

Disclaimer: The English language text below is provided by the Translation and Terminology Centre for information only; it confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published. Only the latter is authentic. The original Latvian text uses masculine pronouns in the singular. The Translation and Terminology Centre uses the principle of gender-neutral language in its English translations. In addition, gender-specific Latvian nouns have been translated as gender-neutral terms, e.g. chairperson.

Republic of Latvia

Cabinet

Regulation No. 339

Adopted 25 April 2006

Regulations regarding Requirements for Designing and Installation of Reservoirs for the Storage of Dangerous Chemical Substances and Chemical Preparations (Products), the Procedures for the Conformity Assessment Thereof and Market Supervision

*Issued pursuant to
Section 7
of the Law on Conformity Assessment*

1. General Provisions

1. These Regulations prescribe the essential requirements for designing, manufacture and installation of such fixed reservoirs, which are intended for the storage of the dangerous chemical substances and chemical preparations (products) specified in Paragraph 3 of these Regulations (hereinafter – a reservoir), and the procedures for the supervision of the compliance with the referred to requirements, performance of the conformity assessment of reservoirs and market supervision, in order to prevent any threat to human life, health and the environment, by utilising them properly.

2. These Regulations shall apply to the reservoirs, which are intended for the storage of the dangerous chemical substances and chemical preparations (products) specified in Paragraph 3 of these Regulations, if the vapour or gas pressure originating from such substances above the liquid level is less than 0.5 bars, except for the reservoirs, which are a technical constituent part in:

2.1. installations, which have been specially designed for use in a radioactive environment and which in the case of an accident may cause emission of radioactive substances;

2.2. well-control installations utilised in the petroleum, gas or geothermal extraction industry and exploration, as well as in underground storage for the maintenance and control of pressure;

2.3. transportable pressure installations, which are regulated by the regulatory enactments regarding the transport of dangerous freight by road, rail and water;

2.4. transportable pressure installations, which are regulated by the international agreements regarding aviation; or

2.5. fixed pressure installations, which are regulated by the regulatory enactments regarding pressure installations and the complexes thereof.

3. The following liquid and gaseous dangerous chemical substances and liquid and gaseous chemical preparations (products) shall be stored in a reservoir:

3.1. substances, which have been determined in the regulatory enactments regarding classification of chemical substances as explosive, extremely flammable, highly flammable, and flammable liquids, gases and mixtures thereof, if the amount thereof exceeds 2.5 m³;

3.2. diesel fuel, liquid fuel and substances that, according to the regulatory enactments regarding fire safety, are combustible liquids, if the amount thereof exceeds 10 m³; and

3.3. substances, which have been defined in the regulatory enactments regarding classification of chemical substances as very toxic, toxic, harmful, corrosive and irritating liquids, gases or mixtures thereof, liquids that are dangerous to the environment, sensitising, carcinogenic, mutagenic and toxic for the reproductive system (according to Section 10, Paragraph two of the Chemical Substances and Chemical Preparations Law), if the amount thereof exceeds 1 m³.

4. The limit of a reservoir shall be the nearest isolation device for filling of a substance or discharge of the reservoir. A reservoir shall consist of:

4.1. a fixed installed container;

4.2. technological equipment, which ensures safe and suitable storage for the substances referred to in Paragraph 3 of these Regulations, as well as of the elements that are attached to the surfaces of the container (for example, openings, joints, supports, handles); and

4.3. a secondary waterproof seal - a protective system that prevents fluids that are being stored from release into the soil or groundwater, if release or a leak has appeared in the container or equipment. A protective system shall contain double walls, synthetic barrier bands, prepared berms, concrete barriers or equivalent materials, which ensure that released substances will not spread.

5. The Ministry of Economics, in co-operation with the relevant standards technical committee, shall recommend to the State limited liability company *Latvijas standarts* [Latvian Standard] a list of standards to be drawn up, adapted and applied in relation to these Regulations.

6. The limited liability company *Latvijas standarts* shall submit for publication in the newspaper *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia] a list of those Latvian national standards, which may be applied in order to fulfil the requirements of these Regulations (hereinafter – applicable standards).

7. The fulfilment of the requirements of these Regulations shall be ensured by a person registered with the Commercial Register – a manufacturer of industrially produced reservoirs, an authorised representative or distributor thereof (also a person engaged in the designing of reservoirs and manufacture thereof for his or her own use) (hereinafter – a manufacturer) or a designer or main building contractor (within the meaning of the Construction Law) of the reservoir to be constructed on the building site, who is registered with the Register of Building Merchants (hereinafter – a building contractor).

8. The conformity assessment of industrially produced reservoirs shall be performed by an accredited body regarding which the Ministry of Economics has published a notification in the newspaper *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia] (hereinafter – a notified body), if the body has fulfilled the following minimal requirements:

8.1. it complies with the criteria specified in the standard LVS EN 45011:2004 *General requirements for bodies operating product certification systems*, and the requirements specified in these Regulations; and

8.2. it has insured the civil liability thereof to such extent as to cover the loss caused by a potential error, which has been calculated in the risk assessment of the area of activities of the body in co-operation with the insurer chosen by the body.

9. The Latvian National Accreditation Bureau shall assess and verify on a regular basis the compliance of a notified body with the requirements referred to in Paragraph 8 of these Regulations.

2. Market Supervision of Reservoirs

10. Reservoirs, which, according to the regulatory enactments regarding reservoirs, have been manufactured or put into circulation in any European Union Member State or Turkey or in any European Economic Area state, have the right to be put on the Latvian market – to be sold or put into service. Mutual recognition shall be also applicable in regard to conformity assessments, which have been issued by accredited bodies in other European Union Member States, Turkey or European Economic Area states.

