

Law of Georgia

on Safety of Dangerous Venture

This Law creates jurisdictional basis for safety of dangerous enterprises, regulates relations of governmental bodies with physical and juridical persons and is based on requirements of Georgian legislation and international agreements in the sphere of safety. Its main aim is to protect the workers' health and life during their work-time.

Chapter 1. General Statement

Article 1. Main terms

1. Venture -- a venture, institution or organization, notwithstanding its organizational -jurisdictional form and its property, where production is created or various services performed by multiple independent activities, and with organizational skill.
2. Dangerous venture -- a venture, where dangerous activities are performed.
3. Dangerous activity -- an activity, which can cause any kind of, damage.
4. Damage -- destroying buildings and technical appliances, spitting out dangerous substances, which can cause human losses or any harm to anybody's health, property or surroundings.
5. Dangerous venture (hereinafter referred as venture) -- a venture where dangerous activity is performed, where:
 - a) Appliances working on high pressure and temperature, crane mechanisms, escalators, cable-ways, are used;
 - b) Mining, underground and metal processing works are performed;
 - c) Dangerous substances are received, used, processed, made, kept, transported, destroyed. That concerns to the substances such as:
 - c.a) Flammable substances -- gas, which becomes flammable while mixing up with air in conditions of normal pressure;
 - c.b) Oxidizing substances -- substances which assist or cause flaming or burning of other substances;
 - c.c) Burning substances -- liquids, gas, dust, which are self-flammable, are flamed by the cause of outer source and continue burning even after separating from the source;
 - c.d) Explosive substances -- substances, which under some kind of outer influence can be spread, transformed and can educe warmth and gas.
 - c.e) Toxic substances -- chemical and biological substances, their mixtures, which can have harmful effect on anyone's health due to their chemical and physical properties.
6. Venture safety rules -- are approved safety requirements, state standards, constructional, sanitary, ecological, fire safety norms.
7. Venture safety -- means taking organizational-technical measures for protecting people's life, health, environment, material values.

8. Venture Incident -- damage of technical appliances used on the venture, violation of the regime of the technological process, disobeying safety rules and requirements of normative documents.

Article 2. Information about safety of venture

1. Citizens, professional trade unions, state authorities and public communities can have full information about the types of danger on the venture, the measures providing safety, about possible accidents and their possible results.

2. Workers on the venture, according to their profession and position, must have information about risk factor and the measures, which are necessary to be carried out for providing safety, and avoiding possible accidents or eradication of their results.

3. Dangerous venture shall submit information about the venture safety conditions to the authorities at their request according to the 3rd Article of this law.

Chapter II. Executive Authorities and their Power in Venture Safety.

Article 3. Executive Authorities in Venture Safety

Executive authorities in venture safety are:

a) State Inspection of Technical Supervision, the main task of which is to supervise this sphere and carry out measures of compulsion on the basis of law.

b) Labour Inspection of Ministry for Social protection, labour and employment -- in the sphere of labour protection.

c) Ministry for Urbanization and Construction -- in sphere of examining constructional designs and architectural-constructional sphere.

d) Ministry for Protection of Environment and Natural Resources -- in protecting natural resources from harmful influence and providing ecological safety.

e) State department of Sanitary Supervising and Hygienic Norms of Health Ministry -- in protecting human life from dangerous and harmful influence caused by violating sanitary-hygienic rules and norms -- in the sphere of sanitary supervising.

f) State Fire Inspection of Ministry of Internal Affairs of Georgia -- in avoiding or liquidation of fire.

g) Department for Defense and Emergency of the Ministry of Internal Affairs -- in preparing citizens for emergency, planning preventive measures in controlling sphere.

h) State Department of Standardization, Metrology and Certification of Georgia -- in controlling and supervising and carrying out all the necessary requirements of state standards and formation and realization of state policy in the sphere of certification as well.

2. Law determines the rights of authorities, mentioned in the given Article and the statements are affirmed by approved rules.

