

# LAW OF THE KYRGYZ REPUBLIC

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## Technical Regulations "On industrial safety"

### Chapter 1. General provisions

#### Article 1. Purpose and scope

1. This Law defines the main technical regulations in the field of industrial safety provisions aimed at preventing accidents at hazardous production facilities and the preparedness of organizations to localize their consequences and provides:

1) The objects of technical regulation, including methods for their identification;

2) industrial safety requirements, mandatory for all legal entities and individual entrepreneurs engaged in the processes of design, construction, operation, expansion, reconstruction, modernization, conservation and liquidation of hazardous production facilities;

3) forms of conformity assessment of the design, construction, operation, expansion, reconstruction, modernization, conservation and liquidation of hazardous production facilities.

2. This Act applies in order to ensure security for the protection of life and health of people, animals and plants, protection of the environment.

3. The requirements of this Act shall apply to all carried out within the territory of the Kyrgyz Republic of the design process, construction, operation, expansion, reconstruction, modernization, conservation and liquidation of hazardous production facilities.

#### Article 2. Definitions

For the purposes of this Law the following basic concepts:

1) accident - destruction, damage to buildings, communications equipment, vehicles and other equipment used at hazardous production facilities, uncontrollable explosion, fire or release of hazardous substances;

2) The state register of hazardous production facilities (hereinafter - the State Register) - a single database (database management system and a unified base of production facilities data) based on a common methodological and software-engineering principles and contains information

about the hazardous production facilities, which are operated by legal persons or individual entrepreneurs (hereinafter - organizations) in the territory of the Kyrgyz Republic;

3) identification of hazardous production facilities (hereinafter - identification) - Identification and classification of objects as part of the organization to the category of hazardous production facilities and the definition of its type in accordance with the requirements of this Act;

4) incident - failure or damage of technical devices used at hazardous production facilities, the deviation from the process conditions, contrary to the provisions of this Law and other normative legal acts that establish the rules of conducting works on the hazardous production facility;

5) hazardous production facility - Facility (enterprise, department, section, area, as well as other high-risk object) representing a potential danger to life and health of people, their property, the natural environment, which can be realized in the event of an accident;

6) industrial safety of hazardous production facilities (hereinafter - Industrial Security) - protection status of the individual and society from accidents at hazardous production facilities, and the consequences of these accidents;

7) technical device - item (item), the node (board unit), the unit (rack), the mechanism of the machine as a whole system of machines used in production activities;

8) industrial safety requirements - the conditions, rules, prohibitions, restrictions and other compulsory to fulfill the requirements contained in the present Law, as well as other regulations, including technical regulations, compliance with which ensures the technical safety;

9) authorized body - the executive body, endowed with special licensing functions and performing the development of state policy and normative legal regulation in the field of industrial safety;

10) authorized by the supervisory authority - executive authority vested with control and supervisory functions in the field of industrial safety and state supervision in the field of industrial safety.

### Article 3. Legal bases of technical regulation in the field of industrial safety

The legal basis of technical regulation in the field of industrial safety are [The Constitution](#) of the Kyrgyz Republic entered into with the law by virtue of international treaties to which the Kyrgyz Republic, laws of the Kyrgyz Republic in the field of industrial safety, [Law](#) of the Kyrgyz Republic "On the Basics of Technical Regulation in the Kyrgyz Republic" and this Law.

### Article 4. Technical regulation in the field of industrial safety

1. Technical regulation in the field of industrial safety in accordance with industrial safety requirements established by this Law and other technical regulations for industries.

2. Industrial safety requirements must conform to the standards in the field of population and territories from emergency situations of sanitary and epidemiological welfare of the population, environmental protection, environmental safety, fire safety, occupational safety, construction.

### Article 5. Objects of technical regulation

1. technical regulation objects include the construction process, operation, expansion,

reconstruction, modernization, conservation and liquidation of hazardous production facility, where:

1) are obtained, used, processed, produced, stored, transported, destroyed the following hazardous substances:

a) flammable substances - gases, which at normal pressure and mixed with air become flammable and a boiling point under normal pressure is 20 degrees Celsius or below;

b) oxidizing agents - agents supporting combustion, causing inflammation and (or) other substances contributing to inflammation as a result of an exothermic redox reaction;

c) flammable substances - liquids, gases, dust, liable to spontaneous combustion and ignite from the ignition source and independently burn after its removal;

d) explosive - a substance or mixture of substances capable under certain conditions under the influence of external influences to a rapid self-propagating chemical conversion (explosion) from the release of a large amount of heat and gaseous products;

d) Toxic substances - substances capable when exposed to living organisms lead to their death and having the following characteristics:

