

**On the Law of Ukraine**  
**On Providing Sanitary and Epidemic Safety of the Population**

**No. 4004-XII**

**February 24, 1994**

Supreme Rada of Ukraine on February 24, 1994 has adopted the Law of Ukraine “On Providing Sanitary and Epidemic Safety of the Population”: (4004-12) (hereinafter referred to as Law) which was introduced starting from the day of its publication (newspaper “Golos Ukrainy” No.65 of April 8, 1994).

The Law regulates social relations which arise when providing sanitary and epidemic safety, determines respective rights and obligations of the state bodies, enterprises, institutions and organizations of all types of ownership and also legal status of the Sanitary and Epidemiological Service.

Resolution of the Supreme Rada of Ukraine “On Implementation of the Law of Ukraine “On Providing Sanitary and Epidemic Safety of the Population” (4005-12) of February 24 1994 provides that before bringing legislation of Ukraine in line with the Law, current legislative acts of Ukraine shall be applied in the part which does not contradict to this Law.

According to the Article 6 of the Law enterprises and organizations have the right to remunerate their losses caused by violation of sanitary legislation by legal and natural persons.

Article 42 of the Law provides measures on ceasing violations of the sanitary legislation which shall be applied by the main state sanitary doctors (their deputies).

Article 48 of the Law provides that enterprises, institutions, organizations which have violated sanitary legislation causing diseases, poisonings, radiation lesion, disability, or death of people are obliged to remunerate losses to enterprises, institutions, organizations and compensate additional expenses of bodies, institutions of Sanitary and Epidemiological Service to conduct sanitary and anti epidemic measures, and also expenses of prophylactic institutions for medical help to those who had suffered.

Along with this payment of financial sanctions provided in article 46 of the Law does not free violators from the duty of remuneration of losses, caused by violation of sanitary legislation (part 6 of the Article 47 of the Law), to enterprises, institutions, organizations.

Disputes connected with compensation of the expenses or remuneration of losses are subject for the consideration in the arbitration court according to the procedure provided by the Arbitration Process Code of Ukraine (1798-12).

Articles 8 and 43 of the Law give to the enterprises and organizations right to appeal decisions of the governmental bodies, local and regional self-government bodies, Sanitary and Epidemiological Service which have violated rights of these enterprises, institutions, organizations on providing sanitary and epidemic safety to the respective Main State sanitary doctor (decisions of the Main state sanitary doctor - to the Cabinet of Ministers of Ukraine) or to the court. In addition, Law does not provide obligation of the enterprises, institutions, organizations before appealing to the court on determining these decisions not valid to appeal to the Chief State sanitary doctor (to the Cabinet of Ministers of Ukraine).

**The Law of Ukraine**  
**On Providing Sanitary and Epidemic**  
**Safety to the Population**

**4004-XII**

**February 24, 1994**

**With amendments introduced by**  
**the Law No.607/96, of December 17 1996 and the Law No. 331/97, of June 11, 1997**

This Law regulates social relations which arise when providing sanitary and epidemic safety, determines respective rights and obligations of the state bodies, enterprises, organizations and citizens, determines procedure of the State Sanitary and Epidemiological Service and State Sanitary and Epidemiological Control in Ukraine.

**PART I. GENERAL PROVISIONS**

**Article 1. Definitions Of The Main Terms And Meanings**

In this Law terms shall be used in the following meanings:

- sanitary and epidemic safety of the population - optimal conditions for the vital functions which provide low sick rate, absence of the dangerous influence of the environment factors at the health of the population and also conditions for spreading infectious disease;
- state sanitary norms, rules, hygiene norms (sanitary norms) - obligatory normative documents which determine safety criteria and (or) not dangerous environment factors and requirements on providing optimal or acceptable life conditions;
- dangerous factor - any chemical, physical, biological component, substance, material or product which effects or under certain conditions can have negative influence on the health of people;
- sanitary and anti-epidemic measures - activity directed to provide healthy everyday life, work, education, recreation and other types of men's activity, preventing infectious diseases.

**Article 2. Legislation Of Ukraine On Providing Sanitary And Epidemic Safety Of The Population**

Legislation of Ukraine on providing sanitary and epidemic safety of the population (sanitary legislation) is based on the Basis of the Ukrainian legislation on the health protection and consists of this Law, other legislative acts and sanitary norms.

**Article 3. Financial Maintenance Of The Sanitary And Epidemic Safety Of The Population**

Financing of the sanitary and anti-epidemic measures, including programs for providing sanitary and epidemic safety, other programs developed to prevent diseases among the population shall be done from the state and local budgets, funds of the enterprises, institutions and organizations and also non-budget assets.

Bodies of the state executive power, local and regional self-government bodies may establish non-budget funds and determine procedure for their establishment and utilization to provide sanitary and epidemic safety of the population.

## **PART II. RIGHTS AND OBLIGATIONS OF CITIZENS, ENTERPRISES, INSTITUTIONS AND ORGANIZATIONS ON PROVIDING SANITARY AND EPIDEMIC SAFETY**

### **Article 4. Rights Of Citizens**

Citizens have the following rights:

- right to have safe for their life foodstuffs, drinking water, conditions of work, education, recreation and environment;
- right to participate in the development, discussion and public examination of the programs and plans for providing sanitary and epidemic safety of the population, submission of the proposals concerning these issues to the respective bodies;
- right for the remuneration of losses caused to their health by violating sanitary legislation by enterprises, institutions, organizations and citizens;
- right for the reliable and timely information concerning the state of their health, health of population and also about existing and possible risk factors for the health and their degree.

Ukrainian legislation can also grant citizens other rights to provide sanitary and epidemic safety.

### **Article 5. Obligations Of Citizens**

Citizens have following obligations:

- to take care of their health and also health and hygiene education of their children not damaging the health of other citizens;
- to take part in sanitary and anti-epidemic measures;
- to undergo obligatory medical examinations and make inoculations in accordance with the legislation;
- to fulfill instructions and orders of the State Sanitary and Epidemiological Service officials when they perform State sanitary and Epidemic Control;
- to fulfill other obligations provided by the Law on providing sanitary and epidemic safety.

### **Article 6. Rights Of Enterprises, Institutions And Organizations**

Enterprises, institutions and organizations have following rights:

- to receive from the bodies of the state executive power, local and regional self-government bodies and respective bodies and health protecting institutions information on the condition of the population's health, sanitary and epidemic conditions, legislative and normative acts on providing sanitary and epidemic safety to the population and sanitary norms;
- right for the remuneration of losses caused by violation of the sanitary legislation by enterprises, institutions, organizations and citizens.