11. The following activities shall not be considered as placing a reservoir on the market:

11.1. bringing in of the reservoir for processing or improvement, if the reservoir will be brought out of Latvia thereafter; or

11.2. manufacture of the reservoir in Latvia for its marketing out of the State.

12. In order for a reservoir to be used according to the intended purpose of usage and the usage thereof to be safe, a person that puts the reservoir on the market shall ensure that the information referred to in Paragraphs 37, 39, 40 and 43 of these Regulations is indicated in the official language.

13. The State Labour Inspectorate and the State Construction Inspection (hereinafter – a market supervision institution) according to the competence thereof shall perform the measures provided for in the regulatory enactments regarding the technical supervision and construction of reservoirs, in order for only such reservoirs to be put on the Latvian market that when installed and used properly, do not endanger human life, health and the environment.

14. Reservoirs, which do not comply with the requirements specified in these Regulations, shall be allowed to be demonstrated at fairs, exhibitions and similar events, if an indication regarding the non-compliance and marketing restrictions is clearly seen on the reservoir. A demonstration shall be permissible only on condition that all safety measures are complied with, in order not to cause harm to human life, health and the environment.

15. A notified body shall notify market supervision institutions in writing regarding refusals to grant a conformity assessment certificate for a reservoir, as well as, upon a justified request of a market supervision institution, shall notify it of the issued conformity certificates and supplements.

3. Requirements for Designing, Manufacture and Installation of Reservoirs

3.1. General Requirements

16. Reservoirs shall be designed, manufactured, installed and tested in compliance with the requirements specified in these Regulations, regulatory enactments regarding construction, environment and fire safety, as well as in applicable standards and manuals of the manufacturer, in order for operation of the reservoir throughout the entire service life to be safe and not to endanger human life, health and the environment, by complying with the conditions provided for in the instruction manual and of the intended operation of the reservoir.

17. In designing and manufacture of reservoirs, a manufacturer or building constructor shall choose appropriate solutions in the following order:

17.1. prevention or reduction as far as possible of threats of an accident;

17.2. performance of appropriate protection measures, if the threats of an accident cannot be prevented completely; and

17.3. informing of users regarding possible threats of an accident and the specification of protection measures that are necessary in order to reduce the threats of an accident during the installation or operation of the reservoirs.

18. A manufacturer or an authorised representative thereof shall be responsible for the compliance of industrially produced reservoirs with the requirements specified in this Chapter. A building contractor, according to the regulatory enactments regarding construction, shall be responsible for the compliance of reservoirs being constructed on construction sites with the requirements specified in this Chapter.

3.2. Designing of Reservoirs

19. In designing of a reservoir, the manufacturer of the reservoir or the building contractor shall analyse and assess risk factors related to the substances to be stored therein, in order for the operation of the reservoir to be safe throughout the entire expected service life thereof.

20. Appropriate strength shall be designed for a reservoir; loads that comply with the intended use and other circumstances in which the reservoir will be utilised shall be taken into consideration in the designing. The following in particular shall be taken into account:

20.1. the characteristics and properties of the substance to be stored;

20.2. the weight of the reservoir construction design;

20.3. the hydrostatic loads produced by the substance to be stored;

20.4. the weight of the installations and equipment;

20.5. external loads (for example, transport, wind, precipitations);

20.6. the reaction forces and moments caused, for example, by the supports, auxiliary devices, pipelines;

20.7. corrosion, erosion, fatigue; and

20.8. the temperature of the surrounding environment and the substance to be stored.

21. In designing of reservoirs, appropriate safety coefficients shall be applied and such methods should be used in which the respective limit values are indicated, in order to take into account the possibility of simultaneous effects of the loads referred to in Paragraph 20 of these Regulations and to prevent the impact of errors.

22. In order to ensure the appropriate strength of a reservoir construction design, the following requirements for calculation shall be observed in designing:

22.1. the reservoir shall withstand pressure and other loads that affect the reservoir during the operation thereof. The permissible stress shall be limited taking into account the possible errors under operating conditions. The safety coefficients, which comply with various manufacture and actual operational conditions, calculation formulas and the differences in the properties of the materials, shall be used. In calculating the durability, methods, which ensure sufficient safety limit values, shall be used, taking into consideration the requirements specified for materials in Sub-chapter 3.4 of these Regulations;

22.2. the reservoir shall have sufficient resistance ability:

22.2.1. the calculation pressure shall not be less than the maximum permissible pressure, possible static and dynamic loads shall be taken into account. If the reservoir is separated into individual chambers, the strength of the partition walls shall be calculated on the basis of the highest possible chamber pressure in relation to the lowest possible pressure in the adjoining chamber;

22.2.2. sufficient safety limit values shall be provided for the calculation temperatures;

22.2.3. in designing, all the possible combinations of loads that may occur in the installation under the intended conditions of use shall be taken into account;

22.2.4. the maximum stress values shall be within safe limits;

22.2.5. in calculation of the pressure durability such values shall be used that conform to the properties of the materials indicated in documented data, taking into account the requirements specified in Sub-chapter 3.4 of these Regulations and appropriate safety coefficients;

22.2.6. the relevant permanent joint coefficients of the materials shall be used (for example, depending on the type of the non-destructive testing method, the materials joined and the intended conditions of use);

22.2.7. all possible factors that may reduce strength (for example, corrosion, erosion, fatigue) shall be provided for in the project, according to the intended operation of the reservoir; and

22.2.8. if the calculated thickness does not ensure the relevant strength of the structure, additional measures shall be performed in order to ensure the strength of the reservoir and prevent the threat of an accident during transport or movement.

23. Such servicing shall be provided for a reservoir, which prevents the possible threat of an accident during the operation of the reservoir. The following shall be observed in particular:

23.1. the requirements for filling, discharging and cleaning of the reservoir;

23.2. the conditions for opening and closing of the hatches;

23.3. the amount of emission of chemical substances or chemical preparations (products);

23.4. surface temperature taking into consideration the intended operation; and

23.5. the breakdown of unstable chemical substances or chemical preparations (products).

