



RUSSIAN FEDERATION

FEDERAL LAW

**ON INDUSTRIAL SAFETY
OF HAZARDOUS PRODUCTION
FACILITIES**

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FEDERAL LAW
ON INDUSTRIAL SAFETY OF HAZARDOUS
PRODUCTION FACILITIES
JULY 21, 1997, N 116-FL

This Law establishes legal, economic and social principles to ensure safe operation of hazardous production facilities and is aimed at accident prevention at hazardous production facilities and ensuring readiness of legal entities and individual entrepreneurs operating hazardous production facilities (hereinafter also referred to as organizations operating hazardous production facilities) to localize and eliminate the consequences of the above accidents.

Provisions of this Federal Law shall cover all the organizations regardless their organizational-legal form or proprietary form and executing their activity in the field of industrial safety of hazardous production facilities in the territory of the Russian Federation and other territories in which the Russian Federation is exercising jurisdiction according to the legislation of the Russian Federation and the norms of the international law.

CHAPTER I
GENERAL PROVISIONS

Article 1. Basic Terms and Definitions

For the purpose of this Federal Law the following terms and definitions shall be used:

industrial safety of hazardous production facilities (hereinafter — industrial safety, safety of hazardous production facilities) — shall mean the state of safety of individual and public vital interests against accidents at hazardous production facilities and post-accident consequences of the above accidents;

accident — destruction of structures and (or) technical devices used at a hazardous production facility; uncontrolled explosion and (or) hazardous substances release;

incident — failure or damage of technical devices applied at a hazardous production facility, process abuse.

technical devices used at a hazardous production facility — machines, process equipment, systems of machines and (or) equipment, aggregates, apparatus, mechanisms used during operation of hazardous production facility;

auxiliary mine rescue teams — volunteer emergency response teams, formed by the organizations operating hazardous production facilities where mining operations are conducted, from among the number of employees of these organizations;

safety substantiation of hazardous production facility — document comprising information on the results of accident risk assessment at a hazardous production facility and the threat related to it, conditions of safe operation of hazardous production facility, requirements for operation, overhaul, preservation and abandonment of a hazardous production facility;

industrial safety management system — complex of interrelated organizational and technical measures executed by the organization operating hazardous production facilities for the objective of accidents and incidents prevention at hazardous production facilities, containment and elimination of these accidents consequences;

technical re-equipment of a hazardous production facility — resulting in a change of technological process at a hazardous production facility, introduction of new technology, automation of a hazardous production facility or its separate parts, modernization or change of technical devices used at a hazardous production facility.

industrial safety expertise – determination of compliance of the industrial safety expertise objects, specified in item 1 of Article 13 of the present Federal Law, with the industrial safety requirements applied to them;

expert in the field of industrial safety – individual who possesses special knowledge in the field of industrial safety, complies with the requirements established by the federal norms and regulations in the field of industrial safety, and participates in conducting industrial safety expertise.

Article 2. **Hazardous Production Facilities**

1. For the purpose of this Federal Law, hazardous production facilities shall include enterprises, or their shops, sections or sites, as well as other production facilities specified in Attachment 1 to this Federal Law.

2. Hazardous production facilities shall be subject to registration in the State Register in accordance with the order established by the Government of the Russian Federation.

3. Hazardous production facilities depending on the level of potential hazard of accidents there for individual and public vitally important interests shall be divided according to the criteria, specified in Attachment 2 to this Federal Law, to four classes of hazard:

I hazard class – hazardous production facilities of extremely high hazard;

II hazard class — hazardous production facilities of high hazard;

III hazard class — hazardous production facilities of average hazard;

IV hazard class — hazardous production facilities of low hazard.

4. Assignment of hazard class to hazardous production facility shall be provided at a time of its registration in the State Register.

5. Leader of the organization operating hazardous production facilities shall bear responsibility for completeness and reliability of information provided for hazardous production facility registration in the State Register in accordance with the legislation of the Russian Federation.

Article 3. **Industrial Safety Requirements**

1. Industrial safety requirements shall include terms, prohibitions, restrictions, and other mandatory requirements provided for in this Fe-

deral law, other Federal laws, adopted according to them normative legal acts of the President of the Russian Federation, normative legal acts of the Government of the Russian Federation, as well as federal norms and rules in the field of industrial safety.

2. Industrial safety requirements shall comply with the norms that regulate: protection of public and territories against emergencies; public sanitary and epidemiological safety; environmental protection; ecological safety; fire safety; safety of labor and construction, as well as mandatory requirements established in accordance with the Russian Federation legislation on technical regulation.

3. Industrial safety requirements for nuclear energy use shall be established by the federal norms and regulations in the field of nuclear energy use adopted in accordance with the Federal Law of November 21, 1995 № 170-FL “On the use of nuclear energy”.

4. In case if during operation, overhaul, preservation or abandonment of a hazardous production facility the deviation is required from the industrial safety requirements established by the federal norms and regulations in the field of industrial safety, these norms are insufficient and (or) they are not established, the person executing the development of design documentation for construction, reconstruction of a hazardous production facility can establish the industrial safety requirements to its operation, overhaul, preservation and abandonment in the safety substantiation of hazardous production facility.

Safety substantiation of a hazardous production facility, as well as changes introduced to safety substantiation of a hazardous production facility shall be subject to industrial safety expertise. Use of safety substantiation of a hazardous production facility without positive conclusions of industrial safety expertise of such substantiation and without changes implemented to it (if any) is not allowed.

Safety substantiation of a hazardous production facility shall be sent by the organization operating hazardous production facility to the federal executive body in the field of industrial safety at registration of a hazardous production facility in the State Register. Changes introduced to safety substantiation of a hazardous production facility shall be sent by the or-

ganization operating hazardous production facility to the federal executive body in the field of industrial safety during the period of ten working days from the day of receipt of industrial safety expertise positive conclusion.

Article 4. Legal Regulation in the Field of Industrial Safety

1. Legal regulation in the field of industrial safety shall be ensured by this Federal law, other Federal laws, adopted according to them normative legal acts of the President of the Russian Federation, normative legal acts of the Government of the Russian Federation, as well as federal norms and rules in the field of industrial safety.

2. In case if the International Agreement of the Russian Federation establishes the rules different from the provisions of this law, the rules of the International Agreement shall be applied.

