

Informal Text

**STATUTE
OF THE FEDERAL ENVIRONMENTAL, INDUSTRIAL AND
NUCLEAR SUPERVISION SERVICE**

APPROVED
by the Decree of the Government
of the Russian Federation
of 30.07.04 No. 401

I. GENERAL PROVISIONS

1. The Federal Environmental, Industrial and Nuclear Supervision Service is a federal executive authority which implements functions of adoption of legal acts and regulatory documents, in the field control and supervision of the environmental protection as regards limitation of negative man-caused impact (including that in the field of production and consumption waste management), safe performance of operations involving use of the Earth's interior, protection of the Earth's interior, industrial safety, safety in the use of nuclear power (excluding activity on development, production, test, operation and disposal of nuclear weapons and military purpose nuclear power facilities), safety of electric and heat installations and grids (excluding housekeeping installations and grids), safety of hydraulic engineering structures at industry and power engineering facilities, safety of production, storage and use of industrial purpose explosive materials; and special functions in the field of the state security within the abovementioned segment.

The Federal Environmental, Industrial and Nuclear Supervision Service is:

- a body for state regulation of safety in the use of nuclear power;
- a specially authorized state body for industrial safety;
- a body for state supervision in mining;
- a specially authorized state body for environmental impact assessment review in the specified field of activity;
- a body for the state power engineering supervision;
- a specially authorized state body for atmospheric air protection.

2. The Federal Environmental, Industrial and Nuclear Supervision Service reports directly to the Government of the Russian Federation.

3. The Federal Environmental, Industrial and Nuclear Supervision Service is guided in its activity by the Constitution of the Russian Federation, Federal Constitutional Laws, Federal Laws, Acts of the President of the Russian Federation and the Government of the Russian Federation, international treaties of the Russian Federation and this Statute.

4. The Federal Environmental, Industrial and Nuclear Supervision Service carries out its activity directly and through its Regional Offices in cooperation with other Federal Executive Authorities, executive authorities of the subjects of the Russian Federation, local authorities, public associations and other organizations.

II. AUTHORITIES

5. The Federal Environmental, Industrial and Nuclear Supervision Service implements the following authorities in the established field of activity:

5.1. submits to the Government of the Russian Federation Draft Federal Laws, legal acts and regulations to be issued by the President of the Russian Federation and the Government of the Russian Federation and other documents on the issues related to the field of activity implemented by the Service as established in Paragraph 1 of this Statute subject to the decision of the Russian Government;

5.2. based on and pursuant to the Constitution of the Russian Federation, Federal Constitutional Laws, Federal Laws, Acts of the President of the Russian Federation and the Government of the Russian Federation, approves independently the following legal acts and regulatory documents in the established segment of its activity:

5.2.1. Federal Standards and rules in the field of use of nuclear power in accordance with the Russian Legislation;

5.2.2. procedure for issuing permits to carry out work in the field of use of nuclear power to employees of nuclear facilities in accordance with the list of positions approved by the Government of the Russian Federation;

5.2.3. requirements to the package and content of the documents related to safety ensuring of nuclear facilities, radiation sources, storage facilities for nuclear materials and radioactive substances; radioactive waste storage facilities and/or activity carried out in the field of use of nuclear power, as are needed to license the activity in this field, and the procedure to review these documents;

5.2.4. procedure for organization and implementation of supervision over the system of state nuclear material accounting and control;

5.2.5. requirements to the registration of facilities in the state register of hazardous industrial facilities and maintenance of this register;

5.2.6. procedure to develop the declaration of industrial safety of hazardous industrial facilities and the list of data to be included therein;

5.2.7. procedure for carrying out technical investigation of the causes of accidents, incidents and cases of loss of explosive materials of industrial use;

5.2.8. procedure for carrying out review of industrial safety and requirements to the documenting of the review conclusion;

5.2.9. requirements to the package and content of the documents regarding the assessment of man-caused environmental impacts;

5.2.10. lists of facilities subjected to the technical standards for releases;

5.2.11. procedure for issuing and format of permissions for releases of harmful (contaminating) substances;

5.2.12. calculation guidelines to define the composition and the amount of harmful (polluting) substances released into the atmospheric air;

5.2.13. methodological guidelines for development of draft standards for waste generation;

