

## ACT

of 9 September 2004

**On peaceful use of nuclear energy (Atomic Act) and on alternations  
And amendments to some acts  
As amended**

**As amended by:****Act No. 238/2006 Coll.****Act No. 21/2007 Coll.****Act No. 94/20007 Coll.**

The National Council of the Slovak Republic  
has ruled as follows:

## Article I

**PART ONE  
BASIC PROVISIONS**

## § 1

## Subject of the Act

This Act regulates

- a) conditions of the peaceful use of nuclear energy,
- b) conditions of execution of the state administration, state supervision, and the competencies of the Nuclear Regulatory Authority of the Slovak Republic (hereinafter the "Authority") in the field of nuclear safety of nuclear installations, upon peaceful use of nuclear energy, as well as upon shipment and management of nuclear material, radioactive waste and spent fuel, physical protection of nuclear installations, nuclear material and spent fuel and physical protection upon shipment of nuclear material, radioactive waste and spent fuel (hereinafter "shipment of radioactive material"), and upon emergency planning,
- c) classification of nuclear material, conditions of management of nuclear material,
- d) conditions of management of radioactive waste and spent fuel,
- e) conditions of nuclear safety,
- f) conditions of verification of special professional competency of the authorisation holder employees pursuant to § 5 Sec. 3 and competency of the

authorisation holder employees pursuant to § 5 Sec. 3,

- g) emergency preparedness system,
- h) liability for damage caused by nuclear event,
- i) rights and duties of natural persons and legal persons with respect to peaceful use of nuclear energy,
- j) sanctions for violation of the obligations under this Act.

## § 2

## Definition of certain terms

In this Act, terms are understood as follows:

- a) "a person of unblemished reputation" shall be a person who has not been legally convicted for a crime committed with premeditation or for a crime where the facts of the case were associated with the subject of the authorisation or permission pursuant to § 5,
- b) "physical protection" shall mean a set of technical, administrative or organisational measures needed to prevent and identify unauthorised activities concerning nuclear installations, nuclear material, special materials and equipment, management of radioactive waste, spent fuel, shipment of radioactive material, as well as an unauthorised entering nuclear installations and perpetrating of sabotage,
- c) "emergency preparedness" shall mean the ability to develop and implement activities and measures leading to identification and effective coping with incidents and accidents at nuclear installations or upon shipment of radioactive material, and

resulting in effective mitigation of their threatening of life, health or property of the population and the environment, with such an ability being documented in the emergency plan,

- d) “institutional radioactive waste” shall mean radioactive waste generated during the work with sources of ionising radiation, except of spent fuel and radioactive waste from nuclear installations,
- e) “nuclear safety” shall mean the status and the ability of nuclear installation or transport equipment and operating personnel thereof to prevent uncontrolled development of fission chain reaction or unauthorised release of radioactive substances or ionising radiation into the working environment or the environment, and to mitigate consequences of incidents and accidents at nuclear installations or consequences of events upon shipment of radioactive material,
- f) “nuclear installation” shall mean a set of civil structures and technological facilities,
  - 1. the part of which is nuclear reactor(s),
  - 2. for the production or processing of nuclear material or storage of nuclear material in quantities exceeding one effective kilogram,
  - 3. for processing, treatment or storage of radioactive waste,
  - 4. for disposal of radioactive waste from nuclear installations, of institutional radioactive waste or spent fuel; neither containers and shields in which radioactive material is used as a shielding material for sources of radiation, nor areas where such containers and shields are stored, shall be deemed nuclear installations,
- g) “limits and conditions of safe operation or safe decommissioning” shall mean the document containing acceptable parameter values for nuclear installation equipment, which defines the operation modes of the nuclear installation or its decommissioning modes,
- h) “management
  - 1. of nuclear material” shall mean production, processing, reprocessing, transmutation, handling, use, storage thereof,
  - 2. of radioactive waste” shall mean collection, sorting, storage, treatment, conditioning, handling, disposal of radioactive waste from nuclear installations and treatment and disposal of institutional radioactive waste,
- 3. of spent fuel” shall mean storage, reprocessing, transmutation, handling and disposal thereof,
- 4. of special material and equipment” shall mean import, export and use thereof.
- i) “shipment of radioactive material” shall mean shipment operations, including activities connected with the loading and unloading, from the place of origin of nuclear material, radioactive waste from nuclear installations or spent fuel to the place of destination, and shipment operations from the place of treatment of institutional radioactive waste to the repository,
- j) “operation of nuclear installation” shall mean activities performed to achieve the purpose for which it was constructed,
- k) “radioactive waste” shall mean any material in gaseous, liquid or solid form for which no further use is foreseen, and that contains or is contaminated with radionuclides at concentrations or activities greater than clearance levels into the environment,
- l) “storage of radioactive waste or spent fuel” shall mean emplacement of radioactive waste or spent fuel into areas, premises or facilities that allow their isolation, control and protection of the environment, with the intention of their subsequent retrieval,
- m) “specialised facility” shall mean a facility operated by a natural person or a legal person based on authorisation granted for professional training of the authorisation holder employees,
- n) “disposal of radioactive waste or spent fuel” shall mean emplacement of radioactive waste or spent fuel into radioactive waste or spent fuel repository,
- o) “termination of operation of nuclear installation” shall mean the condition of nuclear installation when its use for the original purpose was finished and the process is irreversible; in respect of radioactive waste and spent fuel repository, termination of the operation of nuclear installation shall mean the condition when emplacement of radioactive waste or spent fuel into the repository has been completed,