Article 4. Rights and Obligations of Local Self-governing and Governing Institutions in safety of the venture

To the rights and obligations of local self-governing and governing institutions in the sphere of industrial safety belong:

a) Assistance in implementing the state policy.

b) Elaborating and implementing local programs.

- c) Making decisions about setting up the venture, in agreement with relevant institutions within their competence.
- d) Assistance in carrying out the requirements of the 3rd Article towards the persons, violating the safety requirements.
- e) Informing people about the action plan in case of emergency on the venture.
- f) In case of any accident on the venture, its localization and liquidation, saving human life, health, property, carrying out measures in bringing everything back to order and rehabilitation of the venture activity.
- g) Providing public discussions about setting up the ventures and studying public opinion.

Chapter III. Venture Safety Requirements

Article 5. Venture Safety Rules

1. Executive authorities within their competence according to the law confirm safety rules for dangerous venture.
2. Separate safety requirements for dangerous venture if agreed with special authorities can be stated by:
 - a) Local self-governing and governmental authorities -- on the ventures located on their territories.
 - b) ventures.
3. Safety rules for dangerous venture can be reviewed by the rules stated by legislation of Georgia, or in case of any obligation of Georgia according to International Agreement, or showing out new factors unknown before, which influence venture safety.
4. The rules for elaborating, agreeing, affirming, taking venture safety rules into action, reviewing them, supervising their working responsibility in case if its violation is stated by legislation of Georgia.

Article 6. Setting up, Designing, Constructing and Re-constructing the venture

1. Technical-economical argumentation for constructing ventures and state experts' commission for construction design safety is obligatory.
2. During setting up, designing and technical-economic argumentation of the construction safety measures must be taken into account.
3. Conclusion about setting up the venture is given out by the authorities as pointed in the 3rd Article of this law within their competence.
4. State authorities, responsible for venture safety, during constructing or re-constructing the venture, supervise venture safety rules within their competence.
5. During constructing the venture, supervising by the venture designer is obligatory.

Article 7. Constructing, manufacturing and using appliances

1. Venture safety requirements for constructing, manufacturing and using appliances are determined according to the law of Georgia about "Certification of Production and Service".

2. The conditions of using, limiting, technical service, repairing and utilization is determined in technical documentation by manufacturer of the appliances. This documentation provides safe exploitation of the produced appliances.

3. Experimental models of the appliances must be examined from the point of view of safety and their relevance to State GOSTs.

Article 8. Putting the Venture into Operation

1. Newly built or re-constructed venture will be put into operation upon the decision of the examining committee after performing the safety requirements considered in the design.

2. In taking a newly built or re-constructed venture into operation, a client, supplier with participation of members of self-governing and governmental authorities enlisted in point 3 of this Law.

3. The venture to be put into operation must be supplied by skillful personnel.

4. The dangerous venture must make an action plan for emergency, for localizing and eradication the results of the accident, and the ventures pointed in the “b” and “c” of Article 5, must have emergency and fire services by all means.

Article 9. Canceling the venture and doing away with exploitation

1. Canceling exploitation of the venture must begin with protecting all the venture safety requirements. In separate cases a special design can be made.

2. During canceling the venture rendering dangerous remains harmless and dismantling the appliances safely and protecting nature is very important. Rules and order of stopping the venture, appliances, aggregates must be ascertained.

3. During stopping the exploitation of the venture or its temporary closing, the venture is obliged to create liquidating group, which will elaborate and agree the safety requirements with authorities.

4. Safety requirements concerning temporary closing or repairing of the venture shall be worked out by the venture.

Article 10. Venture obligations for the Safety of the Venture

1. Venture is obliged:

a) To provide the venture’s safety
b) To provide the workers with such working conditions, that satisfies the safety requirements.

c) Not to use the appliances without a certificate.

d) Protect the venture from foreigner interfering into technical process.

e) To create a “safety service “ in the venture according to the requirements of the 15th Article of this law.

f) To study and analyze the reasons of the accidents and the breakdowns, elaborate and carry out the measures for avoiding them.

g) To eradicate the results of the accident according to the accident liquidation plan worked out in advance.

h) To inform state, self-governing and governmental authorities on the accidents that took place immediately.