24. A reservoir shall be designed and constructed in such a way that it would be possible to carry out all the necessary testing and ascertain the correct and relevant operation and safety level thereof.

25. In order to determine the internal condition of a reservoir and ascertain the safety of the reservoir, the relevant means (for example, hatches) that allow entering inside of the reservoir and perform appropriate testing safely and ergonomically shall be provided for in the construction design.

26. If a reservoir is too small for entering it and the installation of a hatch affects the strength of the reservoir or the substances, which are being stored in the reservoir, are not harmful to the materials of the reservoir and there are no other circumstances that could degrade the internal condition of the reservoir, other relevant means shall be used in order to ascertain that the operation of the reservoir is safe.

27. Taking into account the intended operation conditions and the service life, the elements of a reservoir shall be constructed with sufficient allowances or shall be otherwise protected against conditions reducing the strength of the construction design.

28. If during the service life of a reservoir erosion or corrosion of the elements of the reservoir shall be expected:

28.1. the relevant measures shall be taken for the reduction thereof (for example, by increasing the thickness or by using liners or appropriate materials);

28.2. possibility of replacement of the parts that are most affected shall be provided for; and

28.3. the requirements for the safe operation of a reservoir referred to in Paragraph 43 of these Regulations shall be included in the instruction manual.

29. Special devices or the possibility for fitting thereof shall be provided for in the construction design of a reservoir, in order to enable safe filling and discharging of the reservoir. Threats that may be caused by unsafe joints shall be taken into particular consideration, as well as:

29.1. during the filling — overfilling, over-pressurisation, change of temperature; and

29.2. during the discharging — release of pressurised fluids under the influence of uncontrolled pressure, vacuum.

30. If during the service life of a reservoir there is a possibility of the exceedance of permissible parameters, the relevant protective devices or a possibility of fitting thereof shall be provided for in the construction design of the reservoir.

31. Safety devices or the combinations thereof shall be chosen taking into consideration the characteristics of the reservoir. The following shall be required for a reservoir:

31.1. safety devices, which ensure maintaining of the operational parameters of the reservoir within permissible limits;

31.2. suitable devices for the management and automatization of the technological process and alarm devices, which provide an opportunity of appropriate action, in order to maintain the parameters of the reservoir within the permissible limits; and

31.3. fixed automated or manual devices for fire detection, fire-fighting devices, and refrigerating devices of the reservoir.

32. Safety devices shall be designed and constructed in such a way that they would ensure protection of the reservoir, operate according to the functions thereof, as well as that the servicing and testing conditions shall be observed.

33. Pressure limiting devices shall be designed in such a way that the pressure would not exceed the maximum permissible operation pressure (in bars), for which the reservoir has been designed and which shall be indicated by the manufacturer (hereinafter – the operation pressure).

34. Reservoirs in which explosive, extremely flammable, highly flammable, and flammable liquids, gases and mixtures thereof are being stored shall be designed in such a way that a naked flame (flames) would not cause the threat of an accident.

3.3. Manufacture and Installation of Reservoirs

35. A manufacturer or a building contractor, by using appropriate techniques and procedures, shall ensure the complete performance of the reservoir design, in particular observing the following conditions:

35.1. preparation of the elements of constituent parts (for example, taking off of temporary fittings) may not create defects, cracks or such changes in the mechanical characteristics of the materials that could impair the safety of the reservoir;

35.2. joining materials and zones adjacent to joints shall be free of any external (surface) or internal defects that could impair the safety of the reservoir;

35.3. permanent joints that may not be disconnected without material destructive methods (hereinafter – permanent joints) shall ensure the performance of the minimum requirements specified for the materials to be joined (unless special requirements are set out in the design calculations);

35.4. component parts of the reservoir that are loaded directly and component parts that are attached thereto shall be connected (for example, soldered, welded) by welders, who have been certified according to the procedures specified in the regulatory enactments regarding the certification of the professional qualification of metal materials welders in the regulated sphere. These procedures shall be approved by a notified body according to the requirements specified in the applicable standards;

35.5. non-destructive tests of permanent joints of the reservoir component parts shall be performed by fault detectors, which have been certified according to the procedures specified in the regulatory enactments regarding the certification of the professional qualification of fault detectors in the regulated sphere;

35.6. suitable heat treatment shall be necessary at the relevant stage of manufacture of the reservoir, if during the manufacture process the material properties may change to an extent which could impair the safety of the reservoir; and

35.7. materials that have an effect on the safety of the reservoir construction design shall be marked (identified) in such a way that the mark, which allows the specification of the origin of the material, would be preserved throughout all the manufacturing stages until the final assessment of the completed reservoir.

36. The final assessment of a reservoir shall consist of the final testing, strength test and evaluation of protective devices:

36.1. during the final assessment the conformity of the reservoir construction design with the design shall be assessed, the technical documentation shall be verified and the conformity of the reservoir with the requirements of these Regulations shall be assessed, taking into account the tests performed in the course of manufacture. Where necessary, the final assessment of separate constituent parts of the reservoir shall be performed in the course of the reservoir manufacture (for example, if it is impossible to assess the state of the relevant component part in the final assessment);

36.2. the strength of the reservoir shall be tested according to the applicable standards;
and
36.3. safety devices shall be assessed by checking their conformity with the requirements referred to in Paragraphs 31 and 32 of these Regulations.