- Average fatal dose when administered into the stomach 15 milligrams per kilogram to 200 milligrams per kilogram, inclusive;

- Average fatal dose when applied to the skin of 50 milligrams per kilogram to 400 milligrams per kilogram, inclusive;

- Mean lethal concentration in air of 0.5 milligrams per liter to 2 milligrams per liter, inclusive;

e) highly toxic substances - substances capable of under the influence of living organisms in their death, and having the following characteristics:

- The average lethal dose for ingestion of not more than 15 milligrams per kilogram;

- Average fatal dose when applied to the skin up to 50 milligrams per kilogram;

- Mean lethal concentration in air is not more than 0.5 milligrams per liter;

g) substances which are hazardous to the environment, - substances to the aquatic environment acute toxicity following indicators:

- Average fatal dose inhalation fish for 96 hours is not more than 10 milligrams per liter;

- The average concentration of poison that causes a certain effect when exposed to fleas within 48 hours, no more than 10 milligrams per liter;

- Mean inhibitory concentration upon exposure to algae within 72 hours no more than 10 milligrams per liter;

2) equipment operating under pressure over 0.07 MPa or water heating temperature more than 115 degrees Celsius;

3) uses permanently installed hoisting machines, escalators, cable cars, funiculars, elevators, amusement;

4) obtained melts of ferrous and non-ferrous metals and alloys on the basis of these melts;

5) conducted mining, exploration and explosive works, mining and mineral processing, as well as work in underground conditions;

6) are conducted landfill mining and steel production, containing substances dangerous to human life and the environment.

2. Identification of hazardous production facilities implementing organization operating these facilities.

3. The criteria for the distribution of hazardous production facilities on the degree of risk for the safety of life and health, the environment of the population, as well as the procedure for their registration in a public register and identification established by the Government of the Kyrgyz Republic.

## **Chapter 2. Industrial Safety Basics**

### Article 6 Activities in the field of industrial safety

The types of industrial safety activities include:

- 1) the design, construction, operation, expansion, reconstruction, overhaul, modernization, conservation and liquidation of hazardous production facilities;
- 2) manufacture, installation, commissioning, maintenance and repair of technical devices used at hazardous production facilities;
- 3) inspection of industrial safety;
- 4) training and retraining of workers of hazardous production facilities in non-educational institutions.

### Article 7. Requirements for the design of hazardous production facilities

1. The project documentation for the construction, expansion, reconstruction, modernization, conservation and liquidation of hazardous production facilities (hereinafter - project documentation) shall contain the requirements and measures to ensure industrial safety, accident prevention and containment of effects with the necessary justifications and calculations. These requirements shall be observed in the process of conservation or liquidation of the object, and upon completion.

2. In the project documentation provided reasonable and adequate solutions to ensure industrial safety, taking into account the particularly difficult geological and hydrogeological conditions of construction, seismic activity, landslides and other phenomena.

3. Project documentation and changes to it are subject to industrial safety expertise.

### Article 8. Requirements for the construction, expansion, reconstruction, technical re-equipment, exploitation, conservation and liquidation of hazardous production facilities

1. One of the prerequisites for the decision to start the construction, expansion, reconstruction, modernization, conservation and liquidation of hazardous production facilities is the presence of the positive conclusion of industrial safety expertise of the design documentation approved by the competent authority.

2. During the construction, expansion, renovation, modernization, conservation and liquidation of hazardous production facilities are not permitted deviation from the design documentation and design organization provides:

- 1) quality control of construction and installation works;
- 2) supervision of compliance with design solutions.

3. Upon completion of construction, expansion, reconstruction and technical re-equipment of hazardous production facilities made acceptance of hazardous production facilities in operation in the manner prescribed by the legislation of the Kyrgyz Republic in the field of urban planning. During the acceptance of hazardous production facilities in operation are controlled: compliance work performed design solutions for industrial safety; testing facilities and equipment to ensure the prevention of accidents and location of their consequences; the willingness of staff and the emergency services to take action to contain and eliminate the consequences of accidents.

4. For the commissioning of the installation contractor developed a special technical documentation, providing the necessary security measures.

5. to the operation of hazardous production facilities shall be established by the technical regulations for the activities.

6. Work on the conservation and liquidation of hazardous production facility are conducted in accordance with the project documentation.