3. Federal norms and rules in the field of industrial safety establish mandatory requirements to:

activity in the field of industrial safety, including the requirements to employees of hazardous production facilities, the experts in the field of industrial safety;

safety of technological processes at hazardous production facilities, including mandatory requirements to the procedure of actions in case of accident or incident at hazardous production facility;

safety substantiation of a hazardous production facility.

Federal norms and rules in the field of industrial safety shall be developed and approved in the order established by the Government of the Russian Federation.

Article 5. Federal Executive Bodies in the Field of Industrial Safety

1. In order to implement the state policy in the field of industrial safety, the President of the Russian Federation or authorized by him the Government of the Russian Federation shall determine federal executive bodies in the field of industrial safety, and shall empower them to execute the corresponding normative regulation, as well as to fulfill special

permissive, control and supervision functions in the field of industrial safety. Federal executive bodies in the field of industrial safety shall have subordinated to them territorial bodies formed in the established order.

2. Federal executive bodies who, in compliance with the Federal laws and the normative acts of the President of the Russian Federation and the Government of the Russian Federation, have been given the right to fulfill specific functions of legal normative regulation, special permissive, control or supervision functions in the field of industrial safety, must agree the normative legal acts adopted by them, as well as coordinate their activity in the field of industrial safety with the federal executive body in the field of industrial safety.

CHAPTER II INDUSTRIAL SAFETY PRINCIPLES

Article 6. Activity in the Field of Industrial Safety

1. The kinds of activity in the field of industrial safety comprise the design, construction, operation, reconstruction, overhaul, technical re-equipment, preservation and abandonment of a hazardous production facility; manufacturing, mounting, setting, maintenance and repair of technical devices operated at a hazardous production facility; industrial safety expertise; training and re-training of the hazardous production facility employees in non-educational establishments.

Individual types of activity in the field of industrial safety shall be licensed in compliance with the legislation of the Russian Federation.

2. Mandatory requirements to the license applicant for taking a decision on license granting for hazardous production facilities operation is the availability of the documents confirming hazardous production facilities commissioning, or positive expert's conclusions of industrial safety for technical devices used at hazardous production facilities, buildings and structures at hazardous production facilities, as well as in cases provided by Article 14 of the present Federal Law, Industrial Safety Declarations.

Licensing body does not have the right to demand submission of the specified documents from the license applicant, if these documents are in the possession of the licensing body, bodies rendering state services, bodies rendering municipal services, other state bodies, local government authorities, or organizations subordinate to the state bodies, or to local authorities, except for the documents included in the list of documents established by the Federal Law dated July 27, 2010 № 210-FL “On arranging of rendering state and municipal services”. Licensing body independently shall request for these documents (information included there) from the authorized bodies, if the applicant had not provided them on his own initiative.

The above documents can be submitted by the license applicant in the electronic form.

Article 7. Technical Devices Applied at a Hazardous Production Facility

1. Mandatory requirements to technical devices used at a hazardous production facility and the forms of assessment of their conformity with these mandatory requirements shall be established in accordance with the Russian Federation legislation on technical regulation.

2. If Technical Reglament does not establish other form of conformity assessment of technical device used at a hazardous production facility with mandatory requirements to such technical device, it shall be subject to industrial safety expertise:

prior to be used at a hazardous production facility;

prior to service life expiry or at increase of quantity of load cycles of such technical device established by its fabricator;

in absence of data in technical documentation about the service life of such technical device if its actual service life exceeds twenty years;

after performance of works related to design change, substitution of such technical device bearing structure materials, or reconstructive maintenance after accident or incident at a hazardous production facility as a result of which such technical device was damaged.

3. The Federal norms and regulations in the field of industrial safety can provide for the possibility, procedure and terms of test use of technical devices at a hazardous production facility without conducting industrial safety expertise provided that the parameters of the technological process are met, the deviations from which can result in accident at a hazardous production facility.

Article 8. Industrial Safety Requirements for Design, Construction, Reconstruction, Overhaul, Commissioning, Technical re-equipment, Preservation and Abandonment of a Hazardous Production Facility

1. Technical re-equipment, overhaul, preservation and abandonment of a hazardous production facility shall be executed on the bases of the documentation developed in the order established by the present Federal Law considering the legislation on town-planning activities. If technical re-equipment of a hazardous production facility is executed in parallel with its reconstruction, the documentation for technical re-equipment of such a facility shall be part of the scope of corresponding design documentation. Documentation for preservation and abandonment of a hazardous production facility shall be subject to industrial safety expertise. Documentation for technical re-equipment of a hazardous production facility is subject to industrial safety expertise in case if the above specified documentation is not included into the scope of this facility design documentation subjected to expertise in accordance with the Russian Federation legislation on town planning activity. Technical re-equipment, preservation and abandonment of a hazardous production facility are not allowed without industrial safety expertise positive conclusion, which in the established order shall be introduced to the Register of industrial safety expertise conclusions, or if the documentation for technical re-equipment of a hazardous production facility is included to the scope of design documentation of such a facility, without expertise positive conclusion of such a facility.

2. Deviations from the design documentation of a hazardous production facility during the process of its construction, reconstruction, overhaul, as well as from the documentation for technical re-equipment, overhaul, preservation and abandonment of a hazardous production facility in the process of its technical re-equipment, preservation, and abandonment are not allowed. Changes implemented to design documentation for construction, reconstruction of a hazardous production facility shall be subject to expertise of the design documentation in accordance with the Russian Federation legislation on town planning activity. Changes implemented to documentation for preservation and abandonment of a hazardous production facility shall be subject to industrial safety expertise. Changes implemented to the documentation for technical re-equipment of a hazardous production facility shall be subject to industrial safety expertise and agreed with the federal executive body in the field of industrial safety or its territorial body, except for a case if the above documentation is included to the scope of design documentation subjected to expertise in accordance with the Russian Federation legislation on town planning activity.

3. In the process of construction, reconstruction, overhaul, technical re-equipment, preservation and abandonment of a hazardous production facility the organizations developed the relevant documentation shall execute designer's supervision in the established order.

3_1. Conformity of the constructed, reconstructed hazardous production facilities with the requirements of Technical Reglements and design documentation shall be established by the conclusion of the federal executive body authorized for state construction supervision or federal executive town planning activity body of the subject of the Russian Federation authorized for construction supervision in accordance with the Russian Federation legislation on town-planning activity.