37. In order to assess the conformity of a reservoir with the requirements of these Regulations, the manufacturer of the reservoir or the building contractor shall include the following information regarding the designing, manufacture and operation in the technical documentation:

- 37.1. a general description of the reservoir;
- 37.2. technical drawings of the assembly of the construction design, technical drawings of the constituent parts, technical drawings of sub-assemblies and other necessary working technical drawings and schemes;
- 37.3. descriptions and explanations of the technical drawings and schemes referred to in Sub-paragraph 37.2 of these Regulations;
- 37.4. a list of standards to be applied that are used in full or in part, but if such standards are not used, the description of such solutions, which are used in order to perform the requirements of these Regulations;
- 37.5. design calculations, the results of testing and trials performed; If synthetic materials have been used in the main construction designs of the reservoir, the information regarding the characteristic limit values of such materials in the intended operational conditions shall be included;
- 37.6. information regarding the tests performed in the course of the reservoir manufacture;
- 37.7. information regarding the qualification certifications of those employees who have carried out the works specified in Sub-paragraphs 35.4 and 35.5 of these Regulations;
- 37.8. descriptions of the attachment procedures referred to in Sub-paragraph 35.4 of these Regulations and the approval thereof;
- 37.9. the instruction manual of the reservoir according to Paragraphs 43 and 44 of these Regulations; and
- 37.10. substances, which are harmful to the materials of the reservoir.

38. A manufacturer or building contractor shall perform all the necessary measures to ensure the conformity of completed reservoirs with the requirements of these Regulations, and with the technical documentation referred to in Paragraph 37 of these Regulations, except for the cases referred to in Paragraph 11 of these Regulations, during the process of manufacture or construction.

39. The following information shall be indicated on every reservoir:

- 39.1. the address, given name and surname or the trade name of the manufacturer or building contractor;
- 39.2. the year of construction or manufacture and of the installation of the reservoir;
- 39.3. the identification data of the reservoir in conformity with the nature thereof (for example, the type, series, number of the reservoir);
- 39.4. the main maximum and minimum limit values, operation temperature and storage capacity ;
- 39.5. the identification number of such notified body which has carried out the conformity assessment of the relevant reservoir; and
- 39.6. other information, which is considered necessary by the manufacturer.

40. According to the type of reservoir, the following additional information, which is necessary for the safe installation, operation, servicing and periodic testing of the relevant reservoir during its service life, shall be indicated:

- 40.1. the capacity of the reservoir (in cubic metres);
- 40.2. the testing pressure PT (in bars) and the date of the testing;
- 40.3. the set pressure of safety devices (in bars);
- 40.4. the maximum filling level (percentage of the capacity) or the height (in metres);

and

40.5. the labelling of the dangerous chemical substances or chemical preparations (products) to be stored, according to the regulatory enactments regarding the classification, labelling and packaging procedures for chemical substances and chemical preparations (products).

41. Clearly visible pictograms and warning symbols shall be placed on a reservoir, in order to ensure the appropriate operation thereof.

42. The information referred to in Paragraphs 39 and 40 of these Regulations shall be written in the official language right on the reservoir or on a plate firmly attached to the reservoir (the height of the letters shall be at least 10 mm).

43. A manufacturer of a reservoir or a building constructor shall draw up the instruction manual of the reservoir. The following necessary safety information shall be indicated in the instruction manual:

43.1. the installation and operation of the reservoir, as well as the safety measures that shall be performed in commencing the operation of the reservoir;

43.2. the technical maintenance and supervision (also regarding the testing to be performed by the user); and

43.3. the possible threats of an accident and the indications regarding the protection measures that are necessary in order to reduce the threats of an accident during the installation or operation of the reservoir.

44. An instruction manual of a reservoir shall include the information specified on the reservoir in accordance with Paragraphs 39 and 40 of these Regulations, as well as shall be accompanied by the technical documentation, technical drawings, schemes and calculations, if they assist in the understanding of the instruction manual.

3.4. Requirements for the Materials Used in the Manufacture of Reservoirs, and the Joints thereof

45. Materials that are used in the manufacture or construction of reservoirs shall comply with the requirements specified in the reservoir design and ensure the fulfilment of the functions of the reservoir throughout the entire intended service life or until the change thereof.

46. Materials that are intended to be used in the main construction designs of a reservoir (for example, the casing, floor, walls) shall comply with the following requirements:

46.1. they shall retain the relevant properties under all expected conditions of operation and testing;

46.2. they shall be ductile and durable. Where for specific reasons brittle materials are used, appropriate measures shall be taken in order to prevent the breaking or fracture thereof;

46.3. they shall be chemically resistant to the substances stored in the reservoir. The chemical and physical properties thereof necessary for the safe operation of the reservoir may not undergo significant changes during the intended service life of the reservoir;

46.4. they shall be sufficiently resistant to ageing and exposure to fire (flame);

46.5. they shall be suitable for the intended processing procedures;

46.6. they shall not cause any undesirable effects in joining various materials;

46.7. they shall not produce electrostatic charge under normal operation conditions (in relation to the storage of combustible and explosive substances); and

46.8. they shall have conformity certifications, if they are used for reservoirs constructed on construction sites.

47. Indicators of the chemical and physical properties of the materials, which are intended to be used in the main construction designs of a reservoir, shall not be less than those specified in the applicable standards.

48. A manufacturer of a reservoir or a building contractor shall:

48.1. determine the values necessary for calculations of the reservoir design according to Paragraph 22 of these Regulations, as well as by observing the properties of materials referred to in Paragraph 46 of these Regulations; and

48.2. indicate in the technical documentation information regarding the conformity of the materials with the requirements of these Regulations.

49. A building constructor or a manufacturer shall take measures in order to ensure that the materials used for the manufacture of the reservoir conform to the requirements specified in the design. All materials shall be required to have the documents drawn up by the manufacturer of the material, in which the conformity of the material to the design requirements shall be indicated, but the materials of reservoirs constructed on a construction site – the documentation, which is specified in the regulatory enactments regarding the procedures for the conformity assessment of construction products.