## Article 9. Requirements for organizations operating in the field of industrial safety

1. Organizations engaged in activities in the field of industrial safety of hazardous industrial facilities are required to:

1) comply with industrial safety requirements established by normative legal acts;

2) allow to work at hazardous production facilities of persons which conform to the qualification requirements, do not have medical contraindications for this operation, trained and certified in the field of industrial safety;

3) comply with the orders (instructions, notifications) authorized the supervisory authority and its officers, to give them in accordance with the authorization;

4) submit information required for the registration of hazardous industrial facilities in the state register;

5) carry out examination of industrial safety of buildings and structures, the coordination of plans for the development of mining and underground exploration work, diagnostics, testing, inspection facilities and technical devices used at hazardous production facilities, within the technical regulations as possible, including the end-of-technical resource of technical devices, to determine whether the duration of their safe operation;

6) ensure the existence and operation of necessary instrumentation and industrial process control systems in accordance with the requirements established by the technical regulations;

7) enter into a contract of insurance risk of liability for causing harm to the operation of hazardous production facilities;

8) prevent the entry of unauthorized persons at hazardous production facilities;

9) organize and carry out production control in accordance with the procedure established by

the Government of the Kyrgyz Republic;

10) to plan and implement measures to localize and eliminate the consequences of accidents, to assist the public authorities in the investigation of the causes of accidents;

11) enter into agreements with professional emergency services (units) contracts for the service, and in the cases provided [the law](#) Kyrgyz Republic "On the emergency services and the status of rescuers" - create your own professional emergency rescue teams and contingency rescue units from the number of employees;

12) have reserves of financial and material resources for localization and liquidation of the consequences of accidents;

13) to establish and maintain in proper condition monitoring, warning, communication, and personal protective equipment in the event of an accident;

14) to take part in the technical investigation of the causes of accidents, loss of explosive materials and highly toxic substances in the facility and industrial accidents;

15) submit to the competent authorities information on accidents, incidents and accidents at work, their causes and the measures taken;

16) include costs for industrial security in the development of plans of financial and economic activity of hazardous production facilities;

17) provide staffing employees of hazardous production facilities in the amount required for the safe performance of work;

18) comply with the procedure and conditions for the use of technical devices at hazardous production facilities, provided by the technical regulations.

2. The organizations operating hazardous production facilities, which are produced, used (used) and stored explosives, ensure their integration and the preservation of the established order of the respective technical regulations.

## Article 10. Authorised personnel of hazardous production facilities

Hazardous industrial facility personnel must:

1) comply with the requirements of normative legal acts that establish the rules of conducting works at hazardous production facilities, and procedures in the event of an accident or incident at hazardous production facilities;

2) receive training (retraining) and certification in the field of industrial safety;

3) undergo a medical examination;

4) to notify your supervisor and other officials about the accident or incident at hazardous production facilities;

5) to suspend work in the event of an accident or incident at hazardous production facilities;

6) participate in the work on the localization of the accident at the hazardous production facility.

## Article 11. Requirements for technical investigation of the causes of the accident

1. In each case of an accident at the hazardous production facility, the technical investigation of its causes.
2. The technical investigation into the cause of the accident is carried out by a special commission, headed by a representative of the authorized body of the corresponding industry sector or by the state commission, formed by the Government of the Kyrgyz Republic.
3. The ad hoc committee included representatives from:
  - 1) state bodies of the Kyrgyz Republic, local state administrations and local governments, which are located on the territory of hazardous production facilities;
  - 2) trade union branch;
  - 3) the organization operating the hazardous industrial facility or parent organization (if any).
4. The ad hoc committee may also include representatives of the Jogorku Kenesh of the Kyrgyz Republic, non-profit and other organizations.
5. The organization operating hazardous production facility is required to submit to the Commission on the technical investigation of the causes of the accident all the necessary information.
6. Procedure for the technical investigation of the accident causes the creation of commissions for technical investigation, accident investigation registration certificate established by the Government of the Kyrgyz Republic.
7. Financing costs for technical investigation of the accident by the organization operating the hazardous production facility in which the accident occurred.

### **Chapter 3**

#### **Conformity assessment processes of designing, construction, operation, expansion, reconstruction, modernization, conservation and liquidation of hazardous production facilities**

##### Article 12. Forms of Conformity Assessment

1. The conformity assessment process design, construction, operation, expansion, reconstruction, modernization, conservation and liquidation of hazardous production facilities, manufacturing, installation, commissioning, maintenance and repair of technical devices used at hazardous production facilities, carried out in order to determine compliance with the requirements, imposed by this Act to the objects of technical regulation.
2. The conformity assessment of technical regulation objects to the requirements of this law is carried out in the forms of:
  - 1) examination of industrial safety;
  - 2) state supervision.