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- 5.2.14. inventory rules for facilities where waste is disposed and accounting rules for waste management;
 - 5.2.15. legal acts and regulatory documents on other issues in the established field of activity other than the issues which shall be regulated by the Federal Constitutional Laws, Federal Laws, Acts of the President of the Russian Federation and the Government of the Russian Federation according to the Constitution of the Russian Federation, Federal Constitutional Laws, Federal Laws, Acts of the President of the Russian Federation and the Government of the Russian Federation;
- 5.3. based on Federal Laws, Acts of the President of the Russian Federation and the Government of the Russian Federation implements the following authorities on control and supervision in the established field of activity:
- 5.3.1. carries out control and supervision of:
 - 5.3.1.1. compliance with the standards and rules in the field of use of nuclear power, license conditions issued to carry out work in the field of use of atomic energy;
 - 5.3.1.2. nuclear, radiation, technical and fire safety (of the nuclear facilities);
 - 5.3.1.3. physical protection of the nuclear facilities, radiation sources, storage facilities for nuclear materials and radioactive substances, systems of the unified state accounting and control of nuclear materials, radioactive substances and radioactive waste;
 - 5.3.1.4. fulfillment of international commitments of the Russian Federation in the field of safety in the use of atomic energy;
 - 5.3.1.5. compliance with industrial safety requirements for design, construction, operation, decommissioning and liquidation of hazardous industrial facilities; manufacture, assembling, alignment, maintenance and repairs of technical devices used at hazardous industrial facilities and transport of hazardous substances used at hazardous industrial facilities;
 - 5.3.1.6. compliance, within its competence, with safety requirements in electrical power engineering (technical control and supervision in electrical power engineering);
 - 5.3.1.7. the safe performance of activities involving the Earth's interior to ensure that all users of the Earth's interior comply with the Legislation of the Russian Federation, the standards and rules on the Earth's interior protection (within its competence) and the safe performance of activities approved according to the established procedure, and to prevent and to eliminate their harmful impact on the population, environment, buildings and structures;
 - 5.3.1.8. compliance with fire safety requirements for underground facilities and blasting operations;
 - 5.3.1.9. compliance of the owners of hydraulic technical structures and operating organizations with safety standards and rules for hydraulic technical structures at facilities of industry and power engineering other than hydraulic technical structures supervised by the local authorities;
 - 5.3.1.10. compliance, within its competence, with requirements of the Legislation of the Russian Federation on environmental protection (State Environmental Monitoring);
 - 5.3.1.11. compliance, within its competence, with requirements of the Legislation of the Russian Federation on atmospheric air protection;
 - 5.3.1.12. compliance, within its competence, with requirements of the Waste Management Legislation of the Russian Federation;

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5.3.1.13. timely return of irradiated fuel assemblies of nuclear reactors and their processing products to the state-supplier with which the Russian Federation concluded an international agreement providing for import of the irradiated fuel assemblies of nuclear reactors to the Russian Federation for the purpose of temporary storage and processing subject to return of processing products (within its competence);

5.3.1.14. the mining rescue operations as regards the state and readiness of militarized mining rescue teams for elimination of accidents at operating facilities;

5.3.2. implements licensing of the activity related to:

5.3.2.1. siting, construction, operation and decommissioning of nuclear facilities, radiation sources, storage facilities for nuclear materials and radioactive substances, radioactive waste storage facilities;

5.3.2.2. management of nuclear materials and radioactive substances; including that as regards exploration and mining of uranium ores, production, use, processing, transportation and storage of nuclear materials and radioactive substances;

5.3.2.3. radioactive waste management during storage, reprocessing, transportation and disposal;

5.3.2.4. use of nuclear materials and/or radioactive substances in R&D;

5.3.2.5. design and engineering of nuclear facilities, radiation sources, storage facilities for nuclear materials and radioactive substances, radioactive waste storage facilities;

5.3.2.6. design and manufacturing of equipment for nuclear facilities, radiation sources, storage facilities for nuclear materials and radioactive substances, radioactive waste storage facilities;

5.3.2.7. review of design, engineering and process documentation, and documents justifying nuclear and radiation safety of nuclear facilities, radiation sources, storage facilities for nuclear materials and radioactive substances, radioactive waste storage facilities, management of radioactive substances and radioactive waste;