- p) “radioactive waste or spent fuel repository” shall mean a nuclear installation pursuant to letter f) indent 4., that allows radioactive waste or spent fuel isolation, control and protection of the environment (hereinafter referred to as “repository”),
- q) “classified equipment ” shall mean systems, structures, components or parts thereof, including their software, important to the nuclear safety of the nuclear installation, classified into safety classes according to their nuclear safety importance, as well as according to the safety function of the system they are part of, and according to the significance of their contingent failure,
- r) “spent fuel” shall mean irradiated nuclear fuel removed from a nuclear reactor,
- s) “decommissioning” shall mean activities after termination of the operation taken to allow removal of a nuclear installation from the coverage of the present Act except of a repository,
- t) “use of nuclear energy” shall mean
1. siting of nuclear installations, construction of nuclear installations, commissioning of nuclear installations, operation of nuclear installations or decommissioning of nuclear installations (hereinafter referred to as “decommissioning”) and closure of radioactive waste and spent fuel repository,
  2. modifications at nuclear installations and verification of systems of nuclear installations or parts thereof,
  3. management of nuclear material, special material and equipment, with spent fuel and radioactive waste, including their generation,
  4. professional training of authorisation holder employees pursuant to § 5 provided at specialised facilities,
  5. shipment of radioactive material,
- u) “modifications at nuclear installation important to nuclear safety during the construction, commissioning, operation, decommissioning, closure of repository and/or after the closure of repository, which can be carried out only after obtaining previous permission or approval by the Authority and, in special cases, also after obtaining position by the European Commission” shall mean modifications
1. of classified equipment which perform safety function or through which their safety function-related characteristics undergo changes,
  2. of documentation reviewed or approved by the Authority,
  3. which result in changes of limits and conditions pursuant to letter g),
- v) “modifications at nuclear installation during its construction, commissioning, operation, decommissioning, closure of repository and after the closure of repository, subject to preceding notification and review by the Authority” shall mean modifications not mentioned under letter u), which however, if implemented, may impact the nuclear safety.

### § 3

#### Principles of peaceful use of nuclear energy

- (1) Nuclear energy may only be used for peaceful purposes and in accordance with the international agreements the Slovak Republic is bound.<sup>1</sup>
- (2) Use of nuclear energy for other than peaceful purposes is prohibited.
- (3) The use of nuclear energy shall be justified by benefits outweighing potential risks of such activities, in particular when compared with other ways, which accomplish the same purpose.
- (4) In using nuclear energy, priority emphasis shall be given to safety aspects over any other aspects of such activities.
- (5) A level of nuclear safety, reliability and health protection at work and safety of technological facilities, protection of health from ionising radiation<sup>2</sup>, physical

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1. E.g., Decree of Minister of Foreign Affairs No.61/1974 Coll. on Convention on Non-Proliferation of Nuclear Weapons; Decree of Minister of Foreign Affairs No. 62/1974 Coll. on Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof.

2. Act of the National Council of the Slovak Republic No.272/1994 Coll. II. on the Public Health Protection, as amended from time to time. Decree of Ministry of Health of the Slovak Republic No. 12/2001 Coll. II. on requirements on the provision for radiation protection.

protection, emergency preparedness and fire protection must be achieved upon using nuclear energy so as to keep the life, health, working or environment-related hazards as low as can be reasonably achieved according to the available state-of-art knowledge; at the same time, irradiation limits must not be exceeded.<sup>2</sup> Upon new significant information being obtained about the risks and consequences of the use of nuclear energy, the above-mentioned level must be reassessed, and measures shall be taken as necessary to meet the conditions pursuant to this Act.

- (6) Use of nuclear energy without permission or authorisation is prohibited.
- (7) To carry out test explosions of nuclear weapons or other nuclear explosions, to support or participate in the performance of any test explosions of nuclear weapons or other nuclear explosions is prohibited.
- (8) The radioactive waste shipment is prohibited to
  - a) a destination south of latitude 60° south,
  - b) a State party to the international convention<sup>3</sup>, which is not a Member State of the European Union (hereinafter “Member State”), unless such shipment represents reimport of radioactive waste formed from materials exported from that state for purposes of their processing or reprocessing in the Slovak Republic,
  - c) a third country which, in the opinion of the competent authorities of the country of origin does not have the technical, legal or administrative resources to manage the radioactive waste.
- (9) Disposal of radioactive waste or spent fuel based on authorisation issued by the Authority, may only be undertaken by a legal person independent of the originator of radioactive waste, founded or established by Ministry of Economy of the Slovak Republic (hereinafter “Ministry of Economy”).