### **Article 7. Obligations Of The Enterprises, Institutions And Organizations**

Enterprises, institutions and organizations have following obligations:

- to develop and fulfill sanitary and anti-epidemic measures according to the proposals of the officials of the State Sanitary and Epidemiological Service;
- to perform in cases provided by sanitary norms laboratory control over the observance of these norms on the safety of utilizing (storing, transporting, etc.) dangerous for the health substances and materials, wastes and factors and manufactured products;
- by the request of the officials of the State Sanitary and Epidemiological Service to distribute free of charge samples of the applied raw materials and distributed or sold products for the purposes of the state sanitary and hygiene examination;
- to fulfill instructions and orders of the officials of the State Sanitary and Epidemiological Service when they are carrying out State Sanitary and Epidemiological Control;
- to remove by the instructions of the respective officers of the State Sanitary and Epidemiological Service from work, education, attendance of the pre-school establishments people who are germ-carriers of infectious diseases, ill with dangerous for surrounding people infectious diseases or people who contacted these men paying according to the determined procedure social insurance and also people avoiding obligatory medical examination or inoculation against infections which list shall be determined by the Ministry of Health Protection of Ukraine;
- to immediately inform bodies, institutions and establishments of the State Sanitary and Epidemiological Service on extraordinary events and situations causing danger to the health of population, sanitary and epidemic safety;
- to compensate according to the determined procedure harm to citizens' health caused by the violations of the sanitary legislation.

Owners of the enterprises, institutions, organizations and authorized bodies shall submit them with necessary for sanitary and epidemic measures sanitary norms.

#### **Article 8. Protection Of The Rights Of Citizens, Enterprises, Institutions And Organizations**

Decisions and actions of the officials of the state executive power, local and regional self-government bodies and also citizens which have violated rights of enterprises, institutions, organizations or citizens on providing sanitary and epidemic safety can be appealed within one month period to the respective main state sanitary doctor or in court

### **PART III. REQUIREMENTS ON PROVIDING SANITARY AND EPIDEMIC SAFETY TO THE POPULATION**

#### **Article 9. Hygiene Regulations And State Registration Of The Dangerous Factors**

Any dangerous factor of physical, chemical and biological nature present in the men's activity shall be covered by the hygiene regulations. It is done with the purpose of restricting such factors by determining criteria of their acceptable influence at the men's health.

Hygiene regulations of the dangerous factors are provided by the Ministry of Health Protection of Ukraine according to the procedures adopted by the Cabinet of

Ministers of Ukraine. The list of institutions and organizations participating in the hygiene regulation of the dangerous factors shall be determined by the Ministry of Health Protection of Ukraine and confirmed by the State Committee of Ukraine on standardization, methodology and certification.

State registration provides execution and keeping of the Unified State Register of the dangerous factors which includes names of the dangerous chemical substances and biological factors and data on their properties, features, indication methods, biological effect, danger rate for the health of people, influence on the environment, production, hygiene regulations for their application, etc. State registration of the dangerous factors can be done only if hygiene regulations are determined for this purpose.

Utilization in the national economy and everyday life of any dangerous factor of chemical and biological nature is allowed only if state registration certificate is available.

State registration of the dangerous factors shall be performed according to the procedure confirmed by the Cabinet of Ministers of Ukraine.

### **Article 10. State Sanitary And Hygiene Examination**

State sanitary and hygiene examination includes complex study of documents (projects, technological regulations, investment programs, etc.) and also functioning objects and related dangerous factors to comply with requirements of the sanitary norms.

State sanitary and hygiene examination provides :

- determination of the danger of the economic and other activity, conditions of work, education, everyday life, which directly or indirectly effect or may effect health of population;
- determination if examined objects meet requirements of the sanitary norms;
- estimation of the sanitary and anti-epidemic measures;
- estimation of the possible negative influence of the dangerous factors connected with the activity of the examined objects, determination of the risk rate for the health of population.

### **Article 11. Objects Of The State Sanitary And Hygiene Examination**

State sanitary and hygiene examination shall cover:

- projects of international, national, regional, local and sector programs of the social and economic development;
- investment projects and programs in cases and according to the procedure, determined by the legislation;
- drafts, initial project documents connected with regional planning and construction of the populated areas, health resorts, etc.;
- project documents for the allocation of the land plots, technical and economic calculations, projects of construction, expansion and reconstruction of any objects;
- projects of normative and technical, regulation and methodical documents connected with the health and environment of the vital activity of the population;
- products, semi-finished products, substances, materials and dangerous factors which utilization or sale can effect people's health;
- documents for the developed equipment, technology, tools, etc.;
- functioning objects including military and defense objects.

### **Article 12. Fulfillment Of The State Sanitary And Hygiene Examination**

State sanitary and hygiene examination shall be fulfilled by the examination subdivisions of the State Sanitary and Epidemiological Service and in the especially difficult cases - by the commissions established by the Chief state sanitary doctor.

Experts of the scientific, research and other institutions and organizations regardless their subordination, experts of the international organizations can be invited to fulfill state sanitary and hygiene examination.

Decisions on the fulfillment of the state sanitary and hygiene examination of the functioning objects shall be made by the respective officials of the State Sanitary and Epidemiological Service.

List of institutions, organizations, laboratories which can fulfill state sanitary and hygiene examination shall be determined by the Chief state sanitary doctor of Ukraine.

Summary of the results of the state sanitary and hygiene examination shall be confirmed by the Chief state sanitary doctor.

Procedure of the state sanitary and hygiene examination shall be governed by the Legislation of Ukraine.

### **Article 13. Requirements On Licensing Types Of Activity Connected With Potential Danger For The Health Of People.**

Activities related to potential danger to people's health must be licensed in accordance with procedures established by law.

Such activities include production, processing and distribution of foodstuffs and food additives, medicine, medical preparations improving biological immunity, items of hygiene, cosmetics and perfumes, alcoholic beverages, tobacco products, chemicals for household use, communal and medical services, training and education of children and teenagers, as well as any works involving biological agents and chemical substances, sources of ionizing and non-ionizing radiation, and radioactive materials.

In the case of licensing potentially hazardous activities, the safety requirements of the State Sanitary and Epidemiological Service must be complied with.

Failure to comply with the established in the course of issuance of a license sanitary safety requirements entails cancellation of the license.

### **Article 14. Safety Requirements In Government Standards And Other Regulatory And Technical Documents.**

Safety requirements are prerequisite components of government standards and other regulatory technical documents that apply to products, raw materials, technologies and other objects of the environment in which people live.

The draft government standards and other technical and regulatory documents that apply to any new (modernized) product, are subject to obligatory examination by the state sanitary service organs.

Products to which apply the safety requirements stipulated in government standards or other technical and regulatory documents, are subject to mandatory certification.

Control over the compliance with sanitary requirements in government standards or other technical and regulatory documents, as well as over the products' meeting the safety requirements, shall be carried on by organs, agencies and organizations of the State Sanitary and Epidemiological Service.

Chief state sanitary doctor of Ukraine shall approve methods of control and testing of the products in terms of their safety and adopt regulations (rules) governing use of hazardous products.