50. If synthetic materials are used in the main construction designs of a reservoir, the conformity thereof shall be certified by a notified body, which according to Paragraph 4 of these Regulations shall assess the reservoir design.

51. For materials used for welding or for other types of joining of elements, only the requirements specified in Sub-paragraph 46.1 of these Regulations shall be applied.

52. For welded joints, the joint coefficient may not exceed the following values (also taking into account the type of stress, and mechanical and technological properties of the joints):

52.1. 1.0 – for the joints, to which destructive testing and non-destructive testing in the amount of 100% are performed by sampling (which certifies that the whole joint series does not have unacceptable defects);

52.2. 0.85 – for the joints, to which non-destructive testing is performed by sampling;
and

52.3. 0.7 – for the joints, to which non-destructive testing is not performed, but only visual examination is carried out.

4. Conformity Assessment Procedures for Reservoirs

4.1. General Requirements

53. Prior to putting a reservoir on the market, a manufacturer or a building contractor shall declare the conformity of the reservoir according to Chapter 5 of these Regulations.

54. Prior to declaring the conformity of a reservoir, the reservoir shall be subject to the following conformity assessment procedures:

54.1. an industrially produced reservoir shall be subject to one of the following procedures:

54.1.1. the type examination of the reservoir according to Sub-chapter 4.2 of these Regulations;

54.1.2. the design examination of the reservoir according to Sub-chapter 4.3 of these Regulations and the verification of the reservoir according to Sub-chapter 4.4 of these Regulations; or

54.1.3. the examination of the sample of the reservoir according to Sub-chapter 4.5 of these Regulations; and

54.2. a reservoir constructed on a construction site, which has been designed and manufactured according to the regulatory enactments regarding construction, shall be subject to the expert-examination of the building design according to Sub-chapter 4.6 of these Regulations and the technical supervision of building works according to Sub-chapter 4.7 of these Regulations.

4.2. Type Examination of a Reservoir

55. In the type examination of a reservoir a notified body shall ascertain and attest to (certify) the conformity of the sample of the reservoir with the requirements of these Regulations and to the conformity of the reservoir with the approved sample according to the testing performed in the course of manufacture.

56. In order to perform the type examination of a reservoir, the manufacturer shall choose a notified body and submit thereto:

56.1. a submission for the performance of the type examination. The address, given name and surname or the firm name of the manufacturer shall be indicated in the submission;

56.2. a written declaration that such submission has not been submitted to any other notified body; and

56.3. the technical documentation referred to in Paragraph 37 of these Regulations.

57. A submitter of a submission shall transfer a sample of the reservoir of the relevant type to the disposal of the notified body. The notified body may request additional samples, if such are necessary according to the intended examination methods of the notified body. A sample may comprise several versions of the reservoir provided that the differences in the versions do not affect the safety level of the reservoir.

58. A notified body shall:

58.1. examine the technical documentation, examine (verify), whether the sample has been manufactured according to the technical documentation, and shall identify the elements designed in conformity with the requirements of the applicable standards, as well as the

elements in the designing of which the referred to standards are not used. The following in particular shall be examined:

58.1.1. the technical documentation with respect to the design and the manufacture procedures of the reservoir;

58.1.2. the conformity of the materials used with the requirements of these Regulations, as well as shall examine the certificates of the materials issued by the manufacturer of the materials;

58.1.3. the procedures for the joining of the reservoir parts; and

58.1.4. the qualification certifications of such employees who have carried out the works referred to in Sub-paragraphs 35.4 and 35.5 of these Regulations;

58.2. perform the appropriate examinations and the necessary tests or ensure the performance thereof, in order to determine whether the solution chosen by the manufacturer conforms to the requirements of these Regulations, if the manufacturer has not used the applicable standards;

58.3. perform the appropriate examinations and the necessary tests or ensure the performance thereof, in order to determine whether the manufacturer has applied the standards, the use of which has been notified by the manufacturer; and

58.4. co-ordinate with the manufacturer a location where the examinations and the necessary tests are to be carried out.

59. Where the type of a reservoir meets the requirements of these Regulations, the notified body shall issue a type examination certificate of the reservoir to the submitter.

60. A notified body shall indicate in a type examination certificate of a reservoir the address, given name and surname or the firm name of the manufacturer, the examination opinion and the data necessary for the identification of the type of the certified reservoir. The term of validity of the certificate shall be 5 years. The term of validity of the certificate may be extended.

61. A notified body shall append to a type examination certificate of a reservoir a list of the relevant parts of the technical documentation. One copy of the technical documentation shall be kept at the notified body.

62. A manufacturer shall notify in writing the notified body, at which the technical documentation related to the certificate is kept, regarding all modifications that have been performed for the reservoirs to which the type examination certificate is related.

63. If the relevant modifications may affect the conformity of a reservoir with the requirements of these Regulations or change the operational conditions, the manufacturer shall receive an additional certification for such modifications. Such certification shall be appended to the initial type examination certificate as a supplement.

64. A manufacturer shall perform the necessary tests and examinations in the course of the manufacture of the reservoirs in order to ensure the conformity of all manufactured reservoirs with the sample described in the type examination certificate and with the requirements of these Regulations.

65. A notified body shall visit the undertaking of the manufacturer at least once a year and shall:

65.1. ascertain whether the manufacturer performs the final assessment of reservoirs after the manufacture thereof according to Paragraph 36 of these Regulations; and

65.2. select a sample of the reservoir at the place of manufacture thereof or in the warehouse and perform necessary tests, in order to ascertain the conformity thereof with the sample described in the type examination certificate and with the requirements of these Regulations.

66. The identification number of the notified body shall be indicated on every unit of the reservoir.

67. If a notified body takes a decision not to issue the conformity certificate of a reservoir design, it shall issue to the manufacturer a justified refusal according to the procedures specified in the Law on Conformity Assessment.