I) To fulfill the instructions by the authorities in connection with venture safety.

j) To provide financing the obligatory examination of the venture safety.

k) To provide the workers with information about possible professional illness and their periodical medical examination together with relevant services of Health Ministry.

l) To provide examination and reliability of the main and venture funds according to the requirements of the normative acts.

2. The venture and its technological processes must be stopped on the venture's own initiative if the conditions are not relevant and satisfying to the safety requirements and eradication of the violations of the exploitation conditions are impossible.

Article 11. Rights and Obligations of a Worker

1. The workers of the venture are obliged:

a) To obey the manufacturing regime, venture safety and the emergency rules and instructions during working-hours;

b) To inform their direct managers about accidents and emergency situations and in case of apparent danger take measures to stop the work on venture.

2. The workers have right:

a) To require the working conditions, which satisfy the safety, rules.

b) To have information about danger level on venture and its technological processes.

c) To participate in elaborating and implementing measures for safe exploitation of the venture.

Article 12. Preparing the managers and other workers

1. Managers of the venture and the persons who are connected with designing the venture, constructing (re-constructing) it putting it into operation, exploiting and canceling its exploitation, manufacturing and producing appliances, preparing its personnel, must have relevant qualification and medical certificate -- if needed.

2. The persons who begin to work on the venture are trained beforehand and given relevant certificate.

3. The workers are given primary and periodical instructions about obeying safety rules.

4. Venture management is responsible for preparing the workers and raising their qualification in safety.

Article 13. Permissions

1. To perform activities connected with the venture without permission is restricted.

2. Permission about performing activities connected with designing the venture, building or re-constructing it shall be given out by the Ministry for Urbanization and Construction of Georgia.

3. Permission about performing activities connected with exploitation the venture, constructing it, manufacturing and producing appliances, preparing the personnel in venture safety shall be given out by State Inspection of Technical Supervision of Georgia.

Article 14. Readiness for Possible Accidents

For reducing number of possible accidents, localizing undesirable results and their liquidation special measures must be worked out.

2. Readiness for the accidents on the ventures pointed out in 'b' and 'c' of Article 5, means creating special services under agreement according to venture specificity, whose obligations will be to localize and liquidate the accidents on the venture.

3. A special commission according to the approved rules must investigate the reasons and results of the accidents.

Article 15. State Examining Commission of the Venture Safety

1. To determine the safety conditions, in order to evaluate relevance and fitness of the designs, state safety examination takes place according to the Georgian legislation.

2. After state examination takes place, relevant conclusion is drawn.

3. To build the venture without positive conclusion of state examining commission is restricted.

4. If needed, according to legislation, the authorities, pointed out in the 3rd Article of this law can review the conclusion drawn by the commission with their competence.

Chapter IV. Supervising and Controlling Venture Safety

Article 16. State Supervision and Control

1. Task of the state supervision in venture safety is to control obeying safety rules, programs and regimes by physical and juridical bodies notwithstanding their organizational-jurisdictional form and form of property.

2. State supervision and especially authoritative state and local self-governing and governmental institutions within their competence carry out control in venture safety.

3. The industrial safety requirements of authorities are obligatory for all physical and legal persons.

Article 17. Internal Control for Venture Safety

1. Task of internal control of venture safety is to protect safety requirements during technological process and to reveal the negative circumstances that influence working safely on the venture and facts of violation.

2. Internal control for venture safety is provided by venture authorities

3. An authoritative body provides internal safety control if the number of workers is from 50 till 500, and authoritative service, if number of workers is more than 500.

4. On venture where number of workers are less than 50, internal safety control must be provided by the venture manager or a person appointed by the manager if the supervising institution gives him the power.