The list of agencies, organizations and bodies that are authorized to carry on testing of the safety of products, shall be adopted by the State Committee of Ukraine for Standardization, Metrology and Certification, and must be agreed upon with the Chief state sanitary doctor of Ukraine.

#### **Article 15. Requirements To Designing, Construction, Development, Production And Use Of New Production Facilities And Technologies.**

Enterprises, agencies, organizations and citizens, when designing, developing and using new technologies, designing, deploying, constructing (reconstructing) and technically modernizing enterprises, production facilities and structures of any use, planning and developing residential areas, resorts, designing and constructing sewage, purification, water facilities and other objects, are required to comply with the established sanitary requirements.

Planning and developing residential areas, resorts, must, first of all, presuppose creation of better living conditions for the population.

Provision of land plots for construction purposes, approval of building standards, technical documentation, introduction into exploitation of new production, public and cultural and other facilities, design, manufacturing and use of new machines, mechanisms, equipment, other production facilities, new technologies, shall be carried out in accordance with the State Sanitary and Epidemiological Service.

#### **Article 16. Conditions For Importation Of Products, Their Realization And Use**

Enterprises, agencies, organizations and citizens may import raw materials, products (goods, equipment, assembly lines, etc.) and sell or use them in Ukraine only on condition that there is information substantiating that such products are not dangerous to health of the population of Ukraine.

The information shall be established by the Chief state sanitary doctor of Ukraine.

In the case such information is not available, importation, realization or utilization of products manufactured abroad shall be permitted only after the state sanitary and hygienic examination results in granting such permission.

#### **Article 17. Requirements To Foodstuffs, Food, Conditions Of Their Transportation, Storage And Distribution**

Foodstuffs, food, materials, equipment and products used for their production, storage, transportation and realization, must comply with established sanitary standards and are subject to obligatory certification.

Enterprises, institutions, organizations and citizens that produce, store, transport or sell foodstuffs, shall be responsible for ensuring sanitary safety of these products and their compliance with sanitary requirements.

Development and production of new kinds of foodstuffs, introduction of new technologies for their processing and production, as well as of new materials that are in contact with foodstuffs during the process of production, storage, transportation and realization, shall be permitted by Chief state sanitary doctor on the grounds of a positive result of the state sanitary examination.

#### **Article 18. Requirements To Water Supplies**

Organs of executive power, local and regional governments, are responsible for providing population of cities and other residential areas with drinking water, quantity and quality of which must meet the established sanitary requirements and standards. Operating control of quality of drinking water in the course of its extraction, processing, and distribution, is carried out by water supplying enterprises.

Water in open reservoirs used for technical or drinking purposes, swimming, water sports, recreation, for purposes of medical treatment, as well as water in reservoirs within the limits of residential areas, must comply with sanitary requirements.

Enterprises, institutions, organizations that use water reservoirs (including sea) for purposes of disposing of sewage and other waste water, must ensure that the contaminated water they dispose of meet applicable sanitary standards.

Special sanitary protection regimes shall be established for water reservoirs and wells used for technical and drinking needs in mountainous areas. Procedures for setting up such regimes shall be established in effective laws of Ukraine.

### **Article 19. Hygienic Requirements To The Air In Residential Areas, Business And Other Premises**

The air in residential areas, premises of enterprises, agencies, organizations and other entities, the air at manufacturing and other facilities, where people work for extended or brief periods of time, must meet the established hygienic standards.

Enterprises, institutions, organizations and citizens, while carrying on their activities, must take necessary measures aimed to prevent (and eliminate causes of) atmospheric pollution, an adverse physical impact on the atmosphere in residential areas, recreation zones, as well as on air conditions at production facilities, educational, medical and other organizations, other premises where people are present for either extended or limited periods of time.

### **Article 20. Education And Training Requirements**

The state executive bodies, organs of local and regional governments, enterprises, institutions, organizations, owners and administrations of educational and training institutions, and citizens which carry out educational and training activities, are required to ensure proper hygienic conditions that meet the established sanitary standards, and to take measures necessary to preserve and improve people's health and to ensure hygienic education of corresponding groups of population.

Training and educational programs and work load on children and teenagers are required to be agreed upon with bodies and agencies of the State Sanitary and Epidemiological Service.

### **Article 21. Education In Hygiene**

Educating people in hygiene is one of the most important objectives of educational and training institutions. A course in hygiene is a prerequisite part of general and professional education and training programs aimed at enhancing professional qualification of cadre.

Knowledge of principles of hygiene is an obligatory requirement for all employees who must undergo mandatory health examinations, as well as for those who, in the course of carrying out professional duties in manufacturing, provision of services, or other sectors, is exposed to hazardous factors.



Medical bodies and institutions, medical specialists, as well as people working in the education and culture sector, must take part in and create conditions favorable to promoting hygienic education and training of citizens, advertising a healthy life style.

The state executive bodies, organs of local and regional governments, enterprises, agencies and organizations are required to take part in and create conditions favorable to promoting hygienic education and training of citizens, advertising a healthy life style.

## **Article 22. Requirements To Residential And Business Premises, Territories, Technologies And Production Facilities**

The state executive bodies, organs of local and regional governments, enterprises, agencies and organizations and citizens are required to maintain residential, business and other premises, which are given to them for use or owned by them, in compliance with the established hygienic standards.

In the course of using production, service or other facilities, structures, equipment, transport, technologies, the owner of such is required to ensure safe and healthy conditions of work and recreation, and to take measures aimed to prevent illnesses, poisoning, traumas, environmental pollution.

The state executive bodies, organs of local and regional governments, enterprises, agencies and organizations and citizens are required to keep the land plots and premises they own and/or use in manner consistent with established hygienic standards.

## **Article 23. Ensuring Radiation Safety**

Enterprises, agencies, organizations that produce, store, transport, or use radioactive substances and sources of ionizing radiation, carry out liquidation, safe disposal or utilization of such substances, are required to follow radiation safety requirements, applicable sanitary rules, as well as standards set up in other legislative acts and which contain radiation safety requirements.

Radioactive substances and other sources of ionizing radiation may be used only on condition of the permission by the state sanitary and epidemic service and other specifically authorized for this purpose agencies.

Cases involving violation of radiation safety requirements, sanitary requirements to using radioactive substances and other sources of ionizing radiation, as well as radiation accidents, are subject to obligatory investigation with participation of government officials responsible for carrying out Sanitary and Epidemiological Control.

## **Article 24. Protecting Population From Hazardous Impacts Of Non-Ionizing Radiation And Other Physical Factors**

The state executive bodies, organs of local and regional governments, enterprises, agencies and organizations and citizens are required to take measures aimed at protecting population from hazardous impacts of non-ionizing radiation, noise, vibrations and other physical factors.

Using sources that generate the said factors in the course of business or for any other purpose, is permitted only on condition that sanitary standards are observed.

## **Article 25. Use And Elimination Of Chemical Substances And Materials, Biological Substances**

The state executive bodies, organs of local and regional governments, enterprises, institutions and organizations, and citizens are required to follow sanitary and safety standards when using chemical substances and materials, as well as biotechnological products.

