control in the field of industrial safety
2	<p>Presidential Decree of the Republic of Belarus as of December 29 2008 № 756 «On some issues of the Ministry of Emergency Situations of the Republic of Belarus» Regulation of the Ministry of Emergency Situations of the Republic of Belarus;</p> <p>Regulation of the Department for Supervision of Industrial Safety</p>	<p>The Ministry of Emergency Situations of the Republic of Belarus is a republican government authority in charge of regulation and control in the field of fire and industrial safety, including exercising state supervision, control, licensing, and other special functions in the field of fire and industrial safety.</p> <p>State supervision in industrial safety, transport of dangerous goods is supervised by Gospromnadzor</p>
3	Decree of the Council of Ministers of the Republic of Belarus as of 31.12.2008 № 2056 «On some issues of state supervision in industrial safety, transport of dangerous goods»	<p>Industrial supervision is carried out by the Department for Supervision of Industrial Safety of the Ministry of Emergency Situations of the Republic of Belarus (Gospromnadzor). Industrial supervision in Ministry of Defense system, Internal Affairs Bodies and Internal Military Forces of the Ministry of Internal Affairs, Committee for State Security, State Border Committee is carried out by divisions of this republican bodies within the limit of their competence as agreed with the Ministry of Emergency Situations.</p> <p>The list of potentially dangerous objects, plants and related activities subject to state supervision in the field of industrial safety is approved</p>



Regulatory
Legal Acts

60

Rules and
regulations for
industrial safety,
rules and
regulations for
the safe transport
of dangerous
goods

46

More than 460 legal acts in the field of industrial safety, transport of dangerous goods including technical regulations are applied by Gospromnadsor in the course of supervisory functions

Technical
regulations

14

Including 7 of
the Customs
Union Technical
Regulations

STB (EN, ISO,
IEC)

307

GOST (EN, ISO,
IEC)

28

Technical
codes of
common
practice

8

Statement of the Council of Ministers of the Republic of Belarus as of 24 .06.2015 г. N 529

The Ministry of Emergency Situations of the Republic of Belarus is an authorized body of the Republic of Belarus, responsible for the implementation of the seven Technical Regulations of the Customs Union.

Gospromnadzor carries out the supervisory functions of the compliance requirements of these technical regulations

TR CU 006/2011
On the safety of
pyrotechnic
products

TR CU 010/2011
On the safety of
machinery and
equipment

TR CU 011/2011
On the safety of
lifts

TR CU 016/2011
On security
devices,
working under
on gaseous fuels

TR CU 012/2011
On the safety of
equipment for
use in potentially
explosive
atmospheres

TR CU 028/2012
On the security
of explosives

TR CU 032/2013
On the safety of
equipment
operated at
excess pressure

Today Gospromnadzor continues to be active in the development of technical regulations and at the present Gospromnadzor's experts are the members of the working groups on the development of technical regulations of the Eurasian Economic Union «On safety of amusements», «On the requirements of pipelines for the transport of liquid and gaseous hydrocarbons».

The Draft Law of the Republic of Belarus «On industrial safety»

The Draft Law of the Republic of Belarus «On industrial safety» has been prepared due to the significant number of amendments and additions in the Law of the Republic of Belarus «On industrial safety of hazardous production facilities»

The Draft Law of the Republic of Belarus «On industrial safety» is developed on the basis of detailed analysis of law enforcement practice, conceptual proposals added by republican state bodies and economic entities of the Republic of Belarus. The draft of the Regulation accumulates the best applied practices in the field of industrial safety, takes into account government agencies' offers presented during its development and coordination as well as the international experience of legal regulation of similar relations.

The main
amendments
include



Basic amendments

There is a clear definition and delimitation of the competence in the field of industrial safety among all relevant central government bodies.

The Draft law clarifies the authority of the MOE, as the body that implements the state policy and state regulation in the field of industrial safety and Gospromnadzor, as a body exercising state supervision .

The gaps in terms of performance of works (services) related to the implementation of activities in the field of industrial safety, in accordance with the law on administrative procedures, are filled.

Issues relating to rules of industrial safety as a separate type of technical regulations are settled.

Requirements for the preparation and verification (assessment) of knowledge on industrial safety are established.



The Draft Law determines 3 types of hazards for hazardous production facilities:

- ❖ **I type of hazard** - hazardous production facilities of extremely high risk;
- ❖ **II type of hazard** - hazardous production facilities of high risk;
- ❖ **III type of hazard** - hazardous production facilities of average risk.

Objects that have a low level of danger of accidents are attributed to potentially dangerous objects.

The new version of the annex to the law “On industrial safety”:

In annex 1 – The List of hazardous production facilities with regard to their division into I, II, III types of risk.