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3. 4th Convention of African, Caribbean and Pacific Countries and the European Economic Community (Official Journal of the European Communities L 229,17.08.1991).

- (10) Disposal of radioactive waste or spent fuel on the territory of the Slovak Republic is prohibited for other than the legal person pursuant to Section 9 above.
- (11) Any person who manages special materials and special equipment is obliged to notify the Authority of the commencement and the scope of such activities. Any person who imports special materials and special equipment is obliged to submit to the Authority an announcement incorporating the data pursuant to Annex 2 part B letter g) indents 1 to 3.
- (12) Any person who manufactures cladding assemblies for irradiated or spent fuel or who builds hot chambers or carries out research and development activities connected with conversion of nuclear material, enrichment, manufacturing of fuel elements, reactors, critical assemblies, reprocessing, and management of highly and moderately radioactive waste containing special fissile materials is obliged to notify the Authority and the European Commission of the commencement and the scope of such activities.
- (13) Details concerning the scope, contents and method of notifications pursuant to Sections 11 and 12 shall be laid down by a generally binding legal regulation to be issued by the Authority.

## **PART TWO**

### **STATE ADMINISTRATION, STATE SUPERVISION AND COMPETENCIES OF THE AUTHORITY**

#### **§ 4**

#### **Competence of the Authority**

- (1) The Authority shall
  - a) be in charge of the state supervision upon nuclear safety of nuclear installations,
  - b) be in charge of the state supervision in the field of use of nuclear energy, physical protection and emergency planning,
  - c) supervise the fulfilment of obligations pursuant to this Act,
  - d) issue permission or authorisation to natural persons or legal persons pursuant to § 5 Sec. 2 and 3, check whether the conditions for permission or authorisation are met,

- and have the power to cancel permission or authorisation,
- e) approve the size of the emergency planning zone or the size of the common emergency planning zone related to nuclear installation for purposes of emergency planning,
  - f) assure international cooperation in areas of applicability of the present Act, including implementation of commitments of the Slovak Republic under international agreements the Slovak Republic is bound by, as well as of the function of the contact point<sup>4</sup>, and shall fulfil additional liability to notify within the scope of its competencies pursuant to the special regulation<sup>5</sup>,
  - g) keep informed neighbouring states, International Atomic Energy Agency, and other European Union authorities, as applicable, of cases of illicit trafficking of nuclear material, radioactive sources, incidents and accidents at nuclear installations on the territory of the Slovak Republic, as well as of events occurring upon shipment of radioactive material on the territory of the Slovak Republic,
  - h) present to the Government of the Slovak Republic and subsequently to the National Council of the Slovak Republic, once a year, always by 30 April, reports on the status of nuclear safety of nuclear installations on the territory of the Slovak Republic and on its activities in the previous year,
  - i) inform the public of
    1. incidents and accidents at nuclear installations on the territory of the Slovak Republic,
    2. incidents outside the territory of the Slovak Republic,
    3. serious deficiencies identified by the Authority at nuclear installations, and of measures taken for their elimination,

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4. E.g., Convention on Early Notification of a Nuclear Accident (Notice No.327/2001 Coll. LL.), Council Decision 87/600/Euratom dated

14.December 1987 on Community Arrangements for the Early Exchange of Information in the Event of a Radiological Emergency (Official Journal of the European Communities L 371,30.12.1987).

5. Article 37 of the Treaty establishing the European Atomic Energy Community.

- 4. events upon shipment of radioactive material, with the exception of confidential information subject to protection pursuant to the special regulation,<sup>6</sup>
  - 5. other information concerning nuclear safety of nuclear installations on the territory of the Slovak Republic,
  - j) perform the activities of the civil construction authority in the cases pursuant to the special regulation,<sup>7</sup>
  - k) keep the national system of records on nuclear material, special materials and equipment records.
- (2) Additionally, the Authority shall
- a) approve
    1. types of transport equipment used for shipment of radioactive material,
    2. quality systems documentation of applicants for authorisation and authorisation holders,
    3. requirements on the quality of nuclear installations, categorisation of classified equipment into safety classes, and requirements on the quality of classified equipment,
    4. the system of the professional training of authorisation holder employees,
    5. the training program for licensed employees,
    6. preliminary plans of physical protection and plans of physical protection,
    7. preliminary on-site emergency plans and on-site emergency plans,
    8. preliminary limits and conditions of safe operation and limits and conditions of safe operation,
    9. limits and conditions of safe decommissioning,
    10. programme of the commissioning of nuclear installations, divided into stages,
    11. boundaries of nuclear installation and changes thereof,
    12. the size of the emergency planning zone or common emergency planning

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6. Act No.215/2004 Coll. LL. on the Protection of Classified Information and on Amendments and Supplements to Other Acts.