4. Commissioning of a hazardous production facility shall be conducted in the order established by the legislation of the Russian Federation on town-planning activity.

In this case, the readiness shall be checked of the organization to operate hazardous production facility, and undertake actions to localize

and eliminate the accident consequences, as well as availability of civil liability insurance agreement concluded in accordance with the Russian Federation legislation on compulsory civil liability insurance of a hazardous object owner for the damage caused as a result of accident at a hazardous object.

**Article 9. Industrial Safety Requirements for the
Operation of a Hazardous Production
Facility**

1. An organization operating a hazardous production facility shall:
observe the provisions of this Federal law, other Federal laws adopted according to them normative legal acts of the President of the Russian Federation, normative legal acts of the Government of the Russian Federation, as well as federal norms and rules in the field of industrial safety;

follow the requirements of safety substantiation of a hazardous production facility (in cases provided by item 4 of Article 3 of the present Federal Law);

ensure safety of test use of technical devices at a hazardous production facility in accordance with item 3 of Article 7 of the Federal Law;

to possess the license for conducting the particular type of activity in the field of industrial safety, which shall be licensed in conformity with the legislation of the Russian Federation;

notify the Federal executive body in the field of industrial safety or its territorial body about the beginning of executing the particular type of activity in accordance with the Russian Federation legislation on the protection of rights of the legal entities and individual entrepreneurs during execution of State control (supervision) and municipal control;

ensure manning of the hazardous production facility in compliance with the normative requirements;

admit individuals to work at the hazardous production facility who satisfy the corresponding qualification requirements and have no medical contraindications for the said work;

ensure training and certification of the employees in the field of industrial safety;

ensure availability of normative legal acts at a hazardous production facility establishing industrial safety requirements, as well as operation rules at a hazardous production facility;

organize and execute industrial control over compliance with industrial safety requirements;

create the Industrial Safety Management System and ensure its functioning in cases established by Article 11 of the Federal Law;

ensure availability and operability of the required devices and process control systems in compliance with the established requirements;

ensure the industrial safety expertise of the buildings, structures and technical devices used at a hazardous production facility, as well as diagnostics, testing and examination of structures and technical devices used at a hazardous production facility: this must be done within the established deadlines and upon corresponding instruction issued by the federal executive body in the field of industrial safety or its territorial body;

prevent strangers from getting into the territory of the hazardous production facility;

ensure fulfillment of industrial safety requirements pertaining to the storage of hazardous substances;

develop the industrial safety declaration in cases established by Article 14 of the present Federal Law ;

conclude mandatory liability insurance agreement in accordance with the Russian Federation legislation on mandatory liability insurance of a hazardous facility owner for the caused damage as a result of accident at a hazardous object;

execute the orders, instructions and directions of the federal executive body authorized in the field of industrial safety, its territorial body and officials, issued thereby within their scope;

suspend operation of the hazardous production facility, either on one’s own or upon the court decision, in the case of an accident or incident at the hazardous production facility, as well as in the case of newly detected circumstances affecting the industrial safety;

take measures to localize and eliminate accidents consequences at the hazardous production facility, as well as assist state bodies in the accident causes investigation;

participate in the accident causes technical investigation at the hazardous production facility, and take measures to eliminate the specified causes of the accident, and to prevent similar accidents in future;

analyze incidents causes at a hazardous production facility, and take measures to eliminate the specified causes of the incidents, as well as to prevent similar incidents in future;

according to the established order to provide timely information to the federal executive body authorized in the field of industrial safety, its territorial body, as well as to other power executive bodies, local self-administration bodies and public about the accident at a hazardous production facility;

take measures on protecting the employees' life and health in the case of an accident at the hazardous production facility;

keep records of accidents and incidents at the hazardous production facility;

submit to the federal executive bodies authorized in the field of industrial safety, or to its territorial body the information on the number of accidents and incidents, the causes of their occurrence , as well as on the measures taken.

2. Employees working at a hazardous production facility shall:

follow the provisions of the normative legal acts establishing the industrial safety requirements, as well as of the regulations of work execution at a hazardous production facility, and of the procedure of actions in case of accident or incident at a hazardous production facility;

undergo the industrial safety training and certification;

immediately inform their direct leader, or other officials, according to the established order, about the accident or incident at the hazardous production facility;

stop the work, according to the established order, in the case of an accident or incident at the hazardous production facility;

participate, according to the established order, in the containment of an accident at the hazardous production facility.

For issuing a certificate in the field of industrial safety to the employee of the company operating hazardous production facilities the state due shall be paid in the amount and order, which are established by the taxation and revenue legislation of the Russian Federation.

**Article 10. Industrial Safety Requirements for
Readiness to Actions on Accidents
Consequences Containment and Elimination at a Hazardous Production Facility**

1. For the purpose of ensuring readiness for accident consequences containment and elimination, the company operating hazardous production facility must:

- plan and undertake actions on accident consequences containment and elimination at a hazardous production facility;

- conclude service agreements with professional rescue service, or professional rescue divisions, and, in cases envisaged by the Federal Laws, other Federal laws and adopted in accordance with them other normative legal acts of the Russian Federation; create own professional rescue service or divisions, as well as non-professional rescue teams among the employees;

- create at hazardous production facilities of the I and II classes of hazard, at which mining operations are conducted, auxiliary mining-rescue teams in the order established by the federal executive body exercising functions on development and implementation of state policy, normative-legal regulation in the field of civil defence, population and territories protection against emergency situations;

- possess financial and material resources required to provide for accidents consequences containment and elimination in compliance with the legislation of the Russian Federation;

- train personnel with emergency procedures for the case of accident or incident at the hazardous production facility ;

- create the monitoring, alarm, communication and action-support systems for the case of an accident, as well as maintain operability of the said systems.

2. Planning of the activities on containment and elimination of accidents consequences at hazardous production facilities of the I, II and III classes of hazard provided by items 1, 4, 5 and 6 of Attachment 1 to the present Federal Law shall be executed by the development and approval of plans on containment and elimination of accidents consequences at such hazardous production facilities. The procedure of development of plans of actions on containment and elimination of accidents consequences at hazardous production facilities and the requirements to these plans content shall be established by the Government of the Russian Federation.

Article 11. Requirements to Organization of Industrial Control for Meeting the Industrial Safety Requirements and Industrial Safety Control

1. The company operating hazardous production facility shall organize and execute industrial control for compliance with the industrial safety requirements according to the requirements established by the Government of the Russian Federation.