Production, storage, transportation, utilization, disposal, elimination of poisonous substances, including toxic industrial waste, bio-technology products and other biological agents, shall be carried out on condition that sanitary and safety standards are observed and permission was granted by the State Sanitary and Epidemiological Service or authorized bodies in accordance with procedures established by the Cabinet of Ministers of Ukraine.

The specified requirements also apply to transit transportation through the territory of Ukraine of chemical, biological, radioactive and other hazardous raw materials, mineral resources, substances and materials (including oil and oil products, natural gas) by any kind of transport or pipelines.

## **Article 26. Mandatory Medical Examinations**

Mandatory medical examinations shall be organized and carried on in accordance with procedures set up in effective laws.

Employees of enterprises of food industry, public catering and trade, water supplying stations, medical and recreational organizations, pre-school and educational and training organizations, communal service entities, other enterprises, agencies and organizations that provide services to population and activities of which may lead to the spread of infectious diseases, food poisoning, as well as employees working in hazardous or difficult work conditions, are required to undergo mandatory preliminary (when being hired) and regular medical examination. All individuals younger than 21 years of age are required to undergo medical examinations every year.

Urgent medical examinations of persons specified in part one of this article may be carried out on demand of the Chief state sanitation doctor, or on request of the employee, of one links deterioration in one's health to work conditions.

Owners of enterprises, organizations or bodies authorized by them, shall be responsible, in accordance with law, for organizing and timely performing mandatory medical examinations of their employees, as well as for ensuring that employees are not allowed to work unless their health condition permits it.

Employees that have failed to undergo in specified period a mandatory medical examination in full without having serious reasons for that, shall not be allowed to work and may be subject to a disciplinary punishment.

## **Article 27. Prophylactic Vaccination**

Ukraine practices mandatory prophylactic vaccination to prevent spread of such diseases as tuberculosis, poliomyelitis, diphtheria and chicken pox.

Mandatory prophylactic vaccination may be used to prevent other contagious diseases from spreading among particular groups of employees depending on the peculiarities of work conditions. If an employee refuses to undergo mandatory vaccination without providing substantial reasons for doing so, based on the decision of the officials of the State Sanitary and Epidemiological Service, the employee shall not be permitted to proceed with his work.

Population groups and categories of employees subject to preventive vaccination, including mandatory vaccination, as well as procedures and terms of such shall be specified by Health Ministry of Ukraine.

Health Ministry of Ukraine shall monitor, in accordance with procedures approved by the Cabinet of Ministers of Ukraine, if the immunization biological preparations used in medical practice are compliant with requirements set forth by state and international standards, and make sure that medical institutions have satisfactory supply of such preparations.

#### **Article 28. Hospitalization And Medical Treatment Of Patients Who Are Carriers Of Infectious Diseases**

Individuals who are carriers of infectious diseases shall not be allowed to continue to work or carry on other activities, which may lead to the spread of the disease. Such patients shall be treated at the government's expense and be entitled to monetary compensation paid out from social insurance funds in accordance with procedures established by law. Such persons shall be recognized as temporarily disabled and unfit to carry on activities that may be hazardous to other persons.

Individuals that are sick with extremely dangerous contagious diseases shall be subject to mandatory hospitalization, and carriers of agents of the disease shall be subject to mandatory quarantine.

The list of extremely dangerous contagious diseases, anti-epidemic and quarantine rules shall be established by the Health Ministry of Ukraine.

#### **Article 29. Sanitary Protection Of The Territory Of Ukraine From Imported Infectious Diseases**

The entry to the territory of Ukraine of foreign citizens and Ukrainian citizens, as well as transportation vehicles, from countries (areas) affected by epidemic, shall be permitted only on condition of the entering person's having necessary documents required by international agreements and sanitary legislation of Ukraine.

To prevent importation to Ukraine of dangerous contagious diseases, in accordance with procedures established by the Cabinet of Ministers of Ukraine in areas adjacent to the national border of Ukraine there shall be set up and function special sanitary-quarantine units.

#### **Article 30. Preventing Extremely Dangerous, Dangerous Infectious Diseases, Mass Poisoning And Radiation Infection Of The Population**

In the case of outbreak, or danger of such outbreak, of extremely dangerous and dangerous infectious diseases, mass poisoning, and radiation infection among population, organs of executive power, local and regional governments, based on materials filed by respective officials of the state sanitary and epidemiological service, may introduce, within the limits of their powers, in respective territories the special conditions of work, training, transportation and movement, aimed at preventing and eliminating such diseases and hazardous impacts.

Bodies of executive power, local and regional governments, enterprises, agencies and organizations are required to ensure timely vaccination, disinfecting, anti-epidemic and anti-radiation measures.

In the case of outbreak, or danger of such outbreak, of extremely dangerous and dangerous infectious diseases, mass poisoning, and radiation infection among population, organs of executive power, local and regional governments, respective officials of the State Sanitary and Epidemiological Service may order to carry out additional vaccination and other prophylactic measures.

## **SECTION IV. THE STATE SANITARY AND EPIDEMIOLOGICAL SERVICE**

### **Article 31. The System Of The State Sanitary And Epidemiological Service**

The State Sanitary and Epidemiological Service consists of bodies, institutions and organizations specialized in sanitary and epidemiological issues, which are subordinated to the Health Ministry of Ukraine, some agencies, organizations, units and divisions of the Defense Ministry of Ukraine, the Ministry of Internal Affairs of Ukraine, the State Committee For Protecting National Border of Ukraine, the National Guard of Ukraine, Security Service of Ukraine.

Health Ministry of Ukraine is the central executive body authorized to control and supervise compliance with effective sanitary laws, government standards, criteria and requirements, aimed to ensure sanitary safety of the population.

Institutions and bodies of the State Sanitary and Epidemiological Service of the Health Ministry of Ukraine shall perform functions as authorized administrative-territorial, transportation and object state bodies of state sanitary and epidemiological control.

Institutions and bodies of the State Sanitary and Epidemiological Service of Ukraine, subordinated to the ministries and agencies specified in paragraph one of this article, shall act as authorized state organs of sanitary control within respective territories, entities, divisions and units.

Institutions and bodies of the State Sanitary and Epidemiological Service of Ukraine are legal entities. Their organizational structure subordinated to Health Ministry, shall be established by the Chief state sanitary doctor of Ukraine. Organizational structure of sanitary bodies subordinated to other ministries and agencies shall be established by the Chief sanitary doctor of respective agency (ministry) upon approval by the Chief state sanitary doctor of Ukraine.

Institutions and bodies of the State Sanitary and Epidemiological Service of Ukraine shall carry out their activities on the ground of Regulations on sanitary and epidemiological control in Ukraine, which is adopted by the Cabinet of Ministers of Ukraine, and regulations on State Sanitary and Epidemiological Service adopted by respective ministries and agencies.

