

Federal Law of July 21, 1997 No. 117-FZ
"On Safety of Hydrotechnical Facilities"

Adopted by the State Duma on June 23, 1997

Chapter I. General Provisions

This Federal Law defines state regulation in the field of safety of design, construction, overhaul, commissioning, operation, upgrading, restoration, conservation and decommissioning of hydrotechnical facilities, establishes the duties of state authorities, owners of hydrotechnical facilities and operating organizations for providing safety of hydrotechnical facilities.

Article 1. Applicability of this Federal Law

This Federal Law applies to hydrotechnical facilities indicated in **Article 3** of this Federal Law and damages that can lead to an emergency situation.

Article 2. Legislation on safety of hydrotechnical facilities

Legislation on safety of hydrotechnical facilities consists of this Federal Law and associated laws and regulatory legal acts adopted on the basis of this law.

If an international treaty of the Russian Federation establishes different regulations unless otherwise stipulated by this Federal Law, then the international regulations shall be applied.

Article 3. Main definitions

This Federal Law uses the following main definitions:

hydrotechnical facilities - dams, hydroplants buildings, water discharge facilities, water outlet structures, culverts, tunnels, canals, pumping stations, shipping locks, boat lifting devices; facilities designed for protection against flooding, destruction of banks and bottoms of reservoirs, rivers; isolation facilities (dams) of liquid waste from industrial and agricultural enterprises; facilities preventing the canal retrogression, and other structures designed for utilization of water resources and prevention of negative impact of water and liquid waste;

operating organization is a state or municipal unitary enterprise or any other legal entity having a hydrotechnical facility on its balance sheet;

owner of a hydrotechnical facility is the Russian Federation, a constituent region of the Russian Federation, a municipal entity, a physical or legal entity regardless of their organization and legal form, having the right for ownership, use and management of the hydrotechnical facility;

emergency situation - is a situation in a specified area ensuing from an accident at a hydrotechnical facility that could incur or has incurred damage to human health or environment, significant material losses and violation of conditions for human activities;

safety of hydrotechnical facilities is their property allowing to provide the protection of life, health and legal interests of people, environment and economic facilities;

safety declaration for a hydrotechnical facility is a document substantiating the safety of a hydrotechnical facility and determining the measures to provide safety of a hydrotechnical facility with the account of its class;

safety criteria of a hydrotechnical facility are limiting values of qualitative and

quantitative indicators of the hydrotechnical facility state and conditions of its operation meeting the acceptable accident risk level for the hydrotechnical facility and appropriately approved by federal executive authorities supervising the safety of hydrotechnical facilities;

safety assessment of a hydrotechnical facility is determining the compliance of the hydrotechnical facility state and the operating organization employees' qualification with standards and regulations approved in accordance with this Federal Law;

acceptable accident risk level for of a hydrotechnical facility is the value of an accident risk level for of a hydrotechnical facility established by regulating documents;

a hydrotechnical facility territory is a piece of land and (or) water area within the limits established in accordance with the land and water legislation;

safety assurance of a hydrotechnical facility is development and implementation of preventive measures against accidents at the hydrotechnical facility.

Article 4. Powers of the Government of the Russian Federation in the field of hydrotechnical facilities safety

The Government of the Russian Federation:

develops and implements the state policy in the area of safety for hydrotechnical facilities;

establishes the procedure for state supervision in the field of safety of hydrotechnical facilities;

organizes and ensures safety of hydrotechnical facilities owned by the federation;

establishes an operating procedure for a hydrotechnical facility and ensures its safety in case its license for construction and operation has been cancelled (including hydrotechnical facilities in an accident condition), hydrotechnical facilities subject to conservation or liquidation, hydrotechnical facilities having no ownership.

Article 5. Powers of the executive agencies of the subjects of the Russian Federation in the field of hydrotechnical facilities safety

The executive agencies of the subjects of the Russian Federation in the field of hydrotechnical facilities safety:

make decisions concerning safety of hydrotechnical facilities in relevant **territories** with the exception of safety issues of hydrotechnical facilities being in a municipal ownership based on general safety requirements for hydrotechnical facilities specified in **Article 8** of this federal Law;

participate in the implementation of state policy in the field of safety for hydrotechnical facilities;

develop and implement regional safety programs for hydrotechnical facilities;

assure safety of hydrotechnical facilities when using water facilities and implementing environment protection measures;

make decisions on limiting the conditions of their operation in cases of violating the safety legislation for hydrotechnical facilities;

participate in decommissioning of accident consequences at hydrotechnical facilities;

inform population of accident threats at hydrotechnical facilities which may result in **emergency situations**;

assure safety of hydrotechnical facilities owned by constituent regions of the Russian Federation.