2. Information about industrial control organization for meeting industrial safety requirements shall be presented in a written form or in the form of the electronic document signed by the strengthened qualified electronic signature to the federal executive body in the field of industrial safety or to their territorial bodies annually before April 1 of the relevant calendar year. The requirements to the form of submitting information about the industrial control organization for meeting the industrial safety requirements shall be established by the federal executive body in the field of industrial safety.

3. Organizations operating hazardous production facilities of the I or II class of hazard shall create the Industrial Safety Management Systems and ensure their functioning.

4. Industrial Safety Management Systems shall ensure:

identification of objectives and tasks of the organizations operating hazardous production facilities in the field of industrial safety, informing the public about these objectives and tasks;

identification, analysis and forecast of accident risk at hazardous production facilities and threats related to such accidents;

planning and implementation of actions on accidents risk reduction at hazardous production facilities including during execution of works or rendering services at hazardous production facilities by the external organizations or individual entrepreneurs;

work coordination on prevention of accidents and incidents at hazardous production facilities;

execution of industrial control for meeting industrial safety requirements;

safety of technical devices test use at hazardous production facilities in accordance with item 3 of Article 7 of the present Federal Law;

timely update of measures on accidents risk reduction at hazardous production facilities;

participation of the employees of the organizations operating hazardous production facilities in development and implementation of measures on accidents risk reduction at hazardous production facilities;

information support of exercising activity in the field of industrial safety.

5. Requirements to documentation support of Industrial Safety Management Systems shall be established by the Government of the Russian Federation.

Article 12. **Technical Investigation of Accident Causes**

1. Each fact of an accident at a hazardous production facility shall be subject to technical investigation of its causes.

2. Technical investigation of accident causes shall be carried out by a special commission headed by the representative of the federal executive body authorized in the field of industrial safety, or its territorial body.

The said commission shall also include:

representatives of the subject of the Russian Federation and (or) local administration body, on whose territory the hazardous production facility is located;

representatives of the company operating hazardous production facility;

insurer's representatives with whom the organization operating hazardous production facility had concluded the agreement on the compulsory insurance of the civil liability in accordance with the Russian Federation legislation on the compulsory insurance of the civil liability of the hazardous facility owner for the caused damage as a result of accident at a hazardous facility;

other representatives envisaged by the laws of the Russian Federation.

3. The President or the Government of the Russian Federation can take a decision on creating a State commission on technical investigation of accident causes, as well as nominate the Chairman of the said commission.

4 Commission on technical investigation of accidents causes can involve the expert organizations, experts in the field of industrial safety, and the specialists in the field of survey, design, scientific-research and development, equipment fabrication and in other fields for investigation.

5. The organization operating hazardous production facility, its employees, the organization conducted industrial safety expertise must submit all the information to the commission on technical investigation of accident causes, which is required by the above commission for exercising its authorities.

6. The results of conducting technical investigation of accidents causes shall be recorded in the act, in which the accidents causes and circumstances, the size of the caused damage, made violations of industrial safety requirements, persons made these violations, as well as measures, which are taken for accidents consequences localization and elimination, are specified, and the proposals on similar accidents prevention are contained.

7. Materials of accident causes technical investigation shall be submitted to the federal executive body in the field of industrial safety, or its territorial body, as well as to other governmental bodies concerned.

8. The federal executive body authorized in the field of industrial safety shall establish the procedure of accident causes technical investigation and drawing up of the act.

9. The organization operating hazardous production facility, in which territory the accident took place, shall finance the technical investigation of accident causes.

Article 13. **Industrial Safety Expertise**

The following is subjected to industrial safety expertise:

documentation for preservation and abandonment of a hazardous production facility;

documentation for technical re-equipment of a hazardous production facility in case if the specified documentation is not included in the scope of design documentation of such a facility subjected to expertise in accordance with the Russian Federation legislation on town planning activity;

technical devices used at a hazardous production facility in cases established by Article 7 of the present Federal Law;

buildings and structures at a hazardous production facility intended for implementation of technological processes, feed or products storage, movement of people and loads, accidents consequences containment and elimination;

Industrial Safety Declaration developed in the scope of documentation for technical re-equipment (in case if the specified documentation is not included in the scope of hazardous production facility design documentation subjected to expertise in accordance with the Russian Federation legislation on town planning activity), preservation, abandonment of hazardous production facility, or newly developed Industrial Safety Declaration;

Substantiation of safety of a hazardous production facility, as well as changes introduced to substantiation of safety of a hazardous production facility.

2. Industrial safety expertise shall be conducted by the organization having license for conducting specified expertise at the expense of its Client.

Organization having license for conducting industrial safety expertise is forbidden to conduct the specified expertise in relation to the hazardous object, which belongs on the basis of a right of ownership or on

other legal grounds to it, or to persons being part of a single group with it, in accordance with the antimonopoly legislation of the Russian Federation. Conclusion of industrial safety expertise prepared with the violation of this requirement cannot be used for the purposes established by the present Federal Law.

3. Industrial safety expertise shall be conducted in the order established by the federal norms and rules in the field of industrial safety on the bases of principles of independence, objectiveness, comprehensiveness and completeness of investigations conducted using up-to-date achievements of science and engineering.

4. The result of conducting industrial safety expertise is the conclusion, which shall be signed by the leader of the organization conducted industrial safety expertise, and by the expert or experts in the field of industrial safety participated in conducting the above specified expertise. The requirements to execution of industrial safety expertise conclusion shall be established by the federal norms and rules in the field of industrial safety.

5. Industrial safety expertise conclusion shall be submitted by its Client to the federal executive body in the field of industrial safety, or to the territorial body, which shall introduce this conclusion to the Register of industrial safety expertise conclusions during five working days from the date of its receipt. The conclusion of industrial safety expertise can be used for the objectives established by this Federal Law exclusively from the date of its introduction to the Register of industrial safety expertise conclusions by the federal executive body in the field of industrial safety or its territorial body.

6. For the purpose of the present Federal Law under a deliberately false conclusion of industrial safety expertise the conclusion shall be understood, which had been prepared without conducting the above expertise, or after its conducting but evidently contradicting the content of the materials submitted to the expert or to the experts in the field of industrial safety and reviewed in the process of industrial safety expertise conducting, or actual condition of technical devices used at a hazardous production facilities, buildings and structures at a hazardous production facilities being the objects of industrial safety expertise.

