



Cabinet of Ministers of the Azerbaijan Republic

Resolution No 272

On approving the «Regulations for a stage-by-stage exercise of state control over the construction sector by the Ministry of Emergency Situations of the Azerbaijan Republic»

Baku city, 5 December 2008

In order to ensure the execution of Clause 1 of Decree No 624 of the President of the Azerbaijan Republic «On stepping up state control over the construction sector in the Azerbaijan Republic» dated 30 August 2007, the Cabinet of Ministers of the Azerbaijan Republic **hereby resolves as follows:**

1. To approve the «Regulations for a stage-by-stage exercise of state control over the construction sector by the Ministry of Emergency Situations of the Azerbaijan Republic» (attached).
2. The present Resolution shall become effective from the date of signing.

Prime Minister of the Azerbaijan Republic

Artur RASI-ZADEH

With amendments â„– 157 of 30 September, 2009; â„– 136 of 16 July, 2010; â„– 76 of 10 May, 2011 (Â«VneshExpertServiceÂ» LLC).

*Approved
by Resolution No 272
of the Cabinet of Ministers
of the Azerbaijan Republic
dated 5 December 2008*

Regulations for a stage-by-stage exercise of state control over the construction sector by the Ministry of Emergency Situations of the Azerbaijan Republic

1. General provisions

1.1. The present Regulations have been prepared in accordance with the Regulations Â«On the Ministry of Emergency Situations of the Azerbaijan RepublicÂ» approved by Decree No 394 of the President of the Azerbaijan Republic dated 19 April 2006, the Regulations Â«On the State Agency of the Azerbaijan Republic for Control over Safety in ConstructionÂ» approved by Decree No 511 of the President of the Azerbaijan Republic dated 29 December 2006, and Clause 1 of Decree No 624 of the President of the Azerbaijan Republic Â«On stepping up state control over the construction sectorÂ» dated 30 August 2007.

1.2. The present Regulations establish the mechanism for the exercise of state control within the legally established boundaries at all stages of activities involving construction, reconstruction, major overhaul and restoration (hereinafter referred to as construction operations) on the part of the State Agency of the Azerbaijan Republic for Control over Safety in Construction (hereinafter referred to as the Agency) and other subdivisions of the Ministry of Emergency Situations of the Azerbaijan Republic (hereinafter referred to as the Ministry).

1.3. The requirements of the present Regulations are mandatory for all participants of construction activity. To bring to book the physical and legal entities breaching the applicable laws and construction norms and regulations at each stage in construction operations, the Ministry takes appropriate measures in an order established by legislation of the Azerbaijan Republic.

1.4. The present Regulations do not apply to issues pertaining to the construction of buildings and facilities of the 3rd level of responsibility.

2. Objective of state control over construction sector

2.1. the key objective of state control over the construction sector (hereinafter referred to as state control) is the implementation of appropriate activities to ensure compliance with the requirements of state norms and regulations, design documents, regulatory and legal acts during construction operations at all stages of construction activities on the part of all participants of these activities, including central and local bodies of executive authority, local governments, joint prevention of construction operations which may pose potential threat to life, health and property of people.

2.2. All participants in construction activities shall create appropriate conditions for an uninterrupted access of persons exercising state control to construction facilities and exercise of state control.

3. Procedure for stage-by-stage exercise of state control

State control at every stage of construction activities is exercised by the Agency within the framework of authority established by legislation in the following order:

3.1. at the stage of sanctioning the construction of the facility:

- the Agency is sent one copy of the resolution or decision on the provision of permission for the construction of a facility made by a local body of executive authority or local government and duly agreed with the State Fire Safety Service

and the State Agency of the Azerbaijan Republic for Control over Safety in Construction under the Ministry of Emergency Situations, the Hygiene and Epidemiology Center of the Ministry of Health of the Azerbaijan Republic, the Ministry of Ecology and Natural Resources of the Azerbaijan Republic, the State Committee on Town-Planning and Architecture of the Azerbaijan Republic, with the attachment of architectural and planning instructions on the facility and technical specifications on its connection to engineering communications;