For example:

Annex 1

To the Law of the Republic of Belarus
«On industrial safety»

Name of dangerous substance	Amount of the dangerous substance, ton		
	I type of hazard	II type of hazard	III type of hazard
1. Ammonia	200 and more	50 and more, but less than 200	3 and more, but less than 50
2. Chlorine	25 and more	10 and more, but less than 25	0,8 and more, but less than 10

In annex 2 - list of potentially dangerous objects in the area of industrial safety

For example:

Annex 2

To the Law of the Republic of Belarus
«On industrial safety»

The List

of potentially dangerous objects
in the area of industrial safety

1. Objects and production of chemical, physico-chemical, physical processes, which may form explosive atmospheres, having in its composition explosive technological blocks with the relative power output of over 9 .
2. Ammonium refrigeration systems containing ammonia from 1000 to 3000 kilograms.
3. Elevators, warehouses, silos, milling facilities, cereals and feed mill production in the processing of grain and feed raw materials, with a minimum design capacity of 100 tonnes per day, as well as storage facilities for grain processing products, feed raw materials volume from 500 tons in the course of which form explosive dust-air mixture to the lower explosive limit concentration of less than 65 grams per cubic meter, capable of spontaneous combustion from the ignition source and independently burn after its removal.

The duties of the subjects of industrial safety in the field of industrial safety are specified.

The subjects of industrial safety that operates hazardous production facilities and (or) potentially hazardous objects



Create a service of industrial safety (operation of GCO I - II type of hazard)



Enter an engineer in the state of industrial safety (operation GRO Type III hazards or potentially dangerous objects)



Imposes the obligation to ensure industrial safety at the person who has higher technical education (operation GRO Type III hazards or potentially dangerous objects)

The Draft Law establishes the requirement for the mandatory declaration of dangerous industrial objects related to I and II type of danger.

There are some other amendments.

The Draft Law on Industrial Safety was adopted on the first reading at the session of the seventh session of the House of Representatives of the National Assembly of Belarus .

It has been introduced for the final approval to the Administration of the President of the Republic of Belarus for consideration on the second reading in the House of Representatives of the National Assembly of the Republic of Belarus.

The law is expected to be signed at the end of the current, early next year.

Presidential Decree of April 14, 2014 № 165 "On amendments and additions to the Decree of the President of the Republic of Belarus on insurance activity"

On January 1, 2015 the two new types of compulsory insurance are introduced:

- the civil liability of legal persons and individual employers for harm caused by activities related to the operation of certain facilities;

- the civil liability of the carrier for the transport of dangerous goods.

Facilities supervised by Gospromnadzor are subject of compulsory insurance, if they are I, II and III of the types of hazardous production facilities.

Significant changes in the destination and implementation of inspections are made in accordance with the Decrees of the President of the Republic of Belarus from 16.10.2009 № 510 "On improvement of the control (supervisory) activities in the Republic of Belarus" and from 26.07.2012 № 332 "On some measures to improve the control (supervisory) activities in the Republic of Belarus"

The list of state bodies and other organizations of the Republic of Belarus , authorized to carry out control and supervision functions is approved

For each state body authorized to exercise control (supervisory) function are determined areas of control (supervision), which do not intersect.

The kinds of inspections are determined

The criteria for inclusion of subjects of inspection according to risk types

state supervision in the field of industrial safety, including safe conducting works related to subsoil use , safety transport of dangerous goods

State supervision over compliance with technical regulations of the Customs Union , the Eurasian Economic Union in the field of industrial safety

Planned: high risk group– inspections no more than once a year;
Average risk group –no more than once in 3 years.

Unscheduled inspections of potentially dangerous facilities.
Monitoring. Using checklists.
Technical events- technical inspection , inspection of manufacturing plants, assembly , etc. GCO .

High risk
carriage of dangerous goods of 1-7 classes of danger the existence of case of accidents, incidents and accidents in the calendar year

Average risk
special training and re-training of individuals associated with the transport of dangerous goods , manufacturing, repair , diagnostics of vehicles , equipment , containers and packaging for the transport of dangerous goods

carriage of dangerous goods 8 and 9 classes of danger

As part of the surveillance activities of Gospromnadzor

Scheduled inspections

Facilities included into the coordination plan of supervisory activities are to be inspected according to the stated plan.

Coordination plans for regions and Minsk city are placed in the Internet on the official website of the State Control Committee of Belarus .

In the first half of next year, coordination plans are placed after December 15 of the previous year, for the second half of the year - after 15 June this year.

After publishing of coordination plans on the web-site new facilities can not be included into the list.

Scheduled inspections of the audited facilities in a calendar year can be carried out by several supervisory authorities only in the form of a joint inspection. Carrying out a several inspections of the same facility in a calendar year is not permitted.

Facilities to be inspected according to the coordination plan have the right to initiate the extension of inspection terms only once.

