

A brief overview:  
Fire, Sanitary, Labor Permits in  
Ukraine and the system in EU  
and EU Accession Countries

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# Overview

- Outline of product safety regulation and conformity assessment system in EU
- Comparison of permits issued by the Ukrainian Labor Protection Department, Fire Department, Sanitary Epidemiological Service and their equivalents in EU accession countries
  - Based on preliminary analysis conducted by IFC team in Ukraine

# General product safety regulation in EU

- Basic uniform approaches and requirements established by EU norms
  - EU regulations – directly applicable
  - EU directives – transposed in national legislation
  - based on economic self-regulation concept
- As a general rule no permits required for trade of most goods
- BUT conformity to certain standards is required –only conforming products can be distributed

# General product safety regulation in EU

- Overall standards/requirements established in laws (i.e. product should be safe)
- Technical standards are elaborated by PRIVATE STANDARDIZATION ORGANIZATIONS
- BUT public institutions do not assess conformity of goods to technical standards – it is done by PRIVATE CERTIFICATION INSTITUTIONS

# General product safety regulation in EU

- Sector specific rules govern how a producer proves conformity of his/her products to safety regulations
- There are two ways to “CE-marking”:
  - SELF-ASSESSMENT on the basis of internally conducted control
  - for certain higher risk products - certification of a product or production processes by an **AUTHORIZED CERTIFICATION BODY**

# Sanitary Epidemiological Service Permits

Type of permit in Ukraine as defined in sectoral law	Purpose as defined in sectoral law	Existence of equivalent permit in EU countries
<p><u>Согласование</u> с государственной санитарно-эпидемиологической службой обязательно при:</p> <p>–предоставлении земельных участков под строительство</p> <p>–утверждении проектной и нормативно-технической документации на строительство, реконструкцию;</p> <p>–введение в эксплуатацию новых и реконструированных объектов производственного, социально-культурного назначения;</p> <p>разработке, изготовлении и использовании новых машин, механизмов, оборудования, иных средств производства; новых технологий.</p>	<p>Предприятия, учреждения, организации, и граждане [...] должны соблюдать требования санитарного законодательства</p>	<p><b>NO (zoning laws)</b></p> <p><b>NO (laws outline the technical specs.)</b></p> <p><b>NO (under food permit)</b></p> <p><b>NO (general product safety system)</b></p>
<p><u>Обязательная сертификация</u> продовольственного сырья, пищевых продуктов, а также материалов, оборудования и изделий, которые используются при их изготовлении, хранении, транспортировке и реализации.</p>	<p>[...] должно соответствовать требованиям санитарных норм.</p>	<p><b>NO certification for food products; general product safety system for materials and equipment</b></p>

# EU “Food law”

- It is regarded simply unfeasible to require permits for all food products although the threat and danger considerations would imply this
- Under EU food law:
  - Notification of location of business involved in “food chain” to the Food service (registration card issued within 10 days)
  - Preventive permits only for the most critical points in “food chain”
    - issued within 30 days if all the hygiene conditions are met
    - hygiene norms apply to premises, employee training, HACCP assessment documentation and self-monitoring system
  - + inspection and monitoring to ensure adherence to the overall requirements

# Fire Department permits



Виды разрешений в Украине (как указано отраслевыми законами)	Цель введения	Эквивалент в странах ЕС
<ul style="list-style-type: none"> <li>• Обязательная предварительная экспертиза (проверка) проектной и иной документации</li> </ul>	Предприятия, учреждения, организации, и граждане [...] должны <u>требованиям актов по пожарной безопасности</u>	НЕТ
<ul style="list-style-type: none"> <li>• Разрешения на начало работы предприятий и на аренду любых помещений</li> </ul>		НЕТ
<ul style="list-style-type: none"> <li>• Сертификат о безопасности использования: машин, механизмов</li> </ul>		НЕТ
<ul style="list-style-type: none"> <li>• Государственный сертификат качества на все виды пожарной техники, противопожарного оборудования</li> </ul>		НЕТ
<ul style="list-style-type: none"> <li>• Специальное разрешение (лицензия) на производство пожарной техники, противопожарного оборудования</li> </ul>		
<ul style="list-style-type: none"> <li>• Согласование требований пожарной безопасности стандартов, технических условий</li> </ul>	[...] <u>должны соответствовать требованиям актов по</u>	



# Fire permits

- In UK **fire certificates** are required for:
  - larger hotels and boarding houses
  - those factories, offices, shops and railway premises in which more than 20 people are employed to work
  - for factory premises where explosive or highly flammable materials are stored or used
  - unlimited validity unless changes are performed
- In Singapore **fire certificate** is required for:
  - a public building with an approved occupant load of more than 200 persons
  - the fire certificate is valid for one year

# Labor Protection Department permits

Виды разрешений в Украине (как указано отраслевыми законами)	Цель введения	Эквивалент в странах ЕС
<ul style="list-style-type: none"> <li>• Обязательная предварительная экспертиза рабочего проекта или рабочей документации на соответствие нормативно-правовым актам по охране труда на: строительство; реконструкцию; техническое переоборудование</li> </ul>	<p>Предприятия, учреждения, организации, и граждане [...] должны отвечать <u>требованиям по охране труда</u></p>	НЕТ
<ul style="list-style-type: none"> <li>• Разрешение на начало работы и виды работ предприятия, деятельность которого связана с выполнением работ и эксплуатацией объектов, машин, механизмов, оборудования повышенной опасности</li> </ul>		+/-

# Labor Inspection Permits in Latvia

- Licenses for works related to pyrotechnics and explosives
- Permit for exploitation of dangerous equipment
- Registration of legal entities that perform works (installation, refurbishment, upgrade) related to dangerous equipment – the company must notify the Labor Safety Inspection within 10 days of start/end of operation; inspection sends a statement of registration to the company.
- Labor inspection maintains a register of entities subject to its monitoring and control – the information is received from other state registers **NOT THE BUSINESSES**

# Opportunities for reform and issues for discussion

- Reducing the burden of permits
  - Focusing on ex-ante permits for high risk objects and activities
  - Establishing a clear monitoring and inspection regime for others with no ex-ante permits
- Clarifying the status of various expertise organizations
- Reviewing the legislation to ensure legality principles are observed (i.e. permits, key criteria and fees established in laws)