68. A notified body shall inform other notified bodies in writing of the reservoir samples regarding which the decision not to issue or cancel the conformity certificate has been taken. Notified bodies may request copies of the type examination certificates or supplements of a reservoir.

69. A manufacturer shall ensure for a market supervision institution access to the technical documentation, documents regarding the type examination of a reservoir and the supplements thereof during the 10 years after the manufacture of the last reservoir of such type.

4.3. Examination of a Reservoir Design

70. In the examination of a reservoir design a notified body shall ascertain and attest to (certify) the conformity of the reservoir design with the requirements of these Regulations.

71. In order to perform the examination of a reservoir design, the manufacturer shall choose a notified body and submit thereto:

71.1. a submission for the examination of the reservoir design. The address, given name and surname or firm name of the manufacturer shall be indicated in the submission, but if the submission is submitted by an authorised representative – also the address, given name and surname or the firm name thereof;

71.2. a written declaration that such submission has not been submitted to any other notified body; and

71.3. the documentation referred to in Sub-paragraphs 37.1, 37.2, 37.3, 37.4, 37.5, 37.8 and 37.9 of these Regulations.

72. A notified body shall examine:

72.1. the technical documentation and shall identify the elements, which have been designed according to the applicable standards, as well as the elements, in designing of which the referred to standards are not used. The following shall be examined in particular:

72.1.1. the conformity of the materials used with the requirements of these Regulations; and

72.1.2. the procedures for the joining of the reservoir parts;

72.2. whether the manufacturer has performed the relevant examinations and tests, in order to determine that the chosen solution complies with the requirements of these Regulations, especially, if the solutions specified in the applicable standards are not used; and

72.3. the use of the applicable standards, if there are instructions regarding it in the technical documentation of the manufacturer.

73. Where a reservoir design meets the requirements of these Regulations, the notified body shall issue a conformity certificate of the reservoir design to the manufacturer.

74. A notified body shall indicate in a conformity certificate of a reservoir design the address, given name and surname or firm name of the manufacturer, the examination opinion and the data necessary for the identification of the approved project. The term of validity of the certificate shall be 5 years. The term of validity of the certificate may be extended.

75. A notified body shall append to a conformity certificate of a reservoir design a list of the relevant parts of the technical documentation. One copy of the technical documentation shall be kept at the notified body.

76. If a notified body takes a decision not to issue a conformity certificate of a reservoir design, it shall issue a justified refusal to the manufacturer. A decision of a notified body may be disputed in the Ministry of Economics according to the procedures specified in the Administrative Procedure Law.

77. A manufacturer shall notify in writing the notified body, at which the technical documentation related to the conformity certificate of the reservoir design is kept, regarding all modifications that have been performed for the reservoirs to which the conformity certificate of the reservoir design is related.

78. If the relevant design modifications may affect the conformity of a reservoir with the requirements of these Regulations or change the conditions for the certificate use, the manufacturer shall receive an additional certification for such modifications. Such certification shall be appended to the examination certificate of the design as a supplement.

79. A notified body shall inform other notified bodies in writing of the reservoir designs or supplements regarding which the decision not to issue or cancel the conformity certificate of the reservoir project has been taken thereby. Notified bodies may request copies of certificates and supplements.

80. A manufacturer shall ensure for a market supervision institution access to the technical documentation, documents regarding the type examination of a reservoir and the supplements thereof during the 10 years after the development of the last design of such type. If the manufacturer is not situated in Latvia, a person that puts the reservoir design on the market has a duty to keep the conformity certificate of the reservoir design and the supplements thereof.

4.4. Verification of a Reservoir

81. In the verification of a reservoir a notified body shall ascertain and attest (certify) that the reservoir complies with the certified design and the requirements of these Regulations.

82. In order to perform the verification of a reservoir, the manufacturer shall choose a notified body and submit thereto:

82.1. a submission for the verification of the reservoir. The address, given name and surname or firm name of the manufacturer shall be indicated in the submission;

82.2. a written declaration that such submission has not been submitted to any other notified body; and

82.3. the technical documentation with regard to the manufacture procedures of the reservoir referred to in Paragraph 37 of these Regulations and the conformity certificate of the reservoir design that has been issued according to the procedures referred to in Sub-chapter 4.3 of these Regulations.

83. In verifying a reservoir, a notified body shall:

83.1. inspect the reservoir and carry out the tests specified in the applicable standards or equivalent tests, in order to examine (verify) whether the reservoir complies with the certified design and the requirements of these Regulations;

83.2. examine the procedures for the joining of the reservoir parts;

83.3. check the qualification certifications of such employees who have carried out the works referred to in Sub-paragraphs 35.4 and 35.5 of these Regulations;

83.4. check whether materials that do not comply with the requirements of these Regulations are not being used, as well as the certificates of the materials issued by the manufacturer of the materials;

83.5. perform the final assessment according to Paragraph 36 of these Regulations; and

83.6. label the reservoir or ensure the labelling of the reservoir, indicating the identification number of the notified body.

84. Where a reservoir meets the requirements of these Regulations, the notified body shall issue a conformity certificate of the reservoir to the manufacturer of the reservoir.

85. A notified body shall indicate in a conformity certificate of a reservoir the address, given name and surname or firm name of the manufacturer, the examination opinion and the data necessary for the identification of the approved reservoir.

86. A list of the relevant parts of the technical documentation shall be attached to the conformity certificate of a reservoir. One copy of the technical documentation shall be kept at the notified body.

87. If a notified body takes a decision not to issue a conformity certificate of a reservoir, it shall issue a justified refusal to the manufacturer of the reservoir. A decision of a notified body may be disputed in the Ministry of Economics according to the procedures specified in the Administrative Procedure Law.