Article 6. Expired since August 1, 2011.

Article 6.1. State supervision during construction and upgrading of hydrotechnical facilities

State supervision during construction and upgrading of hydrotechnical facilities is carried out by the federal executive agencies and executive agencies of the subjects of the Russian Federation authorized to implement state construction supervision in accordance with the Russian Federation **legislation** on architectural activity.

Article 7. Russian register of hydrotechnical facilities

Hydrotechnical facilities shall be registered in the Russian register of hydrotechnical facilities (hereafter - Register).

The Register shall be formed and maintained according to the **procedure** established by the Government of the Russian Federation.

Chapter II. Safety Assurance of Hydrotechnical Facilities

Article 8. General requirements for safety of hydrotechnical facilities

Safety of hydrotechnical facilities is ensured proceeding from the following requirements:

- ensuring an allowable level of risk of accidents at hydrotechnical facilities;
- presenting safety declarations of hydrotechnical facilities;
- state supervision for safety of hydrotechnical facilities;
- continuous operation of hydrotechnical facilities;
- taking measures for ensuring safety of hydrotechnical facilities with setting their safety criteria, equipping them with technical means to provide permanent monitoring of their condition, ensuring relevant qualifications of the employees who provide servicing of hydrotechnical facilities;
- early performance of a complex activities intended to maximally reduce risks of emergency situations at hydrotechnical facilities;
- paragraph eight expired since January 1, 2005;
- responsibility for the actions (inaction) causing the decrease of safety for hydrotechnical facilities lower than **allowable level**.

Article 9. Duties of the owner of hydrotechnical facilities and of the operating organization

The owner of a hydrotechnical facility and the operating organization shall be accountable for the following:

- ensure the observance of safety standards and regulations for hydrotechnical facilities during their construction, maintenance, reconstruction, conservation, decommissioning and liquidation;
- ensure **control** (monitoring) of the state of hydrotechnical facilities, natural and anthropogenic impacts and **assess hydrotechnical facility safety** proceeding from the obtained data including regular assessment of hydrotechnical facilities safety and analysis of the causes for the safety reduction taking into account the operation of hydrotechnical facilities in a cascade, hazardous natural and anthropogenic impacts, the results of administrative and other activities including the activity connected with construction and operation of facilities on water and adjacent areas below and above the hydrotechnical facility;
- ensure the development and timely specification of **safety criteria for the hydrotechnical facility**;
- develop the monitoring system of the hydrotechnical facility;
- analyze on a regular basis the causes of hydrotechnical facility safety deterioration and timely develop and implement measures to keep it safe and in good repair, and to prevent accidents;
- conduct regular inspections of hydrotechnical facilities;
- provide financial and material reserves for decommissioning of accidents at hydrotechnical facilities;
- organize operation of **hydrotechnical facilities** in accordance with operational rules developed and approved by the federal executive agencies authorized to conduct state supervision over safety of hydrotechnical facilities, and ensure that the employees of the operating organization be adequately qualified in accordance with the rules and regulations;
- maintain the local annunciation systems permanently available to be able to

communicate about **emergency situations** at hydrotechnical facilities;

provide interaction with civil defense and emergency situations authorities to prevent accidents, immediately inform the federal executive authorities, federal state regulator representatives, other state bodies concerned and local government about the threat of an accident at a hydrotechnical facility, and in case of the immediate threat of a breakthrough of the confined water, inform the population and other organizations located in the flooding area;

assist federal executive authorities, federal state regulator's representatives in the area of safety of hydrotechnical facilities to implement their functions;

in collaboration with local self-government keep the population informed about hydrotechnical facilities safety;

allocate funding to operate the hydrotechnical facility, ensure its safety as well as to prevent and liquidate the consequences of an accident at the hydrotechnical facility.

The owner of a hydrotechnical facility or **operating organization** is accountable for the safety of the hydrotechnical facility (including indemnification for damages as per Articles **16**, **17** and **18** of this Federal Law incurred as a result of an accident at the hydrotechnical facility) up to the moment the ownership rights are transferred to another natural person or legal entity or up to the completion of all decommissioning works.

Article 10. Safety declaration of a hydrotechnical facility

Safety declaration of a hydrotechnical facility shall be elaborated by its **owner of the hydrotechnical facility** or operating organization at the stage of design, construction, commissioning, operation, decommissioning as well as after its reconstruction, overhaul, restoration or conservation.