7. §121 Sec. 2 letter e) of Act No. 50/1976 Coll. on Land-Use Planning and on Construction Order (Building Act), as amended from time to time.

- zone related to nuclear installation, and changes thereof,
13. implementation of modifications pursuant to § 2 letter u),
- b) impose
1. to reduce power or to suspend operation or decommissioning of nuclear installation, or the construction thereof,
  2. suspend managing of nuclear material, radioactive waste or spent fuel
  3. sanctions pursuant to this Act,
- c) determine
1. new authorisation holder for managing nuclear material and nuclear waste whose originator is unknown or whose originator is not capable of managing nuclear material or radioactive waste in a safe manner,
  2. the obligation to another holder of the respective authorisation to assume the rights and duties concerning safe management of nuclear material or radioactive waste of an authorisation holder whose authorisation has extinguished due to reasons pursuant to § 9 Sec. 4, including the possibility of partial or complete withdrawal of nuclear material or radioactive waste from such an authorisation holder,
- d) verify
1. special professional competency of authorisation holder employees and issue, withdraw or revoke them licence of special professional competency,
  2. professional competency of employees of authorisation holder providing professional training to authorisation holder employees, who provide professional theoretical education and simulator training for licensed employees, and issue and withdraw licence of professional competency,
- e) review
1. off-site emergency plans in emergency planning zone,
  2. emergency transport order,
  3. documentation specified in the Annexes to this Act, necessary for the obtaining individual types of permissions or authorisations, which Authority does not approve pursuant to this Act,
  4. training programmes for employees with professional competency,
  5. technical equipment of specialised facility,
  6. draft strategy of the nuclear back-end fuel cycle together with the draft financial plan ensuring such draft strategy and shall issue an expert opinion thereto,
- f) issue permission for
1. siting of nuclear installation,
  2. implementation of modifications pursuant to § 2 letter u),
  3. removal of nuclear installation from the coverage of this Act,
  4. dilution and consumption of nuclear material,
  5. individual stages of commissioning of nuclear installation,
  6. trial operation of nuclear installation,
  7. use of a new type of nuclear fuel,
- g) decide on whether
1. an installation is a nuclear installation,
  2. modifications of nuclear installations represent those mentioned in § 2 letter u) or letter v),
  3. nuclear material, special material or equipment are concerned,
- h) issue further decisions pursuant to special regulations.<sup>8</sup>
- (3) Executing state supervision, the Authority shall
- a) carry out inspections of workplaces, operations and premises of nuclear installations, operations and premises of permission or authorisation holders, check the fulfilment of obligations pursuant to this Act, the generally binding legal regulations issued on the basis of this Act, operating procedures issued by authorisation holders, whether limits and conditions of safe operation and safe decommissioning, quality assurance systems, as well as of duties arising out of decisions, measures or orders issued on the basis of this Act, are being observed
- b) inspect fulfilment of commitments arising out of international agreements by which the Slovak Republic is bound in respect of the applicability of this Act,

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8. E.g., § 16 of Act of the National Council of the Slovak Republic No.127/1994 Coll. LL. on Environmental Impact Assessment, as amended from time to time; Act No. 50/1976 Coll., as amended from time to time.

- c) inspect the system of professional training of employees, training programmes of employees with professional competency, training programmes of licensed employees of authorisation holders, and inspect professional competency as well as special professional competency of authorisation holder employees,
  - d) investigate in situ the status, causes and consequences of selected failures, incidents and accidents at nuclear installations or events during shipment of radioactive material; during the investigation of incidents, accidents or events during shipment of radioactive material by an another than Authority, take part in the investigation as the statutory body,
  - e) control conducting of the obligatory inspections, revisions, in-service inspections and in-service testing of classified equipment important to the nuclear safety,
  - f) impose the elimination of deficiencies relevant to nuclear safety, physical protection, emergency preparedness,
  - g) independently from authorisation holders, assess nuclear safety, physical protection and emergency preparedness,
  - h) check the contents, updating and exercising of emergency plans which Authority approves or reviews, and the associated trainings,
  - i) conduct in-situ reviews at workplaces, operations and premises of applicants for permission or authorisation and permission or authorisation holders, including observation of quality assurance systems.
- (4) Upon written agreement with Ministry of Labour, Welfare and Family of the Slovak Republic, the Authority shall lay down details of cooperation in supervision activities in the field of use of nuclear energy.

## § 5

### Use of nuclear energy

- (1) Nuclear energy may only be used based on permission or authorisation issued by the Authority to a natural person or a legal person.
- (2) Permission shall be required for siting of nuclear installation.