Non-scheduled inspections

Non-scheduled inspections are to be determined by the Head of Gospromnadzor only on certain grounds:

- information about committed law violations
- a significant increase in the accident rate in the calendar year (at least 2 times);
- on behalf of the prosecution of the initiated criminal case;
- obtaining evidence in the case of administrative offenses;
- carrying out state supervision over the operation of potentially dangerous facilities;
- carrying out of control inspection;
- a statement of the facility to be audit.

Additionally Decree number 510 identifies activities of control (oversight) authorities , to which the Decree does not apply. For Gospromnadzor there are:

- Security events in accordance with the Law of the Republic of Belarus on May 8, 2009 "On State Protection ";
- The commitments made in accordance with international treaties of the Republic of Belarus;
- Inspections by government agencies
- Events in the consideration of citizens' appeals;
- Administrative procedures according to applications of legal entities , individual entrepreneurs and other individuals;

- Events included into the list of technical, technological and control events, approved by the Council of Ministers of the Republic of Belarus.

Statement of the Council of Ministers on November 30, 2012 №1105 «On approval of list of technical (technological and control) events" identifies for Gospromnadzor following activities:

- conformity assessment of potentially hazardous facilities to the requirements of technical normative legal acts during the acceptance and periodic testing;
- evaluation of the quality of installation of potentially dangerous facilities, supervised by Gospromnadzor;
- assessment of compliance with the regulations and technical regulations by the manufacture , diagnosis , repair potentially dangerous facilities;
- inspection of technical conditions, systems and preparation of documents, compliance with the route of motor vehicles during the;
- accident-, incident investigation, a special investigation of the accidents occurred at potentially dangerous facilities;
- Survey of heat for preparadnes to autumn-winter period;
- inspection of the technical conditions of the sludge storage tanks;
- technical inspection of potentially dangerous facilities.

Presidential Decree on February 9, 2015 N 48 "On measures to ensure state control (supervision) over observance of technical regulations" defines the procedure of control (supervision) over observance of TP CU, TP EAEC for Gospromnadzor following scheme:

In accordance with Decree 510, scheduled, unscheduled inspections, monitoring, technical events carried out in the sphere of control (supervision) "State supervision in the field of industrial safety, including safe conduct of works related to subsoil use, safety of the transport of dangerous goods.

In case if during above mentioned events there violations of technical regulations of the Customs Union, technical regulations of EAEC.

Appointed by the Head of the Department

Non-scheduled inspections of seller, supplier, importer, manufacturer within the territory of the Republic of Belarus (subpoint 9.1. p.9) Decree №510 on the ground – information about law violation.

Scheduled inspections of compliance with technical regulations of the Customs Union by supplier, seller, importer to prevent faulty goods coming to the Republic of Belarus.

No more than once a year.

Appointed by the Head of the Department

In regard to suppliers, sellers, importers of technical equipment using by the transport of dangerous goods (type of hazard class 1-7)

Scheduled inspections of compliance with technical regulations of the Customs Union by supplier, seller, importer to prevent faulty goods coming to the Republic of Belarus.

No more than once in 3 years.

Appointed by the Head of the Department

In regard to suppliers, sellers, importers of technical equipment using by the transport of dangerous goods (hazard class 8-9)

Scheduled inspections of compliance with technical regulations of the Customs Union and EAEC by supplier, seller, importer to prevent faulty goods coming to the Republic of Belarus.

No more than once in 5 years.

Appointed by the Head of the Gospromnadzor

With regard to suppliers, sellers and importers of other technical appliances supervised by Gospromnadzor.

Non-scheduled inspections in regard to subpoint 9.2. point 9 Decree №510 по подпункту 9.2. пункта 9 Указа 510 on the ground «Carrying out of state inspection (survey) in the part of safety of manufactured goods and goods for sale.

Appointed by the Head of the Gospromnadzor

With regard to suppliers, sellers and importers of technical appliances using by the transport of dangerous goods (hazard class 1-7)

Monitoring of compliance with technical regulations of the Customs Union and EACE by suppliers, sellers and importers as well as manufacturers within the territory of the Republic of Belarus.

Appointed by the Head of the Gospromnadzor

With regard to any goods supervised by Gospromnadzor

Manufacturers of technical equipment, of hazardous facilities within the territory of the Republic of Belarus are inspected in regard to the p.21 Decree 510 within the technical, technological and control activities.
No more than one time in 2 years.

Gospromnadzor of Ministry of Emergency Situations of the Republic of Belarus uses checklists within the framework of the supervision activities



The area of supervision is defined by the Statement of the Council of Ministers of the Republic of Belarus as of 13.12.2012 N 1147 (in version as of 17/08/2015):

- state supervision in the field of industrial safety in relation to agricultural organizations, using steam boilers with steam pressure with temperature of heating water up to 115° and unit capacity up to 100kW;
- state supervision complying with requirements of the technical regulations of the Customs Union, the Eurasian Economic Union in the field of industrial safety.