Safety declaration of a hydrotechnical facility is the basic document containing compliance data of the hydrotechnical facility with the safety criteria.

The content of the safety declaration of a hydrotechnical facility, procedure of its development and submission to the authorized federal executive agencies is established by the Government of the Russian Federation with the account of the hydrotechnical facility specifics.

The owner of a hydrotechnical facility or the operating organization shall submit the safety declaration of the hydrotechnical facility according to the procedure established by the Government of the Russian Federation to the authorized federal executive agencies. Submission to the above institution of the safety declaration that has passed the state examination in accordance with the **legislation** of the Russian Federation on town planning or the approval by the similar body of the safety declaration of the hydrotechnical facility also after its reconstruction, overhaul, restoration or conservation, shall be the basis for entering the hydrotechnical facility to the Register and getting a permit for operation, decommissioning of the hydrotechnical facility or its restoration or conservation.

Article 11. State examination of design documentation for hydrotechnical facilities and state examination of safety declaration for hydrotechnical facilities

State examination of design documentation for hydrotechnical facilities containing the safety declaration for hydrotechnical facilities shall be carried out in accordance with the **legislation** of the Russian Federation on town planning. State examination of safety declaration for hydrotechnical facilities which shall be prepared at the stage of operation, decommissioning as well as after their reconstruction, overhaul, restoration or conservation, shall be carried out in accordance with the provisions of this Article according to the

procedure established by the Government of the Russian Federation.

Research and engineering institutions can be involved in state examination of safety declaration for hydrotechnical facilities.

State examination of safety declaration for hydrotechnical facilities shall be initiated by the owners of hydrotechnical facilities or operating organizations including the cases of their disagreement with the prescriptions of the regulatory authorities supervising the safety of hydrotechnical facilities.

The authorized federal executive agencies are enabled to make a decision to approve the safety declaration for hydrotechnical facilities, issue a relevant permit or rejection of issuing such a permit proceeding from the state examination findings.

In case of the owner's or operating organization's disagreement with the decision of the authorized federal executive body, this decision can be claimed in the court.

State examination of safety declaration for hydrotechnical facilities shall be carried out for a fee.

A state due is imposed for issuing a permit to operate hydrotechnical facilities, the amount and procedure of which are established within the **legislation** of the Russian Federation on taxes and dues.

Article 12. Excluded.

Chapter III. Federal State Supervision in the Field of Safety for Hydrotechnical Facilities

Article 13. Federal State Supervision in the Field of Safety for Hydrotechnical Facilities

Federal state supervision in the field of safety for hydrotechnical facilities means an activity of authorized federal executive agencies aimed to prevent, discover and cancel the violations by legal entities, their managers or other authorities, individual entrepreneurs, their official representatives (hereafter- legal entities, individual entrepreneurs) of the safety operating requirements for hydrotechnical facilities established by the legislation of the Russian Federation (hereafter mandatory requirements) by means of inspecting the above entities and taking appropriate measures envisaged by the legislation of the Russian Federation for cancellation and/or elimination of consequences of the violations discovered, and the activity of the above authorized state agencies on systematic monitoring of executing the mandatory requirements, their analysis and forecasting of the status of executing of the said requirements during the activities conducted by legal entities and individual entrepreneurs.

Federal state supervision in the field of hydrotechnical facilities safety shall be **carried out** by the authorized federal executive agencies (hereafter state supervision bodies) within their competence and according to the procedure established by the Government of the Russian Federation.

The relations associated with the federal state supervision in the field of hydrotechnical facilities safety, inspections of legal entities and individual entrepreneurs are regulated by the provisions of the **Federal Law** of December 26, 2008 No. 294-FZ "On Protection of Rights of Legal Entities and Individual Entrepreneurs during State Supervision and Municipal Control" taking into account the specifics of the inspections established under this article.

The subject of the inspection is the observance by legal entities and individual entrepreneurs of the mandatory requirements during their activity.

The reason to include a scheduled inspection into the yearly plan of scheduled inspections shall be the expiration of one day since the following:

issuing of a permit for operation of a hydrotechnical facility in accordance with the legislation of the Russian Federation;
the end of the last scheduled inspection.

Scheduled inspections during the periods that have no determined in advance time frame or present enhanced threats for hydrotechnical facilities (periods of flooding or navigation) shall be carried out in accordance with the order (directive) of the head of the state supervision body which also establishes the dates of the beginning and the end for the inspection.