- (3) Authorisation shall be required for
  - a) construction of nuclear installation (hereinafter referred to as “building authorisation”),
  - b) commissioning of nuclear installation,
  - c) operation of nuclear installation,
  - d) decommissioning stage,
  - e) closure of repository and institutional control,
  - f) management of radioactive waste or spent fuel,
  - g) management of nuclear material at nuclear installation,
  - h) imports or exports of nuclear material,
  - i) exports of special material and equipment in accordance with the special regulation,<sup>9</sup>
  - j) shipment of radioactive material, including international shipment; such an authorisation shall not relate to carrier unless such person is at the same time the consignor,
  - k) professional training of authorisation holder employees pursuant to letters b) through g),
  - l) re-shipment of radioactive waste pursuant to § 21 Sec. 11 letter a),
  - m) imports of radioactive waste pursuant to § 21 Sec. 11 letter b),
  - n) management of nuclear material outside of nuclear installation.
- (4) Authority’s permission pursuant § 2 and authorisation by the Authority pursuant to Section 3 shall not replace license, authorisation, approval or certificate issued by other administrative authorities pursuant to special regulations.<sup>10</sup>
- (5) The Authority may make any of its decisions subject to the fulfilment of conditions relating to nuclear safety, physical protection, quality assurance or emergency preparedness. The Authority may modify such conditions whenever

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9. Council Regulation (EC) No.1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual use items and technology, as amended (Official Journal of European Communities L 159, 30.06.2000).

10. E.g., § 3 Sec. 1 of Act No.70/1998 Coll. II. on Energy and on Amendment to Act No. 455/1991 Coll. on Small Trade Business (Small Trade Act), as amended from time to time; Act No.95/2000 Coll. II. on Labour Inspection and on Amendments and Supplements to Some Laws, as amended from time to time.

conditions of nuclear safety, physical protection or emergency preparedness relevance, under which the original decision was issued, change, and/or based on new knowledge of science and technology, or upon justified written request of permission or authorisation holder.

## § 6

### Application for permission or authorisation

- (1) Application for permission or authorisation shall include
  - a) name and surname, permanent residence, registration number if already assigned by the Authority for natural persons,
  - b) name, registered address and identification number of the organisation, name and surname of the person(s) who is (are) its statutory bodies or members, registration number if already assigned by the Authority for legal persons,
  - c) subject, type, scope and place of activity for which permission or authorisation is requested, provision method for aforementioned activity, duration of the performance of the activity by applicant, and method of termination of the activity.
- (2) Attached to the application shall be
  - a) a document of unblemished reputation of the natural person or the person who is the statutory body of the legal person in form of Abstract from Criminal Record Register, which is not older than three months,
  - b) in case of entrepreneurs for legal persons, Abstract from Commercial Register or an equivalent register kept in the Member State, which is not older than three months; in case of entrepreneurs for natural persons, Abstract from Register of Small Trade Licensees or an equivalent register kept in the Member State, which is not older than three months,
  - c) Memorandum of Association, Charter of Foundation or Articles of Incorporation, for newly established entities,
  - d) if an application for permission for the siting of a repository or an application for Building Authorisation for a repository is concerned, land certificate of the state

ownership which the repository is to be sited or constructed on,

- e) a document evidencing functional technical equipment of the applicant for the requested activity, and a document evidencing that the applicant has permanent staff with the required professional competency,
- f) if the activities subject to authorisation are expected to generate radioactive waste, a document supporting that the management of radioactive waste is ensured, including the respective financial provision,
- g) for legal person as an applicant, a document evidencing ownership and organisational structure of the applicant for permission or authorisation,
- h) documentation specified in Annexes to this Act requested to be attached to applications for individual types of permissions and authorisations,
- i) documents evidencing the numbers of the permanent staff including staff professional competency,
- j) if applications pursuant to the special regulation<sup>11</sup> are concerned, documentation as requested by the special regulation.

## § 7

### Permission or authorisation issuance conditions

- (1) The general conditions for a permission or an authorisation to be issued to a natural person include
  - a) capacity to enter into legal acts ,
  - b) unblemished reputation,
  - c) evidence of a functional technical equipment for requested activity,
  - d) evidence of an adequate permanent staffing with requested professional competency .
- (2) The general conditions for permission or authorisation to be issued to a legal person include
  - a) capacity to enter into legal acts and unblemished reputation of the person who is the statutory body or member of the statutory body,

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11. § 66,76,83 and 84 of Act No.50/1976 Coll., as amended from time to time.