### **Article 32. Administering The State Sanitary And Epidemiological Service Of Ukraine**

The State Sanitary and Epidemiological Service of Ukraine is headed by the Chief state sanitary doctor of Ukraine, who is the first deputy health minister of Ukraine, appointed (dismissed) by the Cabinet of Ministries of Ukraine.

The Chief state sanitary doctor of Ukraine in charge of sanitary and epidemiological control is subordinated directly to the Cabinet of Ministers of Ukraine.

The sanitary and epidemiological service of the Republic of Crimea is directed by Chief sanitary doctor of the Republic of Crimea, who is also a deputy health minister of Crimea. He may be appointed (dismissed) only by the Cabinet of Ministries of the Republic of Crimea.

Management of the State Sanitary and Epidemiological Service of an oblast, cities of Kyiv and Sevastopol is carried out by the Chief sanitary doctor of respective territorial entity, who also must be a deputy head of oblast (city) state administration and is appointed (dismissed) by the Chief state sanitary doctor of Ukraine by agreement with respective oblast, Kyiv or Sevastopol city state administrations.

Management of the State Sanitary and Epidemiological Service at the air, water or railroad transport is carried out by the Chief sanitary doctor of respective type of transport, who is appointed (dismissed) by the Chief state sanitary doctor of Ukraine.

The sanitary and epidemiological service of rayons, cities and districts is headed by Chief sanitary doctor of the respective administrative territorial unit, who is appointed (dismissed) by the Chief sanitary doctor of the Republic of Crimea, oblast, rayon or multi-district city, respectively.

The State Sanitary and Epidemiological Service at the transport is organized in accordance with a 'line' principle. Chief sanitary doctors at every line of transportation shall be appointed (dismissed) by the Chief sanitary doctor for a respective kind of transportation.

The State Sanitary and Epidemiological Service at the objects that have a special status, shall be headed by Chief state sanitary doctors of these objects, appointed (dismissed) by Chief state sanitary doctor of Ukraine.

The State Sanitary and Epidemiological Service of the Defense Ministry of Ukraine, Ministry of Home Affairs, the State Committee for National Border Control, National Guard of Ukraine, Security Service of Ukraine, is headed by Chief sanitary doctor of a respective ministry (agency), which is appointed (dismissed) by the head of respective ministry on condition of approval by the Chief state sanitary doctor of Ukraine.

The Chief state sanitary doctor of the Defense Ministry of Ukraine, Ministry of Internal Affairs, the State Committee for National Border Control, National Guard of Ukraine, Security Service of Ukraine, is subordinated (when general issues are concerned) directly to the head of the respective ministry (agency), and when sanitary issues are concerned - to the Chief state sanitary doctor of Ukraine.

Officials of the State Sanitary and Epidemiological Service of the Health Ministry of Ukraine shall perform their functions in respective administrative territories and objects, while officials of the State Sanitary and Epidemiological Service of other ministries and agencies - in their respective territories and objects and units, in accordance with Law and Regulations on the state sanitary and epidemiological control in Ukraine, and other legislative acts.

### **Article 33. Basic Activities Of The State Sanitary And Epidemiological Service Of Ukraine.**

Basic activities of the State Sanitary and Epidemiological Service of Ukraine include:

- carrying on the state sanitary and epidemiological control;
- determining priority measures aimed to prevent the spread of diseases and protect population from hazardous impacts of the environment;
- studying, evaluating and forecasting health indicators depending on conditions of the environment, identifying factors that have an adverse impact on public health;
- preparation of proposals on ensuring sanitary and epidemic well-being of population and prevention of carrying over and spreading of highly dangerous (including quarantine) and dangerous infectious diseases;
- control over removal of reasons and conditions of arising and spreading of infectious and mass non-infectious diseases, acts of poisoning and radiological affections of people;
- state registration of infectious and professional diseases and acts of poisoning.

### **Article 34. Cooperation Of The State Sanitary And Epidemiological Service With Other Organizations**

Cooperation as well as delimitation of spheres of activity, powers and liability between bodies, institutions and organizations of the State Sanitary and Epidemiological Service and other specially authorized authorities that conduct the state control and control are provided according to legal and normative acts which establish their competence.

Bodies, institutions and organizations of the State Sanitary and Epidemiological Service cooperate with state authorities and public organizations, activity of which is aimed at preventive measures against diseases, protection of individuals' health and environment and protection of individuals' rights for safe conditions of their life's work.

### **Article 35. Financial Support Of The State Sanitary And Epidemiological Service**

Financing of bodies, institutions and organizations of the State Sanitary and Epidemiological Service of the Ministry of Health Protection is conducted directly from the budget of the Ministry of Health Protection of Ukraine, budgets of the Crimean Autonomous Republic, oblasts' budgets and budgets of cities of Kyiv and Sevastopol as well as from non-budgetary (*off budget*) funds.

Financing of the State Sanitary and Epidemiological Service of the Ukrainian Ministry of Defense, the Ministry of Home Affairs of Ukraine, the State Committee for Protection of the Ukrainian State Border, the National Guard of Ukraine and the Secret Service of Ukraine shall be conducted from allocations for health protection distributed to these ministries and institutions from the state budget of Ukraine and non-budgetary funds.

Amounts of allocations required to provide activity of the State Sanitary and Epidemiological Service shall meet scientifically grounded needs and be in the amount not less than ten (10) per cent of appropriate budgetary funds distributed for health protection.

The following can also be as sources of financing of the State Sanitary and Epidemiological Service:

- gains from payments for issue of licenses provided by Articles 16, 17, 23 and 25 of this Law and other licenses issue of which is included by legislation to the competence of the State Sanitary and Epidemiological Service;
- gains from providing with payable services;
- funds from participation in scientific and research activity;
- portion of funds in the amount of ten (10) per cent of fines amounts levied by resolutions of the main state sanitary doctors and other officials of the State Sanitary and Epidemiological Service;
- voluntary contributions of enterprises, institutions, organizations, charitable foundations and individuals;
- other gains not prohibited by legislation.

### **Article 36. Scientific Support Of The State Sanitary And Epidemiological Service**

Training of specialists in the field of hygiene and epidemiology shall be conducted in educational institutions of medical type at specialized departments of post-graduation training. Norms of providing populations with these specialists shall be established by the Ministry of Health Protection of Ukraine. Scientific institutions of hygiene and epidemic type shall conduct studies, evaluation, forecast, determination of criteria of harmful influence of environmental factors on the health of population, sanitary and epidemic

examination, hygienic regulation of dangerous factors and scientific grounds of sanitary and anti-epidemic measures as well as fundamental and applied researches in the field of preventive measures against diseases of population.

### **Article 37. Information Support Of The State Sanitary And Epidemiological Service**

Information support of the State Sanitary and Epidemiological Service shall be conducted with the aim of studying, evaluating, forecasting of sanitary and epidemic situation; developing of measures aimed at prevention, removal or decrease of harmful influence of environmental factors on individuals' health as well as informing of the state executive power authorities, public organizations and individuals on these issues.