The conclusion of industrial safety expertise admitted a deliberately false shall be subject to exclusion from the Register of industrial safety expertise conclusions.

7/ Maintenance of Register of industrial safety expertise conclusions shall be executed by the federal executive body in the field of industrial safety according to the Administrative Reglament.

8. The leader of the organization conducting industrial safety expertise must:

organize conducting industrial safety expertise in the order established by the federal norms and rules in the field of industrial safety;

provide for conducting industrial safety expertise by the experts in the field of industrial safety;

ensure availability of equipment, devices, materials information support means required for conducting industrial safety expertise.

9. The expert in the field of industrial safety must:

define the compliance of the industrial safety expertise objects with the industrial safety requirements by conducting analysis of the materials submitted for industrial safety expertise, and the actual condition of technical devices used at a hazardous production facilities, buildings and structures at a hazardous production facilities, prepare conclusion of industrial safety expertise and submit it to the leader of the organization conducting industrial safety expertise;

follow the procedure of conducting industrial safety expertise, and the requirements to execution of industrial safety expertise conclusion established by the federal norms and regulations in the field of industrial safety;

ensure objectiveness and reasonableness of the conclusions contained in the conclusion of industrial safety expertise;

ensure safe-keeping and integrity of the materials submitted for industrial safety expertise, and the confidentiality of the information obtained in the process of conducting the above expertise.

10. The expert in the field of industrial safety is forbidden to participate in conducting industrial safety expertise in relation to hazardous production facility belonged on the basis of the right of ownership, or on other legal grounds to the organization with which he has an employ-

ment relationship. Industrial safety expertise conclusion prepared with the violation of this requirement cannot be used for the purposes established by this Federal Law.

Article 14. Development of the Industrial Safety Declaration

1. Development of the Industrial Safety Declaration implies comprehensive accident risk assessment and the associated threats; analysis of the adequacy of the taken measures on accident prevention, on ensuring the organization readiness to operate hazardous production facility in compliance with industrial safety requirements, as well as to ensure containment and elimination of accident at a hazardous production facility; development of measures aimed at reduction of emergency consequences scale, and the extent of damage caused in the case of an accident at a hazardous production facility.

The federal executive body in the field of industrial safety shall determine the list of data to be contained in the Industrial Safety Declaration, and the procedure of its execution.

2. It is herewith established that the development of Industrial Safety Declarations shall be mandatory for hazardous production facilities of I and II hazard classes, where the hazardous substances are produced, processed, formed, stored, transported, or eliminated, in the amounts specified in Attachment 2 hereto (except for using explosives when conducting blasting).

3. Industrial Safety Declaration shall be developed in the scope of the design documentation for construction, reconstruction of a hazardous production facility, as well as documentation for technical re-equipment, preservation, abandonment of a hazardous production facility.

3¹. The Industrial Safety Declaration shall be again developed in the following cases:

expiry of 10 years from the day of introduction of the latest Industrial Safety Declaration to the Register of Industrial Safety Declaration;

technological process change at a hazardous production facility, or increase to more than by 20% of the quantity of a hazardous substanc-

es which are circulating or can be circulating at a hazardous production facility;

change of the Industrial Safety Declaration requirements;

based on instruction of the federal executive body in the field of industrial safety or its territorial body in case of non-compliance of the information contained in Industrial Safety Declaration and obtained during execution of the Federal state supervision in the field of industrial safety.

4. Leader of the organization operating hazardous production facility shall approve the Industrial Safety Declaration.

In accordance with the Russian Federation legislation the leader of the company operating hazardous production facility shall be liable for the completeness and accuracy of the Industrial Safety Declaration data.

5. Industrial Safety Declaration developed in the scope of the documentation for technical re-equipment, preservation and abandonment of a hazardous production facility and the newly developed Industrial Safety Declaration shall be subject to industrial safety expertise in the established order. Design documentation for hazardous production facility construction, reconstruction comprising Industrial Safety Declaration shall be subjected to expertise in accordance with the Russian Federation legislation on town planning activity.

6. The Industrial Safety Declaration shall be presented to the governmental authorities, local administration, public associations and individuals in the order established by the Government of the Russian Federation.

7. Industrial Safety Declaration submitted to the federal executive body in the field of industrial safety or to its territorial body shall be included to the Register of Industrial Safety Declarations during five working days from the date of the corresponding documents receipt.

8. Maintenance of Industrial Safety Declaration Register shall be executed by the federal executive body in the field of industrial safety in accordance with Administrative Reglament.

Article 15. Compulsory Insurance of the Civil Liability for the Caused Damage as a Result of Accident or Incident at a Hazardous Production Facility

Compulsory insurance of the civil liability for the caused damage as a result of accident or incident at a hazardous production facility shall be executed in accordance with the Russian Federation legislation on compulsory insurance of the civil liability of a hazardous production facility owner for the caused damage as a result of accident at a hazardous object.

Article 16. Federal State Supervision in the Field of Industrial Safety

1. Federal state supervision in the field of industrial safety shall mean the activity of the authorized federal executive bodies aimed at prevention, identification and preclusion from violations of the requirements established by this Federal Law, other Federal Laws and adopted in accordance with them other normative legal acts of the Russian Federation in the field of industrial safety (hereinafter – mandatory requirements) by the legal entities, their leaders and other officials, individual entrepreneurs, their authorized representatives (hereinafter – legal entities, individual entrepreneurs) carrying out activity in the field of industrial safety by arranging and conducting inspections of the above entities, adopting provided by the Russian Federation legislation actions on preclusion, prevention and (or) elimination of the identified violations, and the activity of the above authorized bodies of state power on systematic supervision for fulfillment of the mandatory requirements, analysis and forecast of the status of the specified requirements fulfillment by the legal entities, individual entrepreneurs during execution of their activity.

2. Federal state supervision in the field of industrial safety shall be executed by the authorized federal executive bodies (hereinafter – state supervision bodies) according to their competence in the order established by the Government of the Russian Federation.

3. The provisions of the Federal Law dated December 26, 2008 № 294-FL “On protection of rights of the legal entities and the individual

entrepreneurs during execution of state control (supervision) and municipal control” considering specifics of the organization and conducting inspections established by items 4–10 of this Article shall be applied to the relations pertaining to the execution of the federal state supervision in the field of industrial safety, arranging and conducting inspections of the legal entities, individual entrepreneurs.