- b) evidence of a functional technical equipment for requested activity,
  - c) evidence of an adequate permanent staffing with requested professional competency.
- (3) Specific conditions for the permission pursuant to § 5 Sec. 2 to be issued include
- a) environmental impact assessment of the nuclear installation if requested by the special regulation,<sup>8)</sup> as well as evaluation of the potential impact of surroundings on the nuclear installation,
  - b) approved requirements on the quality of nuclear installation,
  - c) approved proposal for boundaries of nuclear installation,
  - d) approved proposal for the size of the emergency planning zone related to nuclear installation.
- (4) Specific condition for the authorisations pursuant to § 5 Sec. 3 letters a) through g), j), k), to be issued shall be an approval of the documentation of quality assurance system for activities to be authorised.
- (5) Specific condition for the authorisations pursuant to § 5 Sec. 3 letters a) through d), f), g), j) to be issued shall be an approval of preliminary plan of physical protection or physical protection plan.
- (6) Specific condition for the authorisations pursuant to § 5 Sec. 3 letters a) through d), f), g), j) to be issued shall be an approval of categorisation of classified equipment into safety classes.
- (7) Specific condition for the authorisation pursuant to § 5 Sec.3 letter a) to be issued shall be an approval of preliminary on-site emergency plan of the nuclear installation (hereinafter “preliminary on-site emergency plan”).
- (8) Specific condition for the authorisations pursuant to § 5 Sec. 3 letters b) through d), f), g), j) to be issued shall be an approval of on-site emergency plan of the nuclear installation (hereinafter “on-site emergency plan”), off-site emergency plan and of emergency transport order.
- (9) Specific condition for the authorisations pursuant to § 5 Sec.3 letters a) through c), f), g) to be issued shall be an approval of preliminary limits and conditions of safe operation or of limits and conditions of safe operation.
- (10) Specific condition for the authorisation pursuant to § 5 Sec.3 letter d) to be issued

shall be an approval of limits and conditions of safe decommissioning.

- (11) Specific condition for the authorisations pursuant to § 5 Sec.3 letters a) through e) to be issued shall be an approval of preliminary determination of boundaries of the nuclear installation, their determination or modifications thereof.
- (12) Specific condition for the authorisations pursuant to § 5 Sec.3 letters a) through e) to be issued shall be an approval of preliminary definition of the size of the area endangered by the nuclear installation, its definition or modifications thereof.
- (13) Specific condition for the authorisations pursuant to § 5 Sec.3 letter b) to be issued shall be an approval of the commissioning plan of the nuclear installation, divided into stages.
- (14) Specific condition for the authorisations pursuant to § 5 Sec.3 letters b) through g) to be issued shall be the fulfilment of the qualification requirements by licensed employees and employees with professional competency.
- (15) Specific condition for the authorisation pursuant to § 5 Sec. 3 letter h) to be issued is the existence of a business contract endorsed by the European Commission; the applicant or the natural person for whom the nuclear material in question is to be imported or exported shall be authorisation holder for management of nuclear material.

## § 8

### Essentials and issuance of permission or authorisation

- (1) Unless provided for differently by this Act, the Authority in its decision on permission or authorisation
- a) shall indicate applicant’s identification data and the registration number assigned,
  - b) shall identify the object and the scope of the permission or authorisation,
  - c) may determine conditions for the permission or authorisation to remain valid,
  - d) may indicate time or technical restrictions for which the permission or authorisation is being issued.

- (2) The Authority may issue permission or authorisation for a maximum period of ten years, unless provided differently by this Act. Authorisation for the operation of a nuclear installation may also be issued repeatedly, its issuance however is conditional upon the meeting of the criteria mentioned in § 7 as well as of the conditions mentioned in § 23 Sec. 2 and 7. In this case, applicant for authorisation shall attach to the application the documentation mentioned in Annex 1 indent C in an adequate extent.
- (3) Activities specified in the permission or authorisation, may only be carried out by the person indicated in the permission or authorisation (hereinafter referred to as “authorisation holder”).
- (4) The Authority shall decide on issuance of permission or authorisation after having verified that the applicant meets all the conditions provided for by this Act and the relevant generally binding legal regulations issued on the basis thereof. The permission or authorisation proceedings followed by the Authority shall be independent of the proceedings by any other administrative body. The applicant shall be the only participant of the proceedings.
- (5) Applicants for permission or authorisation shall be liable to enable Authority inspectors and persons invited by the Authority access to premises and places of the applicant and to render them the necessary cooperation upon the verification of the meeting of the conditions for permission or authorisation to be issued.
- (6) If the elements required are included in the application, if the required documentation is attached to the application and the applicant has fulfilled conditions, the Authority shall decide on the issuance of the permission or authorisation
  - a) within 60 days unless this Act provides for differently,
  - b) within four months if siting of nuclear installation, except repository is concerned,
  - c) within six months if nuclear installation commissioning or decommissioning stage is concerned,
  - d) within one year if building authorisation, siting and closure of

repository or repeated authorisation for operation of a nuclear installation pursuant to Section 2 are concerned.