5.3.2.8. operation of chemically hazardous production facilities;

5.3.2.9. operation of explosive production facilities;

5.3.2.10. operation of fire hazardous production facilities as regards operation of facilities where underground or open mining activities on extraction and processing of minerals prone to spontaneous ignition and activities at other mining facilities whose technology assumes fire hazardous activities, including those not related to mineral extraction, are carried out;

5.3.2.11. operation of gas and oil production enterprises;

5.3.2.12. operation of major transport pipelines;

5.3.2.13. operation of gas distribution systems;

5.3.2.14. review of industrial safety;

5.3.2.15. mine surveying;

5.3.2.16. production of explosive industrial purpose materials as regards activities on production of explosive materials used in blasting operations at places of their application;

5.3.2.17. storage of industrial purpose explosive materials as regards activities on their storage carried out by organizations producing explosive materials at stationary production facilities and places of their application, and organizations using explosive materials for scientific and research, educational or experimental purposes;

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- 5.3.2.18. use of industrial purpose explosive materials as regards the use of explosive materials by organizations implementing blasting operations at civil facilities;
- 5.3.2.19. proliferation of industrial purpose explosive materials produced at places of their use and used for blasting operations;
- 5.3.2.20. operation of electrical networks (excepting the cases when the indicated activity is carried out for in-house needs of a legal entity or an individual entrepreneur);
- 5.3.2.21. operation of heat supply networks (excepting the cases when the indicated activity is carried out for in-house needs of a legal entity or an individual entrepreneur);
- 5.3.2.22. processing of oil, gas and products of their processing;
- 5.3.2.23. storage of oil, gas and products of their processing;
- 5.3.2.24. major pipeline transportation of oil, gas and products of their processing;
- 5.3.2.25. hazardous waste management;
- 5.3.3. grants permits for:
 - 5.3.3.1. carrying out work in the field of use of nuclear power to the employees of nuclear facilities;
 - 5.3.3.2. use of specific types of technical devices at hazardous production facilities;
 - 5.3.3.3. development of the areas of minerals deposit within the boundaries of the mining lease;
 - 5.3.3.4. operation of the supervised hydraulic technical structures;
 - 5.3.3.5. releases and discharges of contaminants to the environment and harmful physical impacts on the atmospheric air;
 - 5.3.3.6. transboundary transport of waste, ozone-destructing substances and products containing them;
 - 5.3.3.7. the import to the Russian Federation and export from the Russian Federation of poisonous substances;
 - 5.3.3.8. use of industrial purpose explosive materials and operations involving the mentioned materials;
- 5.3.4. establishes limits for waste emplacement;
- 5.3.5. registers hazardous industrial facilities and maintains the state register of such facilities;
- 5.3.6. maintains accounting of facilities that produce negative impact on the environment and harmful influence on the atmospheric air;
- 5.3.7. maintains the state cadastre of waste and state-level accounting in the field of waste management, and issues certificates for hazardous waste;
- 5.3.8. inspects the compliance of organizations and individuals with requirements of the Legislation of the Russian Federation, legal acts, regulatory documents, standards and rules in the established field of activity;
- 5.3.9. approves:
 - 5.3.9.1. skilled manuals on managerial and specialists' (employees') positions which determine qualification requirements to employees who shall obtain a permit to carry out work in the field of use of atomic energy;
 - 5.3.9.2. lists of radioisotope products whose import and export are not subject to licensing;
 - 5.3.9.3. license conditions and technical projects for the Earth's interior use, exploitation of mineral deposits and standards for losses of minerals during their mining and primary processing;

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5.3.10. organizes and carries out, according to the procedure established by the Legislation of the Russian Federation, the state environmental impact assessment review of

5.3.10.1. Draft Legal Acts, international agreements of the Russian Federation that may lead to negative environmental impact, regulatory, technical and methodological documents regulating economic and other activities that may affect the environment (except the review of facilities in the field of land use) to be approved by the State Authorities of the Russian Federation;

5.3.10.2. documents subject to approval by the State Authorities of the Russian Federation followed by projection of future development and allocation of resources and capabilities within the territory of the Russian Federation, including:

 projects of integrated and Federal targeted socioeconomic, scientific and engineering and other programs which may affect the environment;

 draft development schemes of national economy branches;

 draft intergovernmental investment programs involving the Russian Federation, and Federal investment programs;