3.2. at the stage of engineering survey:

3.2.1. The engineering survey center (hereinafter referred to as the Center) of the Agency, by means of centralized technical regulation, exercises control over the implementation of engineering, geodetic, mapping, surveying, engineering-geological and engineering-hydrogeological surveys, mapping and geophysical operations (hereinafter referred to as engineering survey) by physical and legal entities in accordance with existing standards, norms and regulations;

3.2.2. all entities performing engineering survey shall, first of all, submit to the Agency a draft program of scheduled engineering survey activities for approval and subsequent provision of a conclusion on the results of such activities;

3.2.3. the results of engineering survey performed by physical and legal entities without a special permit (license) shall not be accepted, while the documents submitted shall be returned without the provision of any conclusion;

3.2.4. the Center analyzes the content and results of engineering survey performed by physical and legal entities, if necessary conducts selective in-situ examination and within no later than 7 working days issues a conclusion on whether or not they comply with applicable norms and rules on construction safety. In exceptional cases the period for the provision of a conclusion may be extended, but not more than by 15 working days.

3.2.5. the Center also examines the application, during engineering survey, of measuring instruments meeting the requirements of state standards and registered by the state in accordance with laws of the Azerbaijan Republic.

3.3. at the stage of design:

3.3.1. after completion of design of a facility, design documents shall, in cases established by legislation, be submitted for state expertise to the main department of state expertise (hereinafter referred to as the state expertise department);

3.3.2. the state expertise department, after assessing the pre-design and construction and design documents, exercises control over compliance with legislative requirements, construction norms and regulations by the physical and legal entities which submitted the documents, and issues an appropriate conclusion in the period established in the legislation;

3.3.3. control over design activities is determined by compliance with the conditions of applicable regulatory documents pertaining to the design of a facility, instructions and requirements of the requester, appropriate bodies of executive authority, municipality and other bodies within the framework of their authority and connection of the facility to appropriate communications and networks;

3.3.4. design documents shall also resolve technical issues required for the implementation of construction operations, and issues of complete and stage-by-stage acceptance of a facility for operation;

3.3.5. in cases envisaging stage-by-stage acceptance of a facility for operation, the overall design of a facility shall be divided into certain parts for each stage of construction, and these parts shall provide project solutions ensuring acceptance of each stage of construction for free operation;

3.3.6. requirements and drawbacks identified by the state expertise department in the conclusion shall be executed by the requester and the designer, and re-developed designs shall be re-submitted for state expertise;

3.3.7. the commencement and implementation of construction is allowed only upon positive conclusion of the state expertise department and approval of design by the requester.

3.4. when determining cost estimate of construction from the state budget:

3.4.1. the cost of construction at the level of base prices is determined using the existing estimates and prices;

3.4.2. after a positive conclusion has been received from the state expertise department concerning the accuracy of base estimate documents of construction, the correctness of the agreed price of construction at the level of current prices is determined by the construction evaluation center of the Agency;

3.4.3. to determine agreed prices of construction at the level of current prices and provide an appropriate conclusion, the following documents shall be submitted to the construction evaluation center of the Agency:

- positive conclusion of state expertise bodies on the accuracy of base estimate documents on construction;
- reports prepared on the basis of appropriate method guidelines;
- information on the actual cost of construction materials (VAT exclusive) agreed between the requester and construction organizations;
- statement on the average monthly salary per key person of the construction organization for the previous year.

3.4.4. based on the documents stipulated under clause 3.4.3, the investor's cost estimate of a facility at the level of current prices is examined in line with the requirements of applicable norms and regulations. Reports shall be substantiated by appropriate regulatory and legal acts and meet the requirements of appropriate method guidelines;

3.4.5. if mistakes and discrepancies are discovered in the documents submitted, such documents shall be returned for the introduction of amendments;

3.4.6. after the mistakes and discrepancies have been eliminated, the documents shall be re-submitted to the construction evaluation center of the Agency for the provision of a conclusion on the correct formation of agreed prices of construction activities.