4. The subject of the inspection is meeting the requirements in the field of industrial safety by the legal entity, individual entrepreneur in the process of executing the activity in the field of industrial safety, as well as compliance of the used buildings, premises, structures, technical devices, equipment and materials, executed technological processes with the specified requirements. In case if the activity in the field of industrial safety is executed by the legal entity, individual entrepreneur with the use of substantiation of safety of a hazardous production facility, the subject of inspection is meeting the requirements of such substantiation of safety.

5. The basis for inclusion of the scheduled inspection to the annual plan of conducting scheduled inspections is the expiry of the period established by item 5¹ of the present Article starting from the day of:

a) adoption in the order, established by the Government of the Russian Federation, of the decision on commissioning of a hazardous production facility after construction, technical re-equipment, reconstruction and overhaul, including buildings, premises, structures, technical devices, equipment and materials used during operation of a hazardous production facility;

б) registration of the hazardous production facility in the State Register of hazardous production facilities;

в) completion of conducting the last scheduled inspection.

5¹. Conducting planned inspections of the legal entities, individual entrepreneurs operating hazardous production facilities shall be executed with the following periodicity:

a) with regards hazardous production facilities of I or II class of hazard not more often than once during one year;

б) with regards hazardous production facilities of III class of hazard not more often than once during three years;

5². With regards hazardous production facilities of IV class of hazard the planned inspections shall not be conducted.

6. The annual plan of conducting scheduled inspections, the Order (instruction) of the state supervision body pertaining to the assignment of the inspection, the Act of inspection shall additionally comprise the name and place of location of a hazardous production facility in relation to which the conducting is relevantly planned of control actions, and actually the specified actions had been taken.

7. The basis for conducting off-scheduled inspection is:

a) expiry of the date of executing instruction issued by the state supervision body on elimination of the identified violation of mandatory requirements by the legal entity, individual entrepreneur;

б) receipt by the federal executive body of the appeals and applications from the citizens, as well as from the individual entrepreneurs, legal entities, the information from the state power bodies (officials of the federal executive bodies), local government authorities, the information from the mass media about the fact of mandatory requirements violations, on noncompliance with mandatory requirements of the used buildings, premises, structures, technical devices, equipment and materials, executed technological processes, if these violations create threat to life, people's health, harm to animals, plants, environment, state security, property to individuals and legal entities, state or municipal property, threat of occurrence of accidents and (or) emergencies of the technogenic nature, or result in causing such a damage, occurrence of accidents and (or) emergencies of the technogenic nature;

в) availability of the Order (instruction) of the leader, (deputy leader) of the state federal executive body on conducting off-schedule inspection issued in accordance with the commission of the President of the Russian Federation, or on the basis of the prosecutor requirement conducting off-schedule inspection within the frame of the supervision for the obedience of laws on the material and the appeals received by the prosecution agencies.

8. Off-schedule field audit on the basis specified in sub-item "б" of item 7 of the present Article can be conducted immediately with notifying

the prosecutor's office in the order established by part 12 of Article 10 of the Federal Law dated December 26, 2008 № 294-FL "On the protection of legal entities and individual entrepreneurs rights during execution of state control (supervision) and municipal control" without agreement with the prosecutor's office.

9. Preliminary notification of the legal entity, individual entrepreneur about the performance of the off-schedule on-site audit, the basis for which performance are specified in sub-item "6" of item 7 of this Article, is not allowed.

10. The period for conducting audit shall be not more than thirty working days from the start date of its performance.

In exceptional cases related to the necessity of conducting complicated and (or) long research work, testing, special expertise and investigation on the bases of the motivated proposals of the federal executive body officials in the field of industrial safety conducted the audit, the audit period can be extended by the leader (deputy leader) of this body, but not more than for twenty working days.

11. at a hazardous production facilities of the I class of hazard the regime of permanent state control shall be established in accordance with the provisions of the Federal Law dated December 26, 2008 № 294-FL "On the protection of legal entities and individual entrepreneurs' rights when performing state control (supervision) and municipal control". The procedure of exercising permanent state supervision shall be established by the Government of the Russian Federation.

12. The officials of the state supervision bodies in the order established by the Russian Federation legislation have the right to:

a) ask for and receive based on the motivated written request from the legal entity, individual entrepreneur the information and the documents required during audit performance;

6) without hindrance upon the presentation of the staff pass and the copy of the Order (instruction) of the leader (deputy leader) of the state supervision body about the assignment of the audit to visit hazardous production facilities and conduct inspection of the buildings, premises, structures, technical devices, equipment and materials used by individual

entrepreneurs during execution of their activity, as well as to conduct the required research, testing, expertise and other control actions;

б) issue to the legal entities, individual entrepreneurs the instructions on elimination of the identified violations of mandatory requirements pertaining to conducting actions on ensuring prevention of damage to people's life, health, harm to animals, plants, environment, state security, property of the individuals and legal entities, state or municipal property, prevention of occurrence of the emergencies of natural and technogenic nature;

г) prepare the protocols on administrative infractions related to mandatory requirements violations, review the cases on the specified administrative infractions and take actions on preventing these violations;

д) send the materials related to the mandatory requirements violation to the authorized bodies for solving the issues on initiating the criminal cases on the signs of crimes;

е) give instructions on moving the people from the work places in case of threat to life and health to the employees.

13. Federal executive bodies can be got involved by the court to participate in the proceeding, or have the right to intervene in proceedings on their own initiative for giving the conclusion on the complaint about indemnification of damage caused to people's life, health, harm caused to the animals, plants, environment, state security, property of the individuals and legal entities, state or municipal property as a result of violations of industrial safety mandatory requirements

Article 16¹. State Supervision during Construction, Reconstruction of a hazardous Production Facilities

State supervision during construction, re-construction of a hazardous production facilities shall be executed by the authorized to the implementation of state construction supervision federal executive body, the federal executive bodies of the subjects of the Russian Federation authorized to implementation of regional state construction supervision in accordance with the legislation of the Russian Federation on town planning activity.

Article 17. Liability for the Violation of the Legislation in the Field of Industrial Safety

Individuals guilty of the violation of this Federal law shall bear responsibility in accordance with the legislation of the Russian Federation.