5.3.10.3. feasibility study reports and projects on the construction, reconstruction, expansion, backfitting, suspension of activity and abolishment of organizations and other facilities of economic activity of the Russian Federation which may affect the environment, including the environment of the adjacent states;

5.3.10.4. documents related to the establishment of organizations of mining and processing industry that provide for the use of natural resources;

5.3.10.5. documents justifying safety of the activities subject to Licensing which are capable of producing a man-caused environmental impact;

5.3.10.6. draft new technology or equipment technical documentation;

5.3.10.7. other types of documentation regarding economic and other activities capable of producing direct or indirect negative impact on the environment (except review of facilities in the field of land use);

5.3.11. organizes and provides for functioning of the monitoring system as regards nuclear facilities in case of emergency situations (emergency response);

5.3.12. creates, develops and maintains the computer-aided information and analytical service system, including that for the purposes of the unified state computer-aided system for monitoring of the radiation situation within the territory of the Russian Federation;

5.3.13. manages functional subsystems for the monitoring of chemical hazardous and explosive facilities, and nuclear and radiation hazardous facilities within the unified state system for prevention and elimination of emergency situations;

5.3.14. according to the established procedure, conducts tenders and concludes state contracts for placing orders for delivery of goods, performance of work, rendering of services for the purposes of the Service, and for carrying out research work for state purposes in the established field of activity;

5.4. generalizes the practice of applying the legislation of the Russian Federation in the established field of activity;

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5.5. performs the functions of the main administrator and beneficiary of the state budgetary means provided for the maintenance of the Service and the fulfillment of the functions assigned to the Service;

5.6. arranges for meetings with citizens aimed at addressing their requests, timely and complete consideration of their verbal and written requests, decision-making and responding to these requests in terms established by the legislation of the Russian Federation;

5.7. provides for, within its competence, protection of information designated as state secret;

5.8. provides for mobilization training of the Service, as well as control and coordination of the activity on mobilization training implemented by the subordinate organizations;

5.9. organizes vocational training of the Service staff, its retraining, improvement of professional skills and probation;

5.10. interacts, according to the established procedure, with the executive bodies of foreign states and international organizations within the established field of activity;

5.11. performs, in accordance with the Legislation of the Russian Federation, activities on collection, storage, recording and application of archive documents resulting from the Service's activities;

5.12. implements other authorities in the established field of activity, if such are provided for by Federal Laws, Legal Acts of the President of the Russian Federation or the Government of the Russian Federation.

6. The Federal Environmental, Industrial and Nuclear Supervision Service, with the aim of applying authorities in the established field of activity, is entitled to:

6.1. inquire and receive information necessary for decision-making on the issues within the competence of the Service according to the established procedure;

6.2. conduct, within its competence, the necessary investigations, organize reviews, order studies, tests, analyses and assessments; and scientific researches on issues related to control and supervision within the established field of activity;

6.3. give clarifications to legal entities and individuals on issues within the competence of the Service;

6.4. carry out control of the activities implemented by the Regional Offices of the Service and the subordinate organizations;

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6.5. involve scientific and other organizations, scientists and experts to studies of the Issues related to the established field of activity;

6.6. apply restrictive and preventive measures provisioned for by the legislation of the Russian Federation to prevent violations of mandatory requirements in the established field of activity by legal entities or citizens, including measures to mitigate consequences of the abovementioned violations;

6.7. establish co-ordination, consulting and expert bodies (councils, commissions, groups anti boards), including interdepartmental ones, In the established field of activity;

6.8. institute decorations and award them to citizens for great achievements in the established field of activity.

7. The Federal Environmental, Industrial and Nuclear Supervision Service is not authorized to perform functions on management of State property and rendering of paid services in the established field of activity, except the cases defined by the Decrees of the President of the Russian Federation and the Government of the Russian Federation.

The restrictions specified above in this paragraph are not applied to the authorities of the Service's Chairman on the management of the property given at the Service's disposal, issues related to personnel and organization of the activity implemented by the Service.