##### Article 13. Examination of industrial safety

1. Industrial Safety Examination subject: project documentation for construction, expansion,



reconstruction, modernization, conservation and liquidation of hazardous production facilities; technical devices used at hazardous production facilities; buildings and structures at hazardous production facilities and documents related to the operation of hazardous production facilities.

2. Examination of industrial safety held organization accredited by the national accreditation bodies at the expense of the organization, involving the operation of hazardous production facilities or operating it.

Accreditation of an organization carried out in the manner prescribed by the Government of the Kyrgyz Republic.

3. In the course of the industrial safety examination is carried out conformity assessment of the object of examination requirements of the industrial safety requirements, the result of which is the conclusion of industrial safety expertise.

4. The procedure for conducting industrial safety expertise conclusion and registration is determined by the Government of the Kyrgyz Republic.

#### Article 14. State supervision over compliance with this Act

1. State supervision over compliance with the requirements of this Act shall be exercised by the supervisory authority in the form of measures to verify compliance with the requirements of this Act.

2. In the exercise of state supervision authorized by the supervisory authority has the right to:

1) supervise the compliance with the requirements of technical regulations and project documentation in the construction process;

2) go to organizations operating at hazardous production facilities;

3) examine the documents needed to verify that the organizations operating at hazardous production facilities, industrial safety requirements;

4) to conduct technical investigations of incidents at hazardous production facilities, as well as verification of execution of measures taken based on the results of such investigations;

5) to give within their authority specified in the field of industrial safety;

6) to suspend the activities of hazardous production facilities in case of danger to the environment, the threat of accidents, life and health of personnel for the period to eliminate this danger;

7) to bring to administrative responsibility in accordance with the legislation of the Kyrgyz Republic, persons who have committed violations of industrial safety requirements, as well as sent to the law enforcement bodies materials about bringing these individuals to criminal liability;

8) exercise other stipulated by the legislation of the Kyrgyz Republic of actions aimed at ensuring industrial safety.

3. State supervision over compliance with the requirements of this Act shall be in accordance with [the Law](#) of the Kyrgyz Republic "On the Procedure for Conducting Inspections of Businesses" and other normative legal acts of the Kyrgyz Republic.

### **Chapter 4. Final and Transitional Provisions**



## Article 15. Transitional provisions

Since the entry into force of this Act the normative legal acts in force in the territory of the Kyrgyz Republic in the sphere of the establishment of the industrial safety requirements apply to the extent they do not contravene this Law.

## Article 16. Responsibility for violation of this Law

1. Legal entities and individual entrepreneurs operating in hazardous industrial facilities are responsible for the violation of the industrial safety requirements established by this Law, in cases and order defined by the legislation of the Kyrgyz Republic.

2. The officials authorized to carry out conformity assessment of the design, construction, operation, expansion, reconstruction, modernization, conservation and liquidation of hazardous production facilities of industrial safety requirements established by this Act, shall be liable for violation of the rules and forms of compliance object of regulation of this Law evaluation on the grounds and in the manner prescribed by the legislation of the Kyrgyz Republic.

## Article 17. On the order of entry into force of this Act

1. This Law shall come into force six months from the date of publication.

2. The Government of the Kyrgyz Republic within six months from the date of entry into force of this Act to develop and approve normative legal acts necessary for the application of this Act.

3. From the date of entry into force of this Act shall be abrogated:

1) [The Law](#) of the Kyrgyz Republic "On industrial safety of hazardous production facilities" (Bulletin of the Zhogorku Kenesh of the Kyrgyz Republic, 2001, number 10, st.374);

2) [Law of](#) the Kyrgyz Republic "On Amendments to the Law of the Kyrgyz Republic" On industrial safety of hazardous production facilities "(Bulletin of the Zhogorku Kenesh of the Kyrgyz Republic, 2009, № 4, st.367);

3) Article 9 [a law](#) Kyrgyz Republic "On amendments and additions to some legislative acts of the Kyrgyz Republic" (Bulletin of the Zhogorku Kenesh of the Kyrgyz Republic, 2012, number 9, st.2863).

**The president  
Kyrgyz Republic**

**A. Atambaev**