The yearly plan of inspections, order (directive) of the state supervision agency to conduct an inspection, inspection statement shall additionally indicate the name and location of the respective hydrotechnical facility to be inspected and which actually had been already inspected.

The reason for an unscheduled inspection is as follows:

expiration of time for the legal person or individual entrepreneur to execute the instruction issued by the state supervision body to eliminate the discovered violation of the mandatory requirements;

citizens' applications and requests to the state supervision body including individual

entrepreneurs, legal entities, information from state authorities (official persons from state supervision bodies), local self-governments, from mass media about the facts of accidents and emergency situations at hydrotechnical facilities, and violations of safe operation for hydrotechnical facilities in case such violations threaten people's lives and health, environment, state security, property of physical and legal entities, state and municipal property or present a threat of accidents and/or emergency situations of natural and/or anthropogenic character;

the order (directive) of the head (deputy head) of the state supervision body about the unscheduled inspection issued in accordance with the request of the President of the Russian Federation or the Russian Federation Government or proceeding from the prosecutor's request to conduct an unscheduled inspection within the frame of a supervision for the execution of laws due to the received materials and requests by the prosecutor's office.

An unscheduled inspection due to the reasons indicated in Part 8 of this Article can be carried out immediately after the notification of the prosecutor's office according to the procedure established by **Part 12 of Article 10** by provisions of the Federal Law of December 26, 2008 No. 294-FZ "On Protection of Rights of Legal Entities and Individual Entrepreneurs during State Supervision and Municipal Control" without getting the approval of the prosecutor's office.

It is not allowed to notify the legal entity or individual entrepreneur in advance about an unscheduled field inspection ordered due to the reason indicated in **Paragraph 3 of Part 8** of this Article.

The time frame for the inspection is not more than thirty working days from the day of its beginning.

In exceptional cases due to the necessity of complicated and/or long-term investigations, testing, special examinations and inquiries, the time frame of the inspection may be prolonged by the head (deputy head) of this body for the maximum of twenty working days on the basis of motivated proposals of the officials in the state supervision body who are in charge of the inspection.

The provisions of the **Federal Law of December 26, 2008 No. 294-FZ "On Protection of Rights of Legal Entities and Individual Entrepreneurs during State Supervision and Municipal Control"** allow to establish continuous supervision at certain hydrotechnical facilities.

The continuous state supervision regime, the list of hydrotechnical facilities for which such supervision may be assigned and the procedure for its implementation are determined by the Government of the Russian Federation.

The officials of the state supervision bodies, according to the procedure established by the legislation of the Russian Federation, are entitled to:

request and obtain needed for the inspection information and documents from the legal entity or individual entrepreneur on the basis of motivated written requests;

upon presentation of certificate of employment and a copy of an order (directive) of the head (or deputy head) of the state supervisory body on inspection - free access to hydrotechnical facilities and inspection of buildings, structures, equipment and materials used by legal entities and individual entrepreneurs in during operation of the hydrotechnical facilities, and conduct of necessary analyses, tests, examinations and other inspection activities;

to issue instructions to legal entities, individual entrepreneurs to eliminate identified violations of the mandatory requirements, to implement the measures to prevent damage to

life and health of the public, damage to animals, plants, environment, national security, the property of natural persons and legal entities, national or municipal property and to prevent natural and man-induced emergency situations;

draw up protocols on administrative infractions relating to violations of the mandatory requirements, examine the cases of the mentioned administrative infractions and take measures to prevent such violations;

submit to the authorized bodies materials relating to violations of the mandatory requirements on institution of criminal actions on the indications of the offences;

give instructions on people evacuation from their workplaces when their life and health are jeopardized.

State regulation bodies may be brought to trial or have the right to participate in the legal proceedings voluntarily to give their conclusion on the legal actions regarding compensation for damage inflicted on the environment, its components, state security, property of individuals, legal entities, state or municipal property as a result of violations of the mandatory requirements.

Article 14. Inspection of Hydrotechnical Facilities

Inspection committees may be formed by the supervision bodies regulating hydrotechnical facilities safety for the purpose of inspecting the hydrotechnical facilities.

GARANT's commentary

The inspection of hydrotechnical facilities reviews the activities of the owners and operating organizations of the hydrotechnical facilities as well as the activities of contractors during operation, restoration or concervation of the hydrotechnical facilities to assess the fulfillment of the standards and safety regulations for hydrotechnical facilities.

The works performed during construction and reconstruction of hydrotechnical facilities are inspected by the federal executive body authorized for state construction supervision, by the executive agencies of the subjects of the Russian Federation in accordance with the **legislation** on town planning of the Russian Federation.