Article 17¹. Liability for the Caused Damage to Life or Health of the Citizens as a Result of Accident or Incident at a Hazardous Production Facility

1. In case of damage caused to life or health of the individuals as a result of accident or incident at a hazardous production facility the operating company or other owner of a hazardous production facility responsible for the caused damage shall ensure payment of an indemnity in consideration for the indemnification for the caused damage:

individuals having the right in accordance with the civil legislation for indemnification of damage caused in case of the suffered (breadwinner) death, — in the sum of two million rubles;

individuals having the right in accordance with the civil legislation for indemnification of damage caused to life , — in the sum defined based on the nature and the level of health damage according to the norms established by the Government of the Russian Federation. The Compensation size in this case cannot exceed two million rubles.

2. Payment of an indemnity in consideration for the indemnification for the caused damage to life or health of the individuals as a result of accident or incident at a hazardous production facility does not free the person responsible for the caused damage from his indemnification in accordance with the requirements of the civil legislation in part exceeding the sum of the paid compensation.

CHAPTER III
FINAL PROVISIONS

Article 18. Validation of this Federal Law

1. This Federal law shall come into effect on the day of its official publishing.

2. Recommend to the President of the Russian Federation, and entrust the Russian Government to bring their legal acts in compliance with this Federal law.

Hazardous Production Facilities

The objects are referred to the category of a hazardous production facilities where:

1) the following types of a hazardous substances are produced, utilized, processed, formed, stored, transported and eliminated in the amount specified in Attachment 2 to the present Federal Law:

a) flammable substances — gases, which under normal pressure and mixed with air become flammable, and whose boiling temperature under normal pressure is 20 deg.C or lower;

b) oxidizers — combustion-sustaining substances initiating inflammation and/or facilitating the inflammation of other substances as a result of a redox exothermic reaction;

c) flammable substances: liquids, gas, which are self-inflammable, as well as flammable by an ignition source, and capable of burning after removal of such source;

d) explosive substances — substances which, under certain external impact, tend to a quick self-propagating chemical conversion resulting in heat release and gas formation;

e) toxic substances — substances whose effect may cause death of living organisms, and whose characteristics are as follows:

average lethal dose, if introduced into the stomach, is from 15 milligrams per kilogram to and including 200 mg/kg;

average lethal dose, if applied to the skin, is from 50 mg/kg to, and including, 400 mg/kg;

average fatal concentration in the air from 0,5 mg/l to 2 mg/l inclusive;

f) high-toxic substances — substances whose effect may cause death of living organisms, and whose properties are as follows:

average lethal dose, if introduced into the stomach, does not exceed 15 mg/kg;

average lethal dose, if applied to the skin, does not exceed 50 mg/kg;

average lethal concentration in the air does not exceed 0.5 mg/l;

g) substances which are dangerous for the environment – substances which have the following high-toxic properties in the water environment (paragraph enacted from January 11, 2009 by the Federal Law of December 30, 2008 № 309-FL- see, previous version):

average lethal dose, if inhaled by fish during 96 hours, does not exceed 10 mg/l;

average concentration of poison resulting in a certain effect on daphnia during 48 hours does not exceed 10 mg/l;

average inhibitory concentration, in case of effect on water plants during 72 hours, does not exceed 10 mg/l;

2) the equipment working under excessive pressure more than 0.07 Mpa;

a) steam, gas (in gaseous , liquefied condition);

b) water at a heating temperature more than 115 deg.C;

c) other liquids at a temperature exceeding temperature of their boiling at excessive pressure 0.07 MPa;

3) stationary load-lifting mechanisms (except for lifts, lifting platforms for invalids) escalators (in the metro), ropeways, funiculars are used;

4) the smelts of ferrous and non-ferrous metals are produced transported, used as well as alloys made on their basis using equipment designed for maximum number of melt 500 kg and more;

5) mining operations are conducted (except for the development of popular mineral resources executed by open method without blast operations), and the works associated with mineral dressing.

6) plant raw material storage or processing in the process of which explosion hazardous air-dust mixtures are formed capable for self-ignition , ignite from the ignition source and burn independently after its removal, as well as storage is conducted of grain, product of its processing and raw material prone to self heating and self ignition.

Electrical grid facilities are not related to hazardous production facilities.

Classification of Hazardous Production Facilities

1. Hazards classes of hazardous production facilities specified in item 1 of Attachment 1 to the present Federal Law (except for the facilities specified in items 2, 3 and 4 of the present Attachment) shall be established based on quantity of the hazardous substance or hazardous substances which are present or can be present at a time at a hazardous production facility in accordance with Tables 1 and 2 of the present Attachment.

2. I class of hazard is established for the facilities on storing chemical weapon, facilities on elimination of chemical weapon and hazardous production facilities of special chemistry.

3. For hazardous production facilities of oil and gas condensate drilling and development the following classes of hazard are established:

1) II class of hazard – for hazardous production facilities with regard to discharge of product with the content of hydrogen sulfide more than 6% of such product volume;

2) III class of hazard – for hazardous production facilities, hazardous with regard to discharge of product with the content of hydrogen sulfide more than 1% of such product volume;

3) IV class of hazard – for hazardous production facilities which are not specified in sub-items 1 and 2 of the present item.

4. For gas distribution stations, for gas distribution and gas consumption networks the following classes of hazard are established:

1) II class of hazard – for hazardous production facilities intended for transportation of natural gas under pressure more than 1.2 MPa, or liquefied petroleum gas under pressure of more than 1.6 MPa

2) III class of hazard – for hazardous production facilities which are not specified in sub-item 1 of the present item.

5. For hazardous production facilities specified in item 2 of Attachment 1 to the present Federal Law the following classes of hazard are established:

1) III class of hazard – for hazardous production facilities providing heat supply for the population and socially important categories of consumers defined in accordance with the Russian Federation legislation in the field of heat supply, as well other hazardous production facilities where equipment operating under excessive pressure 1.6 MPa and more or at a temperature of working medium 250 deg.C and more;

2) IV class of hazard – for hazardous production facilities not specified in sub-item 1 of the present item.

6. For hazardous production facilities specified in item 3 of Attachment 1 to the present Federal Law the following hazard classes are established:

1) III class of hazard – for overhead railways;

2) IV class of hazard – for hazardous production facilities not specified in sub-item 1 of the present item.