88. A notified body shall inform other notified bodies in writing of the reservoirs regarding which the decision not to issue the conformity certificate of the reservoir has been taken thereby.

89. A manufacturer shall ensure for a market supervision institution access to the technical documentation, documents regarding the type examination of a reservoir and the supplements thereof during the 10 years after the manufacture of the reservoir.

4.5. Examination of a Sample of a Reservoir

90. In the examination of a sample of a reservoir a notified body shall ascertain and attest to (certify) the conformity of the reservoir with the requirements of these Regulations.

91. In order to perform the examination of a sample of a reservoir, the manufacturer shall choose a notified body and submit thereto:

91.1. a submission for the examination of the sample of the reservoir. The address, given name and surname or firm name of the manufacturer shall be indicated in the submission;

91.2. the information regarding the place (address) of the reservoir installation, where it is possible to perform the examinations referred to in this Sub-chapter;

91.3. a written declaration that such submission has not been submitted to any other notified body; and

91.4. the technical documentation referred to in Paragraph 37 of these Regulations.

92. In order to assess the conformity of a reservoir with the requirements of these Regulations, a notified body shall examine the design and construction design of the reservoir, as well as, in the course of the manufacture, perform the tests specified in the applicable standards or equivalent tests, and shall:

92.1. assess the technical documentation with respect to the design and the manufacture procedures. The following shall be examined in particular:

92.1.1. whether materials that do not comply with the requirements of these Regulations are not being used, as well as the certificates of the materials issued by the manufacturer of the materials;

92.1.2. the procedures for the joining of the reservoir parts; and

92.1.3. the qualification certifications of such employees who have carried out the works referred to in Sub-paragraphs 35.4 and 35.5 of these Regulations;

92.2. perform the final assessment according to Paragraph 36 of these Regulations; and

92.3. label the reservoir or ensure the labelling of the reservoir, indicating the identification number of the notified body.

93. Where a reservoir meets the requirements of these Regulations, the notified body shall issue a conformity certificate of the sample of the reservoir to the manufacturer of the reservoir.

94. A notified body shall indicate in a conformity certificate of a sample of a reservoir the address, given name and surname or firm name of the manufacturer, the examination opinion and the data necessary for the identification of the certified reservoir.

95. A notified body shall append to a conformity certificate of a sample of a reservoir a list of the relevant parts of the technical documentation. One copy of the technical documentation shall be kept at the notified body.

96. If a notified body takes a decision not to issue a conformity certificate of a sample of a reservoir, it shall issue a justified refusal to the manufacturer of the reservoir. A decision of a notified body may be disputed in the Ministry of Economics according to the procedures specified in the Administrative Procedure Law.

97. A notified body shall inform other notified bodies in writing of the reservoirs regarding which the decision not to issue the conformity certificate of the sample of the reservoir has been taken thereby.

98. A manufacturer shall ensure that a market supervision institution shall have access to the technical documentation, documents regarding the examination of the sample of the reservoir and the supplements thereof during the 10 years after the manufacture of the reservoir.

4.6. Requirements for the Expert-examination of a Building Design

99. The expert-examination of a building design is mandatory for reservoirs constructed on construction sites. The expert-examination of a building design shall be performed by a notified body or a construction expert. In this Chapter the requirements for the expert-examination of a building design are specified, which are specified additionally in Cabinet Regulation No. 112 of 1 April 1997, General Construction Regulations, (hereinafter – General Construction Regulations) and in the requirements specified in other regulatory enactments regulating construction.

100. Prior to submitting a building design of a reservoir to be constructed on a building site for acceptance according to General Construction Regulations, a designer shall submit to a notified body or a certified construction expert:

100.1. a submission for the expert-examination of the building design. The address, given name and surname or firm name of the designer shall be indicated in the submission (if the submission is submitted by an authorised representative – also the address, given name and surname or firm name thereof);

100.2. a written declaration that such submission has not been submitted to any other notified body (if the expert-examination of the building design will be performed by a notified body); and

100.3. the building design of the reservoir.

101. A notified body or a certified construction expert shall examine:

101.1. the documentation of the building design, identify elements designed according to the applicable standards and construction norms, and elements which fail to conform to the standards referred to and shall assess:

101.1.1. whether the materials and construction products indicated in the building design conform to the requirements specified in the regulatory enactments regarding the procedures for the conformity assessment of construction products in the regulated sphere and in the applicable standards;

101.1.2. suitability of the physical and chemical properties of the separate constituent parts of the reservoir for the substance to be stored and the intended operation conditions; and

101.1.3. the methods and procedures for the joining of separate constituent parts of the reservoir;

101.2. whether the designer has used appropriate calculations and tests and whether the solution chosen conforms to the requirements specified in these Regulations, in particular, if the solutions specified in the applicable standards have not been used; and

101.3. whether the designer has used the applicable standards, if the documentation of the building design contains references thereto.

102. If the building design of a reservoir complies with the requirements specified in General Construction Regulations, construction norms and these Regulations, a notified body or a certified construction expert shall certify the conformity of the building design by labelling every page of the building design with the symbol of the body or the certified construction expert, as well as shall issue a positive opinion regarding the building design of the reservoir.

103. If an opinion of a notified body or a certified construction expert regarding the building design is negative, a justified negative opinion shall be issued in writing to the designer. A decision of a notified body may be disputed in the Ministry of Economics according to the procedures specified in the Administrative Procedure Law.

104. A designer shall notify the notified body or the certified construction expert in writing of all modifications made in the reservoir design, regarding which a positive opinion has been issued. If the relevant modifications have an effect on the conformity of the reservoir with the requirements specified in these Regulations, the designer shall require additional certification.

4.7. Supervision and Conformity Assessment of the Construction of Reservoirs to Be Constructed on Construction Sites

105. The supervision of the construction work of a reservoir to be constructed on a construction site is mandatory and shall be performed according to the requirements specified in regulatory enactments regarding construction supervision in compliance with the additional requirements specified in this Chapter. Engagement of a notified body or a certified building supervisor shall be the duty of the commissioning party or an authorised person thereof.