5. Competence of authoritative service or a body is determined by relevant instruction.

Chapter V. Financing the Measures for Venture Safety

Article 18. State Financing

State budget will provide financing of:

a) Designs of normative certificates of technical character about venture safety

- b) The expenses spent in International organizations by supervising institutions (authorities).
- c) Providing scientific-investigative works of state importance.

Article 19. Other Sources of Financing

1. Scientific, designing and organizational-technical measures of venture safety, are financed by relevant venture.
2. Measures providing venture safety are financed according to the legislation.
3. Other sources, financing venture safety works beside state budget, can be:
 - a) Physical and Juridical bodies of Georgia and foreign countries,
 - b) Funds of Insurance companies, which are intended for venture safety measures.

Chapter VI. Venture Activity Responsibility Insurance

Article 20. Responsibility Insurance

Obligatory Insurance of the venture civil responsibility is accomplished according to the legislation.

Chapter VII. Responsibility for Violating the Legislation for Venture Safety

Article 21. Responsibility for violating the legislation for venture safety

Responsibility for violating the legislation for venture safety is determined by law.

Chapter VIII. Transitional Statements

Article 22. Normative documents to be drawn in connection with this law

The following normative documents must be drawn according to the legislation within a year from the law coming into the force to make it work effectively:

- a) Law on “Obligatory Insurance of the Dangerous Venture Civil Liabilities”
- b) Law on “State Examining Commission”
- c) Law on “Militarized industrial-rescue Services”.
- d) Regulations on “Manufacturing and Repairing Dangerous Ventures (appliances, installation).”
- e) Regulations on “The Rules of Putting Venture into Operation after New Construction and Re-construction Works.”
- f) Regulations on “Author’s and Advance State Supervisory Rules on New Construction and Re-construction Works”.
- g) Regulations on “Technical Investigation and Registration of Accidents without Fatal Accident, which Took Place on the Ventures of State Technical Supervisory Inspection of Georgia.

Chapter IX. Conclusive Provisions

Article 23. Enactment of the Law

This Law shall come into force upon publication.

President of Georgia
Eduard Shevardnadze
Tbilisi, 10 December, 1997
No 1143-Is

Law of Georgia on Making Addenda to the Law of Georgia on Safety of Dangerous Venture

The Parliament of Georgia resolves:

1. In point one of Article 3 of the Law of Georgia on Safety of Dangerous Venture (Parlamentis Utskhebani, No 47-48, 31.12.1997):

a) To add words "except for cases envisaged by subpoint "i" in the end of subpoint "a" of point one of this Article;

b) To add subpoint "i" as follows after subpoint "h";

"i) The Department of Power Industry Supervision and Fuel Quality of the Ministry of Fuel and Power Industry of Georgia – in the sphere of exploitation of electrical power equipment and devices."

II. To enact this Law upon publication.

President of Georgia
Eduard Shevardnadze
Tbilisi
29 June 2000
No 441-IIs

Law of Georgia on Making Amendment and Addenda to the Law of Georgia on Safety of Dangerous Venture

The Parliament of Georgia resolves:

1. To make the following amendment and addenda to the Law of Georgia on Safety of Dangerous Venture (Parlamentis Utskhebani, No 47-48, 31.12.1997):

1. In Article 3 of the Law:

a) In point one:

a.a) To substitute words "and cases envisaged by subpoint "j" for "cases envisaged by subpoint" in subpoint "a";

b) To add subpoint "j" as follows after subpoint "i":

"i) Oil and Gas Resource Regulation State Agency of Georgia - in the sphere of supervision and control over the safe carrying out of oil and gas operations envisaged by the Law of Georgia on Oil and Gas."

2. To add the following after words "state inspection" in point 3 of Article 13 of the Law:

"While in the sphere of carrying out of oil and gas operations envisaged by the Law of Georgia on Oil and Gas Oil and Gas - Oil and Gas Resource Regulation State Agency of Georgia on the grounds of conclusion of the State Inspection of Technical Supervision of Georgia."