- (7) The time periods mentioned in Section 6 shall commence upon the delivery day of the complete application together with the prescribed documentation; such periods of time shall be extended by the amount of time during which the European Commission acts if its statement, standpoint, or approval is required pursuant to the special regulation.<sup>5)</sup>
- (8) If the Authority finds out that the application lacks elements as mentioned in § 6 Sec. 1, or that documents as mentioned in § 6 Sec. 2 are not attached to application, it shall request the applicant within 30 days from the application delivery day to eliminate the deficiencies or to provide the missing documents. In its request, the Authority shall determine a reasonable period of time for the elimination of the deficiencies and the submission of the missing documents, which shall not be shorter than 30 days. In its request, the Authority at the same time shall notify the applicant of the consequences of failing to eliminate the deficiencies or submit the missing documents, as mentioned in Section 9.
- (9) If the applicant fails to eliminate the deficiencies of the application or fails to submit the missing documents within the time period set by the Authority in spite of notice of possible suspension of the proceedings by the Authority, the Authority shall suspend the proceedings.

## § 9

### Modification, cancellation or extinction of permission or authorisation

- (1) The procedure mentioned in § 6 through 8 shall be followed if application for modification of permission or authorisation is concerned.
- (2) The Authority may modify or cancel permission or authorisation issued to authorisation holder who violates his duties as laid down in this Act, the generally binding legal regulations issued based thereon, or conditions specified in the permission or authorisation.

- (3) The Authority may decide to cancel or modify permission or authorisation if their holder
  - a) fails to eliminate, within the deadlines set by the Authority, deficiencies identified by the latter,
  - b) will request in writing for cancellation or modification .
- (4) Permission or authorisation shall extinguish
  - a) upon the death of the natural person concerned or his/her being declared dead,
  - b) upon the dissolution day of the legal person concerned,
  - c) upon the expiry date for which it was issued,
  - d) by the decision of the Authority on the cancellation thereof.

## § 10

### Duties of the authorisation holder

- (1) Within the scope of the permission or authorisation, the authorisation holder shall be liable to
  - a) ensure nuclear safety, physical protection, emergency preparedness, including verification thereof,
  - b) observe documentation reviewed or approved by the Authority; any deviations from the documentation is allowed after preceding re-assessment or approval by the Authority,
  - c) continuously and comprehensively evaluate the compliance with the principles mentioned in § 3 Sec. 3 through 5 and to ensure the practical implementation of the evaluation results,
  - d) adhere to the conditions of the permission or authorisation, to investigate without any delay any violation of the these conditions and to take remedial measures and to prevent such violations from their repeating,
  - e) observe with the limits and conditions of safe operation or limits and conditions of safe decommissioning; the Authority shall be notified, without any delay, of their violation, failure to adhere to them or their exceeding,
  - f) observe with the technical and organisational requirements laid down by the generally binding legal regulations,
  - g) render, upon the Authority carrying out inspection activities, Authority inspectors the necessary assistance pursuant to the specific regulation<sup>12</sup> to provide inspectors with personal protective means to be able to carry out inspection activities, to render necessary assistance to persons invited by the Authority for evaluation of issues related to the performance of the inspection activities, allow access to the necessary documentation or provide other information under Authority's competence at Authority's request, even if they do not relate to the inspection activities,
  - h) enable management of nuclear material, radioactive waste and spent fuel only to authorisation holders for management thereof pursuant to this Act,
  - i) appoint only persons who meet the requirements mentioned in § 24, to perform working activities; and in case of persons performing activities pursuant to the special regulation<sup>6</sup>) to ensure the verification of their competency in accordance with this special regulation,
  - j) reimburse the Authority costs connected with the verification of special professional competency,
  - k) notify the Authority without any delay of any modification as mentioned in § 2 letter v),
  - l) submit to the Authority any modification as mentioned in § 2 letter u) for permission or approval , at least one month prior to its foreseen implementation,
  - m) inform the public about the nuclear safety assessment status,
  - n) inform the Authority without any delay of the declaration of insolvency or rejection of insolvency proceedings because of lack of assets,
  - o) submit to the Authority classification of nuclear installation and nuclear material into the respective categories concerning the physical protection,
  - p) work out preliminary on-site on site emergency plan, on-site on site emergency plan as well as source documents for off-site emergency plan and emergency transport order,

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12. Act of the National Council of the Slovak Republic No. 10/1996Coll.LL. on Control in Public Service, as amended from time to time.