3.5. at the stage of construction and assembly operations:

3.5.1. state control over construction operations carried out on the territory of the republic in the buildings and facilities with the 1st and 2nd levels of responsibility is exercised by the main state construction inspectorate of the Agency (hereinafter referred to as the State Inspectorate). In other buildings and facilities, the services on architectural and construction control of local bodies of executive authority and municipal bodies organize their work in accordance with applicable legislation and regulatory and technical documents;

- in order to exercise control over the erection of construction facilities on the territory of the republic, generalize information on breaches committed in this sphere and measures taken to prevent them, the services of architectural and construction control of bodies of executive authorities and municipal bodies shall send the information to the Agency regarding issues pertaining to the authority of the Agency;
- the Agency shall, within the framework of its authority, exercise control over the compliance on the part of services of architectural and construction control of bodies of executive authorities and municipal bodies with appropriate norms and regulations pertaining to the safety in construction, continuously study their activities in this area and analyze the results;

3.5.2. the responsibilities of the State Inspectorate exercising state control over the quality of construction operations at construction facilities, compliance with construction norms and regulations consist in the following:

- to exercise control over documentation of operations pertaining to fencing of the area allocated for construction operations before the construction commences, its sanitary, fire safety, environment and radiation safety, safety of adjacent engineering and transport communications and installations;
- to exercise control over the availability on the visible part of the facility (at the entrance, fencing facing main streets, etc.) of the information stand reflecting the main indicators, including the name, purpose, duration of construction, name, address and telephone of the requester, designer and contractor;
- to demand from the requesters and contractors appropriate documents on their activities, including those confirming the qualifications of responsible officers engaged in construction operations (technical inspectors, executors, site managers, etc.);
- to exercise control over compliance, on the part of participants in construction operations, with the requirements of regulatory and technical documents and regulatory and legal acts, construction norms and regulations, agreed and approved architectural and construction projects, as well as the availability of certificates confirming the conformity of the materials, products and structures used in construction with the requirements of appropriate regulatory documents;
- to exercise control over monitoring of safety rules in construction on the part of participants of construction operations, authorâ€™s control over construction on the part of the designer, technical control on the part of the requester and in-house operational control on the part of the contractor;
- to exercise control over the conclusion of agreements between the requester and contractor on construction;
- to exercise control over the availability of an agreement with trial labs accredited to examine the quality of the materials and structures used in the construction;

- to take part in the work of state commissions accepting construction facilities for operation.

3.5.3. to exercise state control over the quality of construction operations at construction facilities, compliance with construction norms and regulations, the state inspectorate shall have the following rights:

- to have uninterrupted access to construction facilities (special regime facilities after receiving appropriate permits) regardless of their purpose, form of ownership and sources of funding;
- to demand from requesters, contractors and authors of design documents the design, technological and execution documents required for exercising their powers;
- to take samples using selective methods at the expense of the requester, examine buildings, facilities and structures, separate sections and elements, conduct additional trials of ground, materials and engineering systems, if surveys and measurements taken and the reliability of construction are causing suspicion, to issue mandatory written instructions to the requester, contractor and authors of design documentation on opening up the surface of covered structures;
- to demand from requesters that acts of closed works and acts on the results of lab trials be prepared;
- if breaches of the requirements of construction norms and regulations and regulatory and legal acts are discovered at construction facilities, to raise the issue of suspending construction operations at such facilities and demand suspension or revocation of the license in cases established by legislation.