While performing legal regulation in the established field of activity, the Service is not entitled to establish functions and powers of the Federal State Authorities, State Authorities of the Subjects of the Russian Federation and local authorities which are not provided for by Federal Constitutional Laws, Federal Laws and Acts of the President of the Russian Federation and Decrees of the Government of the Russian Federation. The Service is not either authorized to establish restrictions upon the rights and freedoms of citizens or rights of non-governmental commercial and non-commercial organizations, except the cases where the possibility to introduce such restrictions by the Acts of the authorized Federal executive bodies issued on the basis of and pursuant to the Constitution of the Russian Federation, Federal Constitutional Laws and Federal Laws is directly provided for by the Constitution of the Russian Federation, Federal Constitutional Laws, Federal Laws and Acts of the President of the Russian Federation and the Government of the Russian Federation.

8. The Federal Environmental, Industrial and Nuclear Supervision Service is headed by the Chairman appointed and dismissed by the Government of the Russian Federation.

The Chairman of the Federal Environmental, Industrial and Nuclear Supervision Service is personally responsible for implementing the authorities assigned to the Service and the state policy in the established field of activity.

The Chairman of the Service has Deputies appointed and dismissed by the Government of the Russian Federation.

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The number of the Deputy Chairmen of the Service is defined by the Government of the Russian Federation.

9. Structural units of the Headquarters of the Federal Environmental, Industrial and Nuclear Supervision Service are the Departments for the main activity fields implemented by the Service. The Departments include Divisions.

10. The Chairman of the Federal Environmental, Industrial and Nuclear Supervision Service:

10.1. distributes responsibilities among the Deputy Chairmen;

10.2. submits to the Government of the Russian Federation:

10.2.1. draft Statute of the Service;

10.2.2. proposals on the maximum number and the wage fund for the employees of the Headquarters and the Regional Offices of the Service;

10.2.3. proposals on the appointment and dismissal of the Deputy Chairmen of the Service;

10.2.4. draft annual plan and forecast indicators of the activity implemented by the Service, and reports on their performance;

10.3. approves Statutes of the structural units of the Service's Headquarters and Regional Offices;

10.4. appoints and dismisses employees of the Headquarters of the Service, Heads and Deputy Heads of Regional Offices of the Service;

10.5. handles, in accordance with the Legislation of the Russian Federation on the Federal employment, issues related to the Federal employment within the Federal Environmental, Industrial and Nuclear Supervision Service of Russia;

10.6. approves the structure and staff list of the Service Headquarters within the wage fund limits and number of employees established by the Government of the Russian Federation and the cost estimate for the maintenance of the Service Headquarters within the limits of the appropriations approved for the corresponding period and provided for in the Federal Budget;

10.7. approves the structure, number and wage fund as regards the employees of the Regional Offices of the Service within the limits established by the Government of the Russian Federation, and cost estimate of their maintenance within the limits of the appropriations approved for the corresponding period and provided for in the Federal Budget;

10.8. submits proposals to the draft federal budget regarding the funding of the activity implemented by the Service to the Ministry of Finance of the Russian Federation;

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10.9. submits, according to the established procedure, proposals on the establishment, reorganization and abolishment of federal state organizations and institutions under the jurisdiction of the Service to the Government of the Russian Federation;

10.10. makes decisions on issues related to the establishment, reorganization and abolishment of the Regional Offices of the Service within the limits of the wage fund and number of employees determined by the Government of the Russian Federation;

10.11. authorizes submissions for the State level awards for the employees of the Headquarters of the Service and Regional Offices of the Service and other persons implementing the activity in the established field according to the established procedure.

11. The maintenance costs of the Headquarters of the Federal Environmental, Industrial and Nuclear Supervision Service of Russia, its Interregional Territorial Offices and other subordinate organizations are covered by the means provided for in the Federal Budget;

12. The Federal Environmental, Industrial and Nuclear Supervision Service is a legal entity, has a seal with the image of the state emblem of the Russian Federation and the name of the Service, other seals, stamps and letter heads of the established format, and bank accounts opened in accordance with the Legislation of the Russian Federation.

13. The Federal Environmental, Industrial and Nuclear Supervision Service has its heraldic symbols, i.e. the logotype, flag and pennant approved according to the established procedure.

14. The Federal Environmental, Industrial and Nuclear Supervision Service is located in Moscow.