Information support of the State Sanitary and Epidemiological Service shall be conducted through the system of the state, branch and day-to-day reporting. Character, volume, procedure and terms of submitting this information to bodies, institutions and organizations of the State Sanitary and Epidemiological Service shall be established upon petition of the Chief state sanitary doctor of Ukraine under the procedure established by legislation.

Bodies of the state executive power, local and regional self-government, enterprises, institutions, organizations and individuals shall be liable to provide such information to bodies, institutions and organizations of the State Sanitary and Epidemiological Service free of charge.

### **Article 38. Measures Of Legal And Social Protection, Material And Social Support Of The State Sanitary And Epidemiological Service Employees**

The main state sanitary doctors, their deputies and other officials of the State Sanitary and Epidemiological Service shall be under protection of law. Interference into activity of officials who conduct the state sanitary and epidemic control shall lead to responsibility under legislation if it hinders to fulfill their duties.

Infliction of physical injuries, offense, threat with regard to official of the State Sanitary and Epidemiological Service or his/her close relatives as well as distraction of their property and other violent actions in connection with fulfillment of his/her duties shall lead to responsibility established by the laws.

Life and health of the State Sanitary and Epidemiological Service employees shall be under compulsory state insurance in a case of lameness or professional disease obtained while fulfilling their duties. The Cabinet of Ministers of Ukraine shall establish the procedure and terms of insurance. In the case of such lameness or professional disease the State Sanitary and Epidemiological Service employee shall be paid a one-time money assistance in the amount of three up to five years of his/her salary depending on the extent of lost ability to work.

Wage of the State Sanitary and Epidemiological Service officials shall consist of salary, bonus for qualification categories and long service and should provide sufficient material conditions for independent fulfillment of duties as well as strengthening of skilled staff. The Cabinet of Ministers of Ukraine shall establish amounts of salary and bonus for qualification categories and long service.

The Chief state sanitary doctors, their deputies and other officials of the State Sanitary and Epidemiological Service shall have a prevalent right to obtain apartments and install the telephone.

Under the procedure established by the Cabinet of Ministers of Ukraine officials of the State Sanitary and Epidemiological Service, directly involved in check-up of objects under control shall be provided with tickets to travel by appropriate transport of

municipal, suburban and local connection (except taxi) or according to their wish they shall obtain money compensation for transportation while fulfilling their duties. While on business trips they have the right for out of turn purchase of tickets for all types of transport and placing accommodation in hotels.

(part 6 of Article 38 was changed according to the Law N 331/97-VR of June 11, 1997).

Officials of the State Sanitary and Epidemiological Service on water, railway, aerial transport and objects that have special regime of work shall also enjoy all kinds of legal and social protection, material and social support granted to employees of appropriate transport and object.

Peculiarities of legal and social protection, material and social support for servicemen and employees working under the agreement in the State Sanitary and Epidemiological Service of the Ukrainian Ministry of Defense, the Ministry of Home Affairs of Ukraine, the State Committee for Protection of the Ukrainian State Border, the National Guard of Ukraine and the Secret Service of Ukraine shall be regulated by appropriate legislative acts.

## **Section V. THE STATE SANITARY AND EPIDEMIOLOGICAL CONTROL**

### **Article 39. Definition And The Main Tasks Of The State Sanitary And Epidemiological Control**

The state sanitary and epidemiological control is the activity of bodies, institutions and organizations of the State Sanitary and Epidemiological Service on control over observance of sanitary legislation by legal entities and individuals with the aim of preventing, finding and decreasing or removing harmful influence of dangerous factors on individuals' health; and activity on application of legal character measures with regard to violators.

The main tasks of this activity are the following:

control over organization and conducting of sanitary and anti-epidemic measures by bodies of the state executive power, local and regional self-government, enterprises, institutions, organizations and individuals;

control over realization of the state policy on preventive measures against diseases; participation in development and control over fulfillment of programs related to prevention of harmful influence of environmental factors on the health of population;

control over observance of sanitary legislation;

the state sanitary and epidemic expertise, hygienic regulation of dangerous factors and issue of licenses for their use.

The state sanitary and epidemic control shall be conducted according to the Regulations on the State Sanitary and Epidemiological Control in Ukraine through selective checks-up on observance of sanitary legislation pursuant to plans of bodies, institutions and organizations of the State Sanitary and Epidemiological Service as well as out of plan depending on sanitary and epidemic situation and under individuals' applications.

Results of the check-up shall be prepared in the form of the document. The Chief state sanitary doctor of Ukraine shall establish the type and the procedure of filling in this document.

### **Article 40. Powers Of The Chief State Sanitary Doctor Of Ukraine**

The Chief state sanitary doctor of Ukraine shall:



a) approve the state sanitary norms, regulations to use dangerous factors, maximally allowed concentrations, approximately safe levels of chemical and biological agents in food products, goods and articles, in water, air and soil; as well as to establish norms of radiological safety and allowed levels of influence of other physical factors on human being;

b) establish requirements on complex of measures for protection of the Ukrainian state borders; to control and coordinate activity of bodies of the state executive power, local and regional self-government on these issues;

c) submit for approval pursuant to current legislation drafts of legal acts on issues of ensuring sanitary and epidemic well-being of population;

d) approve methods for determination of risk extent for the health of population created by dangerous factors. It shall be made together with the Ukrainian Ministry of Economy and the Ukrainian Ministry of Finance;

e) provide opinions binding for consideration concerning the drafts of the interstate, national and sector programs on ensuring the sanitary and epidemic safety of the population, prevention of diseases, and to exercise control over their implementation;

f) issue the directives as regards the organization and enforcement of the state sanitary and epidemiological control in Ukraine;

g) determine the procedure of maintaining the state records of infectious and occupational diseases, intoxication;

h) co-ordinate the major directions of the fundamental and applied research in hygiene and epidemiology;

i) co-ordinate the draft norms of designing, standards and specifications, distribution of productive forces and other projects that may have an impact on the health of the population;

j) co-ordinate the norms of the educational-labor load, teaching system and education of children and teenagers in the educational institutions;

k) determine jointly with the State Committee of Ukraine for Labor Control a list of works that require compulsory medical examinations, and the order of their execution;

l) adopt a list of infectious diseases which require compulsory placement of the diseased in the hospitals, and the list of industries (occupations) where those who have the infectious diseases are the pathogens of infectious diseases or those who have not been vaccinated against the specified infectious diseases;

m) apply measures provided for by the legislation to stop the violation of the sanitary legislation;

n) co-ordinate the methods of control and product testing as to its safety for health and life of the population;

o) co-ordinate the instructions (rules) on the use of the high risk produce;

p) co-ordinate a list of the institutions, organizations and establishments which are entitled to carry out products testing to check whether they meet the health safety requirements;

q) determine a list and contents of indices regarding the safety of import produce for health.