II. To enact this Law upon publication.

President of Georgia
Eduard Shevardnadze
2 March 2001
No 763-II

Law of Georgia on Making Amendments and Addenda to Law of Georgia on Safety of Dangerous Venture

Article 1. To make the following amendments and addenda to the Law of Georgia on Safety of Dangerous Venture (Parlamentis Utskhebani, No 47-48, 31.12.1997):

1. To add subpoint "c.g." to subpoint "c" of Point 5 in the first Article:

"c.g) radioactive substances – nuclear, radiation and other substances with harmful ionizing radiation."

2. In Article 3:

To consider points one and two as the third and fourth and to add the first and second points as follows:

"1. The State Inspection of Technical Supervision carries out the state policy in the sphere of industrial safety and during operation is authorized to carry out the following in order to fulfill its functions in accordance with legislation:

a) state supervision (standard regulation, prophylactic, control and permissive activities) functions and application of state enforcement measures in accordance with legislation;

b) state supervision over property and enterprises (notwithstanding the organizational and legal forms) located on the territory of Georgia, and fulfillment of industrial safety requirements by their officials and employees, as well as by citizens as specified by legislation.

2. The authority of the State Inspection of Technical Supervision does not encompass the cases envisaged by subpoints "h" and "i" of point 3 of this Article.";

b) To add "other" in point 3 after the word "authority" and to withdraw subpoint "a".

3. In Article 7:

a) To word title as follows:

"Certification of Technical Facilities and Articles (Goods) Used at Dangerous Ventures";

b) To word point one as follows:

"1. Technical facilities and articles (goods) used at dangerous ventures, including imported ones, are liable to obligatory certification on conformity with safety requirements.";

c) To add point 1¹ as follows after point one:

"1¹. The list of technical facilities and articles (goods), used at dangerous ventures which are liable to obligatory certification as well as the changes thereof, are determined by the State Inspection of Technical Supervision of Georgia in agreement with the State Department of Standardization, Metrology and Certification, while the order and terms of certification are determined in accordance with the Law of Georgia "On Product and Service Certification".

4. To withdraw point 3 from Article 13, and to word Point 2 as follows:

"2. The State Inspection of Technical Supervision of Georgia issues permits on the use of dangerous devices during activities related to the construction of dangerous ventures (except design works), exploitation, abolition, cessation of exploitation and conservation; manufacturing, assemblage, setting, diagnostics, service and repair of technical facilities used at dangerous ventures; railway carriage of dangerous cargoes, carrying out a technical safety expertise, training of specialists in industrial safety measures, as well as on construction works."

5. To add point 4 as follows to Article 14:

"4. In the case of need the financing of technical investigation is provided by a dangerous venture, in which a breakdown, casualty or an accident has occurred."

6. To add Article 14¹ to the Law:

" Article 14¹. State Register of Dangerous Ventures.

The State Register of Dangerous Ventures is a single system of full information about units within the territory of Georgia. Its accuracy is determined on the grounds of unit identification. The State Inspection of Technical Supervision of Georgia executes the State Register and keeps it in the State Register Data Bank.

The order of execution of the State Register, unit identification and registration in the sphere of technical safety is determined in accordance with Regulations elaborated and approved by the State Inspection of Technical Supervision of Georgia."

7. To add points 5 and 6 as follows to Article 15:

"5. The State Inspection of Technical Supervision of Georgia carries out the technical expertise of safe exploitation of dangerous venture and participates in the state technological expertise of unit design.

6. The order of technical safety expertise is determined in accordance with Regulations elaborated and approved by the State Inspection of Technical Supervision of Georgia.

Article 2. During one year from the enactment of this Law the State Inspection of Technical Supervision of Georgia to approve the Regulations as follows:

a) "On Identification of Dangerous Venture";

b) "On the Keeping the Dangerous Venture State Register and Registration Order";

c) "On the Order of Technical safety Expertise."

Article 3. To enact this Law upon publication.

President of Georgia
Eduard Shevardnadze
Tbilisi
7 May 2002
No 1391-IIs