106. Prior to the commencement of construction of a reservoir, a building contractor shall develop a work performance project according to the construction norms. The project shall include:

106.1. a description of the performance of the construction work of the reservoir. The working procedures, requirements regarding the personnel and installations to be used in construction works shall be indicated in the description;

106.2. the environment and labour protection instructions; and

106.3. a work implementation plan regarding all the stages of the reservoir construction work.

107. A certified building supervisor shall examine whether:

107.1. the work implementation project conforms to the requirements specified in the construction norms and these Regulations;

107.2. the requirements specified in the construction norms, these Regulations and other regulatory enactments, as well as the references contained in the applicable standards, are being observed in the course of the construction work of the reservoir. The following shall be examined in particular:

107.2.1. the conformity of the materials and construction products used with the requirements specified in these Regulations, as well as the conformity certifications of the materials issued by the manufacturer of the materials;

107.2.2. the procedures for the joining of separate elements of the reservoir;
and

107.2.3. the qualification certifications of such employees who carry out the works referred to in Sub-paragraphs 35.4 and 35.5 of these Regulations;

107.3. the hydrostatic test of the reservoir is being carried out according to the requirements specified in the building design; and

107.4. the equipment and safety devices of the reservoir conform to the requirements specified in these Regulations and in the building design.

108. If a notified body is engaged in the assessment of a reservoir, it shall ascertain whether the reservoir complies with the requirements specified in these Regulations and in the building design, and shall issue a conformity certificate of the reservoir. The certificate shall indicate the following:

108.1. the name and address of the commissioning party;

108.2. the manager of the building design and the address thereof;

108.3 the address, given name and surname or firm name of the building contractor;

108.4. the identification data of the building design;

108.5. a general description of the reservoir and the construction data;

108.6. the applicable standards, which have been used in the construction of the reservoir;

108.7. the name and address of the body of the expert-examination of the building design; and

108.8. the date of issuance of the certificate, the name and address of the issuer.

109. A notified body shall append to the conformity certificate all the information regarding the examinations and tests carried out in the course of construction.

110. If a reservoir does not comply with the requirements specified in these Regulations or the building design, the notified body shall issue a justified refusal and indicate the measures to be performed in order to ensure the conformity of the reservoir with the specified requirements. A decision of a notified body may be disputed in the Ministry of Economics according to the procedures specified in the Administrative Procedure Law.

5. Declaration of the Conformity of a Reservoir

111. A manufacturer or a building contractor of a reservoir shall ensure and attest to the conformity of the reservoir with the requirements of these Regulations and draw up a declaration of conformity. The following information shall be indicated in the declaration:

111.1. the address, given name and surname or firm name of the manufacturer or building contractor of the reservoir;

111.2. a general description of the reservoir;

111.3. the conformity assessment procedures performed;

111.4. a reference to the type examination certificate of the reservoir, the conformity certificate of the reservoir design, the conformity certificate of the reservoir or the certificate of the examination of the sample of the reservoir (according to the conformity assessment procedure performed), as well as the name and address of such notified body which has issued the relevant certificate;

111.5. a reference to the applicable standards if such have been used;

111.6. a reference to other standards and specifications if such have been used; and

111.7. the signature and the full name of the manufacturer or the building contractor, which is entitled to sign the declaration drawn up on behalf of the manufacturer or the building contractor, and the date and place of issuance of the declaration.

112. A manufacturer or a building contractor shall document the technical documentation referred to in Paragraph 37 of these Regulations, as well as shall insure that a market supervision institution would have access to the technical documentation and the declaration of conformity during the 10 years after the manufacture of the last reservoir of such type. If the manufacturer is not situated in Latvia, a person that puts the reservoir on the market has the duty to keep the technical documentation and the conformity declaration.

6. Acceptance for Service of Reservoirs Constructed on Construction Sites

113. A reservoir constructed on a construction site shall be accepted for service according to the regulatory enactments regarding the acceptance of structures for service. A commissioning party shall submit to the inspection commission the opinions that have been issued by the following bodies:

113.1. the State Fire-fighting and Rescue Service of the Ministry of the Interior;

113.2. the Public Health Agency;

113.3. the regional environmental board of the State Environmental Service, if it has issued the technical regulations regarding the construction of the reservoir; and

113.4. the State Inspection for Heritage Protection, if the structure is located within the protective zone of a cultural monument.

114. If a reservoir does not comply with the requirements specified in these Regulations or the building design, the acceptance commission shall issue to the commissioning party a refusal with a detailed justification of the decision and indicate the measures to be performed in order to achieve the conformity of the reservoir with the specified requirements. A decision of the acceptance commission may be disputed in the Ministry of Economics according to the procedures specified in the Administrative Procedure Law.

115. The operation of reservoir may be commenced after the registration with the State Labour Inspectorate and the acceptance for service thereof.

7. Closing Provisions

116. Cabinet Regulation No. 372 of 14 August 2001, Regulations regarding the Designing, Installation, Conformity Assessment and Market Supervision of Reservoirs for the Storage of Flammable, Explosive and Harmful Substances (Latvijas Vēstnesis, 2001, No. 119), is repealed.

117. The proof of the competence of notified bodies issued by the Latvian National Accreditation Bureau, issued according to Cabinet Regulation No. 372 of 14 August 2001, Regulations regarding the Designing, Installation, Conformity Assessment and Market Supervision of Reservoirs for the Storage of Flammable, Explosive and Harmful Substances, shall be in force until the end of the term of validity thereof.

Prime Minister

A. Kalvītis

Acting for the Minister for Economics,
Minister for Education and Science

B. Rivža