The Chief state sanitary doctor of Ukraine, in addition to the authority specified in this article, shall have the authority specified in article 41 of this Law. He may delegate his powers in full or in part to the deputies of the Chief state sanitary doctor of Ukraine.

#### **Article 41. Authority Of The Chief State Sanitary Doctors And Other Officials Which Carry Out The Sanitary And Epidemiological Control**

The Chief state sanitary doctors of the Republic of Crimea, oblasts, cities, regions and their deputies, the Chief state sanitary doctors on transport and their deputies, and also the Chief state sanitary doctors at the objects which operate under a special regime, within the relevant territory (objects) shall be authorized to carry out:

- a) the state sanitary and epidemiological control over observance of the sanitary legislation by the state executive bodies, local and regional self-government bodies, by the enterprises, institutions, organizations and citizens;
- b) systematic analysis of the sanitary and epidemic situation, health indices of the population and its separate groups;
- c) determination of the factors that may cause harm to health of the population, of the level of risk posed to health of the population of the region, territory, object, separate occupational groups, etc.;
- d) control over implementation of the sanitary and anti-epidemic measures, implementation of programs on prevention of diseases, protection of people's health;
- e) co-ordination of allocation of plots of land for construction and other kinds of land activities, places of intake and sewage discharge, location of industrial and other objects;
- f) consideration of decisions on the necessity to carry out the state sanitary and hygiene expertise, appointment of members of commissions and approval of conclusions;
- g) co-ordination of the regional and local programs in the field of social economic development;
- h) consideration of issues on whether the objects and buildings that are put into operation meet the sanitary norms;
- i) co-ordination of the issue and in the cases envisaged by the legislation - granting of a permit for carrying out the kinds of activities specified by this Law;
- j) unimpeded entry into the territory and buildings of all objects under control upon the official document and binding instructions with regard to the removal of the revealed violation of sanitary norms, and carrying out necessary laboratory research;
- k) free of charge obtaining of materials and information, statistical and other data about the sanitary and epidemic state of the objects and people's health by the legal persons and citizens, including the foreign ones;
- l) free of charge sampling of raw materials, produce and materials for the state sanitary and hygiene expertise;
- m) determination of the need in preventive vaccinations and other preventive measures in case of danger of occurrence of epidemic, mass intoxication or radiation diseases;
- n) investigation of the reasons and causes of the outbreak of the occupational or group infectious diseases, intoxication, radiation emergencies, and submission of materials thereof to the competent authorities to make the guilty responsible;
- o) application of measures specified by this Law to stop violation of the sanitary legislation.

The same authority shall be granted within the controlled territories, objects, parts and subdivisions to the Chief state sanitary doctors of the Defence Ministry of Ukraine, the Ministry of Home Affairs of Ukraine, the State Committee for Protection of the State Border of Ukraine, the National Guard of Ukraine, the Security Service of Ukraine and their deputies.

Other officials of the bodies, institutions and establishments of the State Sanitary and Epidemiological Service (hygiene doctors, epidemiological doctors, doctors' assistants) shall be granted the authority as set forth in items "a", "b", "c", "d", "j", "k",

"l", "n" (in part of investigation of the group infectious diseases, intoxication, radiation accidents) and "o" in part one of this article.

The Chief state sanitary doctor of the administrative territory coordinates the activities of all institutions, establishments and subdivisions of the State Sanitary and Epidemiological Service regardless of their subordination.

In cases of worsening of the sanitary or epidemic situation in the places of location of objects of the Defence Ministry of Ukraine, the Ministry of Home Affairs of Ukraine, the State Committee for Protection of the State Border of Ukraine, the National Guard of Ukraine, the Security Service of Ukraine and also the objects that operate under special regime, the authority of the Chief state sanitary doctor, his deputies and other officials (doctors) of the State Sanitary and Epidemiological Service of relevant administrative territory as set forth in items "c", "d", "j", "k", "l", "m", "n" in part one of this article shall cover the above said objects. The said officials of the State Sanitary and Epidemiological Service of administrative territory have the right to take measures at this objects and territories to stop violation of the sanitary legislation as set forth in items "a", "b", "c", "d", "f" of article 42 of this Law.

#### **Article 42. Measures To Stop Violation Of The Sanitary Legislation**

The Chief state sanitary doctors (their deputies) shall take the following actions to stop violation of the sanitary legislation:

a) limitation, temporal ban or suspension of activity of enterprises, institutions, organizations, objects of any design, technological lines, machines and mechanisms, fulfillment of separate technological operations, floating transport facilities, rolling-stock and aircraft in case when they do not conform with the sanitary norms;

b) limitation, temporal ban or suspension of construction, reconstruction and enlargement of objects under the projects that do not have a positive opinion by the results of the state sanitary and hygiene expertise, and in case of the deviation from the adopted project;

c) temporal ban of production, ban on the use and sale of chemical substances, consumer goods, sources of ionizing emanation in case of the lack of a hygiene statement thereto and the state registration, and if they are recognized as harmful for human health;

d) limitation of, suspension or a ban on the exhaust (discharge) of contaminating substances provided that the sanitary norms are violated;

e) suspension or termination of investment activity in cases specified by the legislation;

f) submissions of statements by the owners of enterprises, institutions and organizations or by their authorized bodies concerning the removal of persons from work or other activity set out in item five article 7 of this Law;

g) withdrawal from the sale (seizure) of nutrition products, chemical and radioactive substances, biological materials that are harmful for health in order to be specified by the legislation.

Other officials of the bodies, institutions and establishments of the State Sanitary and Epidemiological Service are granted the authority specified in item "a" (in part of the limitation of activity of enterprises, institutions, organizations, objects of any design, technological lines, machines and mechanisms, execution of separate technological operations, the use of floating transport facilities, rolling-stock and aircraft in case when they do not meet the requirements of the sanitary norms), items "c", "d", "f" and "g" of this article.

At the request from officials of the bodies, institutions and establishments of the State Sanitary and Epidemiological service the measures on suspension of violation of the sanitary legislation in cases, where necessary, are taken with engagement of the interior employees.

#### **Article 43. Appeal Of Decisions And Actions Of Officials Which Carry Out The State Sanitary And Epidemiological Control**

Resolutions, orders, instructions, opinions of officials of the State Sanitary and Epidemiological Service may be appealed within a month term by:

- a) the Chief state sanitary doctor of Ukraine - in the Cabinet of Ukraine or in the court;
- b) the Chief state sanitary doctor of the Defence Ministry of Ukraine, the Ministry of Home Affairs of Ukraine, the State Committee on Protection of the State Border of Ukraine, the National Guard of Ukraine, the Security Service of Ukraine - to the Chief state sanitary doctor of Ukraine or in the court;
- c) other Chief state sanitary doctors and officials of the State Sanitary and Epidemiological Service - to the Chief state sanitary doctor or in the court.

