

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

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
•Обязательная предварительная экспертиза (проверка) проектной и иной документации	Предприятия, учреждения, организации, и граждане [...] должны <u>требованиям актов по пожарной безопасности</u>	НЕТ
•Разрешения на начало работы предприятий и на аренду любых помещений		НЕТ
•Сертификат о безопасности использования: машин, механизмов		НЕТ
•Государственный сертификат качества на все виды пожарной техники, противопожарного оборудования		НЕТ
•Специальное разрешение (лицензия) на производство пожарной техники, противопожарного оборудования		
•Согласование требований пожарной безопасности стандартов, технических условий	[...] <u>должны соответствовать требованиям актов по</u>	
•Согласование проектной документации на		

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">• Обязательная предварительная экспертиза рабочего проекта или рабочей документации на соответствие нормативно-правовым актам по охране труда на: строительство; реконструкцию; техническое переоборудование	Предприятия, учреждения, организации, и граждане [...] должны отвечать <u>требованиям по охране труда</u>	НЕТ
<ul style="list-style-type: none">• Разрешение на начало работы и виды работ предприятия, деятельность которого связана с выполнением работ и эксплуатацией объектов, машин, механизмов, оборудования повышенной опасности		+/-

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)