Chapter IV

Financing of the Safety of Hydrotechnical Facilities

Article 15. Insurance of civil liability for damnification

The civil liability risk for damnification resulting from damaging the life, health of natural person, property of natural and juridical persons due to an accident at a hydrotechnical facility is subject to mandatory insurance for the time of construction and operation of this **hydrotechnical facility**.

The insurance policy against the civil liability for damnification is held by the **owner** of the hydrotechnical facility or the **operating organization**.

The conditions and procedures for mandatory insurance against civil liability risk for damnification resulting from an accident at a hydrotechnical facility, are regulated by federal law.

Article 16. Reparation of Damage Inflicted as a Result of a Violation of the Legislation on the Safety of Hydrotechnical Facilities

Damage inflicted as a result of a violation of the legislation on the safety of hydrotechnical facilities on the property of natural and juridical persons shall be repaired by the natural and juridical person that provoked the damage in accordance with the **Civil Code** of the Russian Federation.

Article 17. Financial Provision of the Civil Liability for the Damage Resulting from an Accident at the Hydrotechnical Facility

The owner and the operating organization of the hydrotechnical facility, in case it is owned by the state or municipality, shall have financial provision of the civil liability. Financing of the civil liability in case of reparation of damage resulting from an accident at the hydrotechnical facility (excluding the force majeure) is provided at the expense of the owner or operating organization of the hydrotechnical facility, and from the insurance amount determined by the insurance policy against the civil liability risk.

The Government of the Russian Federation defines the procedure for determining the amount of financial provision for civil liability.

Article 18. Participation of the State in Reparation of Damage Resulting from an Accident at the Hydrotechnical Facility

The Government of the Russian Federation defines the procedure for reparation of damage, in case if the costs of the reparation of damage resulting from an accident at the hydrotechnical facility exceed the amount of financial provision for civil liability, determined in accordance with **Article 17** of this Federal Law.

Chapter V

Breach of Legislation on Safety of Hydrotechnical Facilities

Article 19. Breach of legislation on safety of hydrotechnical facilities

The following are considered violations of legislation on safety of hydrotechnical facilities:

construction and operation of a hydrotechnical facility, economic and other use of watercourses and adjoining areas downstream or upstream of the dam without an appropriate permit;

incompliance with the requirements regarding safety declaration of the hydrotechnical facility, or state examination of design documentation for hydrotechnical facility, or state examination of safety declaration of the hydrotechnical facility;

incompliance of the instructions issued by the supervision bodies in the field of **hydrotechnical facility safety**;

violation of standards and safety regulations applicable for hydrotechnical facilities, acceptance and commissioning, operation, maintenance, reconstruction, conservation and decommissioning;

failing to take measures for ensuring safety of hydrotechnical facilities at an exceeding level of harmful natural or man-made influences, in case of degradation of strength and waterproofness of the structural materials of the hydrotechnical facilities and the rock in the foundation, of poor conditions of operation equipment at hydrotechnical facilities, and failing to control (monitor) their safety;

refusal to submit to the supervision bodies in the field of hydrotechnical facility safety the information on the threats of accidents at hydrotechnical facilities, hiding such information from the above bodies, distortion of such information, and in case of immediate threat of a breakthrough of the confined water - from the state governing bodies, local self-governments and employees of the threatened hydrotechnical facilities, people and organizations located in the possible flood zone;

paragraph eight expired since January 1, 2005;

Article 20. Liability for breach of legislation on safety of hydrotechnical facilities

Officials and other individuals bear the liability in accordance with the legislation for breach of the legislation on safety of hydrotechnical facilities and for actions (inaction) that have resulted in degradation of safety of hydrotechnical facilities or in **emergency situations**.

Chapter VI. Final Provisions

Article 21. The procedure for entry into force of this Federal Law

1. This Federal Law comes into force on the day of its **official promulgation**.

The regulatory and legal acts enacted before the entry into force of this Federal Law shall be effective in part that does not contradict this Federal Law.

2. **Hydrotechnical facilities** that are in operation at the moment of entry into force of this Federal Law shall be unconditionally put on the Register not requiring any safety declarations of hydrotechnical facilities.

3. The President of the Russian Federation and the Government of the Russian Federation shall be advised to bring their regulatory and legal acts in accordance with this Federal Law.

President
of the Russian Federation

B. Yeltsin

Moscow, the Kremlin
21 July 1997
No. 117-FZ