Appeal of the decision made shall not terminate its validity.

#### **Article 44. Responsibility Of Officials Of The State Sanitary And Epidemiological Service**

Officials of the State Sanitary and Epidemiological Service shall be responsible for the violation of the law and inappropriate performance of official duties in accordance with the legislaion.

### **Section VI. RESPONSIBILITY FOR VIOLATION OF SANITARY LEGISLATION**

#### **Article 45. Disciplinary Responsibility For Violation of Sanitary Legislation**

Employees of the enterprises, institutions, organizations which actions are violating sanitary legislation, not observing resolutions, instructions, notes, decisions of the officials of the State Sanitary and Epidemiological Service bear disciplinary responsibility in accordance with the legislation.

#### **Article 46. Administrative Responsibility And Financial Sanctions For The Violation Of The Sanitary Legislation.**

Following penalties can be imposed for the violation of the sanitary legislation or not observance of the resolutions, instructions, notes, decisions of the officials of the organizations, institutions and establishments of the State Sanitary and Epidemiological Service to the people responsible for such violations:

- to the officials - from 6 up to 5 nontaxable minimum incomes of citizens;
- (paragraph 2 of the first part of the Article 46 is amended according to the Law No. 607/96-SR of 17.12.96)

to the citizens - from one up to twelve minimum incomes of citizens;  
(paragraph 3 of the first part of the Article 46 is amended according to the Law No. 607/96-SR of 17.12.96).

As to the enterprises, entrepreneurs, institutions, organizations which have violated sanitary legislation, following financial sanctions shall be applied:

(a) for handling to the customer or for the production and utilization of the design, technological and project documents which does not meet requirements of the sanitary norms, executor of these documents shall pay penalty in the amount of 25 per cent of the work cost;

(b) for the sale of products, prohibited for the production and distribution official of the bodies, institutions and establishments of the State Sanitary and Epidemiological Service enterprise, entrepreneur, institution, organization shall pay penalty in the amount of 100 per cent of the sold products cost;

(c) for the production, distribution of products which are dangerous for the life and health of people, since they do not meet requirements of standards and sanitary norms enterprise, entrepreneur, institution, organization shall pay penalty in the amount of 100 per cent of the sold products cost;

(d) for the sale in the territory of Ukraine of the imported products which do not meet requirements of the standards of safety for the life and health of people and current Ukrainian sanitary norms enterprise, entrepreneur, institution, organization shall pay penalty in the amount of 100 per cent of the sold products cost;

(e) when avoiding showing to the officials of the State Sanitary and Epidemiological Service products subject to the control enterprise, entrepreneur, institution, organization shall pay penalty in the amount of 25 per cent of the products cost produced starting from the evasion.

Cost of the indicated in the second part of this article documents and products shall be calculated by the prices on which they were sold.

#### **Article 47. Procedure Of Imposing And Collecting Penalties And Application Of The Financial Sanctions For The Violation Of The Sanitary Legislation**

Resolutions on imposing penalties and application of the financial sanctions for the violation of the sanitary legislation shall be produced on the basis of the protocol of the violation of the sanitary norms, executed according to the obligatory procedure.

Such resolutions can be issued by:

1) Chief state sanitary doctor of Ukraine, its deputies, Chief state sanitary doctors of the Crimea Republic, oblasts, cities of Kyiv, Sevastopol, Chief state sanitary doctors of the water, railway, air transport, water basins, railways, Ministry of Defense of Ukraine, Ministry of Internal Affairs of Ukraine, State Committee on Protection of the State Border of Ukraine, National Guards of Ukraine, Security Service of Ukraine and their deputies - for the violations covered by the article 46 of this Law;

2) other Chief state sanitary doctors and their deputies - for the violations, covered by the first part of the 46 article and items "b", "c", "d", "e" of the second part of the 46 article of this Law;

3) other officials of the state sanitary and epidemic service - for the violations covered by the first part of the 46 article of this Law.

Consideration of the administrative violations covered by the first part of the 46 article of this Law and execution of the resolutions shall be done according to the procedure determined by the Code of Ukraine on Administrative Offenses.

One copy of the resolution on applying financial sanction covered by the second part of the 46 article of this Law shall be submitted to the State taxation inspection by the location of the enterprise, entrepreneur, institution, organization to control its execution.

If violator does not execute the resolution within 15 days starting from the day of its issuance, amount of the sanction shall be indisputably levied by the state taxation inspection.

Payment of the penalties and financial sanctions provided by the article 46 of this Law does not exempt violators from the obligation to remunerate losses to the enterprises, institutions, organizations and citizens which they incurred as a result of the violation of the sanitary legislation.

Penalties or financial sanctions in the amount of 60 per cent shall be transferred to the local budget and 30 per cent - to the non-budget funds to provide sanitary and epidemic safety of the population, 10 per cent shall be transferred to the respective institutions and establishments of the State Sanitary and Epidemiological Service.

Return of the mistakenly transferred to the budget penalty or financial sanction shall be made by the financial institution on the basis of the decision of the body which has eliminated application of the penalty or sanction.

Specific features in applying administrative charges for the violation of the sanitary legislation by the officials of the State Sanitary and Epidemiological Service of the Ministry of Defense of Ukraine, Ministry of Home Affairs of Ukraine, State Committee on Protecting State Border of Ukraine, National Guards of Ukraine, Security Service of Ukraine are determined by the legislation.

#### **Article 48. Civil And Legal Responsibility For The Violation Of The Sanitary Legislation**

Enterprises, institutions, organizations, entrepreneurs and citizens which have violated sanitary legislation causing diseases, poisonings, radiation lesion, long or temporary disability or death of people are obliged to compensate losses to the citizens, enterprises, institutions and organizations and also compensate additional expenses of the bodies, institutions and establishments of the Sanitary and Epidemiological Service for the sanitary and anti-epidemic measures and expenses of the medical and preventing institutions for the medical assistance to the victims.

In case of rejection of the voluntary compensation of the expenses or remuneration of losses disputes shall be considered in court.

#### **Article 49. Criminal Responsibility For The Violation Of The Sanitary Legislation**

Actions against the health of the population caused by the violations of the sanitary legislation are resulting in criminal responsibility in accordance with the law.

### **PART VII. INTERNATIONAL RELATIONS OF UKRAINE CONCERNING PROVISION OF THE SANITARY AND EPIDEMIC SAFETY**

#### **Article 50. Participation Of Ukraine In The International Cooperation**

Ukraine participates in the international cooperation to provide sanitary and epidemic safety, prevent diseases and protect health of the population.

Ukraine concludes agreements on the development of the international cooperation in the health protection, provision of the sanitary and epidemic safety to the population, participates in the activity of the World Health Organization.

#### **Article 51. International Agreements**

If international agreement which Ukraine is a party of determines other rules than that determined by the sanitary legislation of Ukraine, than rules of the international agreement shall be applied.

President of Ukraine  
Kyiv

L. Kravchuk