3.5.4. control over the execution of regulatory, legal and technical documentation pertaining to construction and work carried out at each construction facility is exercised in an individual manner by means of the log of state control over construction (hereinafter referred to as control log) (Attachment 1);

3.5.5. the control log shall indicate the sequence of individual construction stages, starting from excavation and division into technological processes. The administration of the state inspectorate approves this sequence and issues permission for the start of the first stage;

3.5.6. an employee of the state inspectorate (hereinafter referred to as the construction inspector) makes relevant notes in the control log on compliance with construction norms and regulations, design of construction operations for each stage of construction, and after examining these data the state inspectorate issues permission for the start of the first stage;

3.5.7. at each stage, after the elimination of breaches and shortcomings at the stage of construction operations, the requester sends a notification to the state inspectorate;

3.5.8. within no later than 7 days from receiving the notification, the construction inspector examines compliance of the work done with construction norms and regulations and the design, registers this information in the control log, sends his administration a conclusion on the possibility of construction operations on a next stage and, on the basis of that, the state inspectorate provides an appropriate permit;

3.5.9. the process of control over construction and assembly operations continues until acceptance of a facility for operation;

3.5.10. if the construction inspector reveals cases of breach of construction norms and regulations during construction operations at a facility, he shall register this information in the technical inspection form (hereinafter referred to as the inspection form) (Attachment 2), sign it and submit to the state inspectorate, make a relevant note in the control log for immediate elimination, in a working order, of the discovered breaches on the part of the requester and contractor, and if such breaches are not eliminated in a working order or it is impossible to immediately eliminate them, raises the issue before the state inspectorate on issuing a mandatory *Instruction*;

3.5.11. if cases of breach of construction norms and regulations, regulatory and legal documents and breaches capable of affecting durability of construction are discovered at a construction facility, the state inspectorate, on the basis of written information of the construction inspector, applies to the Agency for inspection to be conducted. Based on the results of such inspection, the Agency, in accordance with applicable laws, shall suspend construction operations at the facility;

3.5.12. in order to ensure suspension of construction operations, the issue of immediate suspension of supplies to a given area is raised before entities dealing with the supply of water and electric energy on the territory on which breaches have been discovered;

3.6. at the stage of acceptance of a facility for operation:

3.6.1. entities with completed construction are accepted for operation in accordance with applicable laws by the acceptance commission of the requester or the state acceptance commission established with the participation of Agency representatives. A facility may be accepted in full or in parts (as stages of construction);

houses, including apartments can be represented to the State Acceptance Commission for reception into operation only after complete connecting of them to electric, gas and water lines and installation of the counters;

3.6.2. only the facilities with permitting documents for the commencement and implementation of construction and with design and estimate documents examined and approved by the state shall be allowed for operation. The acceptance commission may start work only after provision of a positive conclusion by the Agency concerning compliance with all norms, standards and regulations in construction;

3.6.3. after acceptance for operation by the acceptance commission established in accordance with applicable laws, such facilities may operate and receive public utilities (except for communication lines ensuring technical and fire safety of the construction facilities);

3.6.4. the acceptance commission shall include representatives of the requester, contractor, subcontractor, designer, operator, state fire control service, the main state construction inspectorate of the State Agency of the Azerbaijan Republic for Control over Safety in Industry and Mining, the Ministry of Environment and Natural Resources of the Azerbaijan Republic, the Hygiene and Epidemiology Center of the Ministry of Health of the Azerbaijan Republic, *the State Service of Labor Inspectorate under the Ministry of Labor* and Social Protection of the Population of the Azerbaijan Republic, *the*

Service of the State Register of Immovable Property under the State Committee for property issues of the Azerbaijan Republic, a local body of executive authority (in districts of cities – the executive authority of both city and district) or municipal body, organizations providing public utility services (gas, water, electricity and sewage), and, if necessary, other bodies;

3.6.5. the facility of stage of construction submitted for acceptance shall comply with the approved design and agreement documents and applicable construction norms and regulations, and be in a fully ready condition. Conditions meeting the requirements of radiation safety, safety and sanitary hygiene norms shall be ensured at the facility or individual stages in its construction;

3.6.6. upon completion of work, the acceptance commission shall made a decision on accepting or rejecting a facility for operation, and this decision shall be registered as an act.

4. Responsibility

The physical and legal entities breaching the present Regulations shall be held accountable in accordance with legislation of the Azerbaijan Republic.