7. For hazardous production facilities specified in item 4 of Attachment 1 to the present Federal Law the following classes of hazard are established:

1) II class of hazard – for hazardous production facilities where equipment is used designed for maximum number of smelts 10 000 kg and more;

2) III class of hazard – for hazardous production facilities where equipment is used designed for maximum number of smelts from 500 to 10 000 kg;

8. For hazardous production facilities specified in item 5 of Attachment 1 to the present Federal Law the following classes of hazard are established:

1) I class of hazard – for coal industry mines as well as other facilities of conducting underground mining works at the section of mineral deposits where the following can occur:

Gas and (or) dust explosions;

Rock, gas and (or) dust sudden outburst;

Rockbursts;

Breakthrough of water to the underground workings;

2) II class of hazard – for the facilities of conducting underground mining operations which are not specified in sub-item 1 of the present

item for the facilities where open mining operations are conducted, which volume of mined rock development is 1 mln/m³ per year for the facilities of coal processing (combustible shale);

3) III class of hazard — for the facilities where open mining works are conducted which volume of mined rock development is from 100 thousand to 1 mln/m³ per year, as well as for the facilities where the works are conducted on mineral dressing (except for the facilities of coal processing combustible shale);

4) IV hazard class- for the facilities where open mining works are conducted which volume of mined rock development is less than 100 thousand m³ per year.

9. For hazardous production facilities specified in item 6 of Attachment 1 to the present Federal Law, the following classes of hazard are established:

1) III class of hazard — for elevators, hazardous production facilities of milling, cereal and feed milling plants;

2) IV class of hazard — for other hazardous production facilities.

10. In case if for a hazardous production facility on the criteria, specified in items 1–7 of the present Attachment the different classes of hazard can be established, in this case, the highest hazard class shall be established.

11. In case if a hazardous production facility, for which according to items 1–8 of the present Attachment the hazard class II, III and IV shall be established, is located at the earth of specially protected natural sites, on the continental shelf of the Russian Federation, in the internal sea waters, in the territorial sea or adjacent zone of the Russian Federation, at the artificial plot of land created at the water object, being in the Federal ownership, so for such a facility a higher class of hazard shall be accordingly established.

Table 1

Hazardous Substance Name	Hazardous Substance Quantity, t			
	I hazard class	II hazard class	III hazard class	IV hazard class
Ammonia	5000 and more	500 and more, but less than 5000	50 and more, but less than 500	10 and more, but less than 50
Ammonium nitrate (ammonium nitrate and ammonium mixtures, whose content of nitrogen and ammonium nitrate exceeds 28% of the weight, as well as the ammonium nitrate liquid substances, whose ammonium nitrate concentration exceeds 90% of the weight)	25000 and more	2500 and more but less than 25000	250 and more, but less than 2500	50 and more, but less than 250
Ammonium nitrate in the form of fertilizers (usual fertilizers based on ammonium nitrate, as well as composite fertilizers whose nitrogen and ammonium nitrate content exceeds 28% of the weight (composite fertilizers contain ammonium nitrate together with phosphate and (or) potassium))	100000 and more	10000 and more, but not less than 100000	1000 and more, but less than 10000	200 and more, but less than 1000
Acrylonitrile	2000 and more	200 and more, but less than 2000	20 and more, but less than 200	4 and more, but less than 20

Hazardous Substance Name	Hazardous Substance Quantity, t			
	I hazard class	II hazard class	III hazard class	IV hazard class
Chlorine	250 and more	25 and more, but less than 250	2,5 and more, but less than 25	0.5 and more, but less than 2.5
Ethylene oxide	500 and more	50 and more, but less than 500	5 and more, but less than 50	1 and more, but less than 5
Hydrogen cyanide	200 and more	20 and more, but less than 200	2 and more, but less than 20	0.4 and more, but less than 2
Hydrogen fluoride	500 and more	50 and more, but less than 500	5 and more, but less than 50	1 and more, but less than 5
Hydrogen sulfide	500 and more	50 and more, but less than 500	5 and more, but less than 50	1 and more, but less than 5

Hazardous Substance Name	Hazardous Substance Quantity, t			
	I hazard class	II hazard class	III hazard class	IV hazard class
Sulfur dioxide	2500 and more	250 and more, but less than 2500	25 and more, but less than 250	5 and more, but less than 25
Sulfur trioxide	750 and more	75 and more, but less than 750	7.5 and more, but less than 75	1,5 and more, but less than 7.5
Lead Alkyls	500 and more	50 and more, but less than 500	5 and more, but less than 50	1 and more, but less than 5
Phosgene	7.5 and more	0.75 and more, but less than 7.5	0.075 and more, but less than 0.75	0.015 and more, but less than 0.075
Methyl isocyanate	1.5 and more	0.15 and more, but less than 1.5	0.015 and more, but less than 0.15	0.003 and more, but not less than 0.015

Table 2

Kinds of a Hazardous Substances	Hazardous substance amount, t			
	I hazard class	II hazard class	III hazard class	IV hazard class
Flammable and combustible gases	2000 and more	200 and more, not less than 2000	20 and more, not less than 200	1 and more, not less than 20
Flammable liquids in material storage facilities and bases	500 000 and more	50 000 and more, not less than 500000	1000 and more, not less than 50000	—
Flammable liquids used in the technological process or transported through a trunk pipeline	2000 and more	200 and more, not less than 2000	20 and more, not less than 200	1 and more, not less than 20
Toxic substances	2000 and more	200 and more, not less than 2000	20 and more, not less than 200	1 and more, not less than 20

Kinds of a Hazardous Substances	Hazardous substance amount, t			
	I hazard class	II hazard class	III hazard class	IV hazard class
High-toxic substances	200 and more	20 and more, not less than 200	2 and more, not less than 20	0.1 and more, but less than 2
Oxidizers	2000 and more	200 and more, not less than 2000	20 and more, not less than 200	1 and more, not less than 20
Explosive substances	500 and more	50 and more, not less than 500	Less than 50	—
Substances dangerous for environment	2000 and more	200 and more, not less than 2000	20 and more, not less than 200	1 and more, not less than 20

Note 1: For hazardous substances not specified in Table 1 of the present Attachment, the data of Table 2 of the present Attachment shall be applied.

2. If different kinds of hazardous substances of the same type are present, their amounts shall be summarized.

3. In case the distance between hazardous production facilities is less than 500 meters, the summary amount of the hazardous substance shall be taken into account irrespective of whether they are operated by the same or different organizations.