

**Regulation of Cabinet of Ministers of Ukraine No. 207 dated 03.03.2020  
On Amendments to the Procedure for Issuance of Permits for Performing  
Heightened Danger Works and Operation (Use) of Machines, Mechanisms, and  
Heightened Danger Equipment. Major changes and their impact.**

1. Approaches in issuance and extension of permits for performance of works of heightened danger and for operation (use) of machines, mechanisms, heightened danger equipment have been changed, in particular:

- permits are issued/extended by the territorial body of the State Labor Service (at the place of registration of the subject of appeal). Prior to the amendments provided for in this Regulation, permits to perform certain types of heightened danger works were issued directly by the State Labor Service;
- the list of heightened danger works has been reduced, as well as the list of machines, mechanisms, heightened danger equipment for which the permit for implementation/operation/use must be issued.
- the list of heightened danger works has been expanded, as well as the list of machines, mechanisms, heightened danger equipment, execution/operation/use of which are possible on the basis of the submitted compliance declaration of material and technical base with the requirements of the legislation on labor safety. The declaration shall be submitted (by the employer, manufacturer or supplier) not later than 5 working days before the start of works of heightened danger and operation (use) of machines, mechanisms, heightened danger equipment and must be registered by the territorial body of State Labor Service within 5 working days from the day of its receipt. Refusal in declaration registration is not allowed.

2. Among the major changes regarding new construction and commissioning of newly constructed facilities are the following:

- Works performed by means of mechanical lifts and construction hoists; construction, installation and dismantling of buildings, structures, strengthening of their emergency parts; construction, repair, operation and elimination of underground structures not related to the extraction of minerals, as well as gas flame works, can now be performed without a permit, but on the basis of the declaration.
- Operation (use) of steam hot water boilers with a heat output of more than 0.1 MW, hoisting cranes and machines, elevators, escalators, passenger conveyors, lifts and cradles for lifting workers, technological vehicles, etc. is now performed without a permit, but on the basis of declaration.

The listed equipment is very often on the balance sheet of a company that owns real estate and therefore relates almost everyone.

3. Liability. Neither the Law of Ukraine "On Labor Safety", nor the Code of Ukraine on Administrative Offenses, nor the Criminal Code of Ukraine establish liability for the execution of heightened danger works/ operation (use) of machines, mechanisms, heightened danger equipment without obtaining the appropriate permit/submitting a declaration. At the same time, the lack of permit or failure to submit a declaration may be the basis for filing a claim (based on the results of the inspection) by the territorial body of the State Labor Service on the suspension of works (enterprises, individual shops, production, etc. operation). However, the ground for such suspension (para. 5, Part 4, Article 4 of the Law of Ukraine "On the Basic Principles of State Supervision (Control) in the Field of Economic Activities", Article 39 of the Law of Ukraine "On Labor Safety") is the availability of violations of the legislation requirements on labor safety, that pose a threat to the lives of workers.

However, the question remains about maintaining safety. It should be noted that after the changes to the procedure in 2016 and later in 2018-2019, obtaining a permit was significantly simplified. In particular, only one document was needed, which is the conclusion of the expert opinion of the company's compliance with the requirements on labor safety. At the same time, the extension of the permit, if there were no violations of the legislation during the period of validity at the enterprise, took place only at the request of the company - no additional documents were needed.

The changes exclude a significant amount of mass equipment from the need to obtain a permit, all it takes is submitting a declaration. However, there are no guarantees of compliance with the requirements. Moreover, such simplification may lead to a reduction in the control of companies over labor safety issues (which they had previously been forced to perform because of the need to obtain expert opinions). Therefore, there are some concerns whether these changes will have serious consequences in the form of an escalator or elevator incident at a shopping mall.

Undoubtedly, in view of the change of regulation the State Labor Service should strengthen the control over the activities of companies operating the machines and mechanisms of heightened danger.

As a whole, the changes made by the Regulation can be described as deregulation and simplification of business conditions, since the vast majority of heightened danger works and operation (use) of equipment, machines, mechanisms, heightened danger equipment can now be performed upon a declarative principle.

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This Legal Alert is intended as a general overview of latest changes in legislation of Ukraine and does not constitute a legal advice.

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