- q) notify the Authority demonstrably and without any delay, about interventions taken with the aim of averting incident, accident or remediation of their consequences,
- r) notify, in accordance with the approved physical protection plan, the Authority in writing of any aviation activities<sup>13</sup> at nuclear installation premises and in their immediate vicinity.
- (2) The authorisation holder pursuant to § 5 Sec. 3 letters b) through e) shall be liable to submit to the Authority sufficiently ahead of time prior to the expiration date of authorisation, while taking into account the deadlines pursuant to the § 8 Sec. 6 and 7, the application and relevant documentation for issue of authorisation for the relevant activity to be continued.
- (3) The authorisation holder shall be liable to enable Authority inspectors, persons invited by the Authority as well as authorised persons of international organisations carrying out inspections in accordance with the international commitments of the Slovak Republic, access to premises and places of nuclear installations in which nuclear materials are located, and to render them the necessary assistance upon the performance of their activities.
- (4) Authorisation holders for shipment of radioactive material and State authorities responsible for off-site emergency plans at regional level shall enable Authority inspectors, persons invited by the Authority as well as authorised persons of international organisations carrying out inspections in accordance with the international commitments of the Slovak Republic, access to documentation, premises and facilities to which the relevant emergency plans are concerned to.
- (5) The authorisation holder shall be liable to forward to the Authority data required by this Act, and to the European Commission or another competent body of the European Union data required by the special regulations mentioned in §13, as well as additional data required by

international agreements that the Slovak Republic is bound by in relation to the European Union in respect of non-proliferation of nuclear weapons. At the same time, authorisation holder shall be liable to deliver to the Authority data required by the special regulations.<sup>14</sup>

- (6) The authorisation holder shall be liable to notify the Authority in writing of any changes in facts on the basis of which permission or authorisation were issued and of any facts which might result in modification or cancellation of the permission or authorisation. Such notification shall be made within 15 days of the occurrence of such change.
- (7) The authorisation holder shall be liable to also comply with additional duties as specified in this Act.

**PART THREE  
NUCLEAR MATERIALS, SPECIAL  
MATERIALS AND EQUIPMENT, AND  
SHIPMENT OF RADIOACTIVE  
MATERIALS**

§11

Nuclear materials, special materials and  
equipment

- (1) Nuclear materials are materials defined pursuant to special regulations.
- (2) Special materials and equipment are materials and equipment defined pursuant to special regulation.<sup>9)</sup>
- (3) Doubts whether a specific substance is nuclear material or whether a specific material or equipment is special material shall be decided upon by the Authority.
- (4) Special materials and equipment being subject of supervision by the Authority shall be determined by a generally binding legal regulation to be issued by the Authority.

§12

Management of nuclear materials

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13. E.g., § 44 of Act No. 143/1998 Coll. LL. on Civil Aviation (Aviation Act) and on Amendments and Supplements to Some Laws, as amended by Act No. 37/2002 Coll. LL.

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14. Article 79 of the Treaty on the establishment of the European Atomic Energy Community

- (1) The Authority shall, in its decision, determine another authorisation holder pursuant to § 5 Sec 3 letter g) or n) to take the necessary measures in respect of nuclear materials whose owner is unknown or whose authorisation pursuant to § 9 Sec.4 expired, or of nuclear materials acquired in contradiction with this Act. Reimbursement of expenditures incurred by such an authorisation holder shall accordingly follow the provision of § 21 Sec. 9.
- (2) Anybody who finds nuclear material or other equivalent radioactive material or suspects that nuclear material or other equivalent radioactive material is concerned, shall be liable to notify, without any delay, the Authority, the Police or Chief Hygienist of the Slovak Republic of the finding.
- (3) Anybody who identifies loss or theft of nuclear material or other equivalent radioactive material or suspects that or has the knowledge of a damage to nuclear material or other equivalent radioactive material, of monitoring equipment or seals controlling the status and flows of nuclear materials, shall be liable to notify, without any delay, the Authority, the Police or Chief Hygienist of the Slovak Republic and the European Commission of this fact.
- (4) In addition to the data pursuant to § 6, natural persons or legal persons in their application for the issuance of an authorisation pursuant to § 5 Sec.3 letter g) or n), shall indicate
  - a) types of nuclear materials,
  - b) activities for which the nuclear materials will be used.
- (5) If nuclear materials shall be managed at nuclear installation, data required by the special regulation<sup>15</sup> shall be attached to the application for the issuance of an authorisation.
- (6) Natural persons or legal persons shall submit an application for the issuance of authorisation
  - a) at least six months before the first receipt of nuclear materials to nuclear installation,
  - b) at least two months before the first receipt of nuclear materials outside of nuclear installation.
- (7) Ways of use of nuclear materials by which they get spent or diluted so that they cannot be recovered or upon which they substantially change their form or status, with the exception of the use of nuclear fuel at nuclear reactor, may only be allowed with the preceding permission of the Authority and the European Commission.
- (8) Details concerning requirements upon management of nuclear materials shall be laid down by a generally binding legal regulation to be issued by the Authority.

### § 13

#### Record keeping system and control of nuclear materials

- (1) The authorisation holder pursuant to § 5 Sec. 3 letters g) and n) shall be liable to
  - a) keep records of such materials within the scope required by special regulations<sup>16</sup>, and operation records, to submit to the Authority reports on inventory changes,
  - b) provide the Authority with copies of documentations as requested by special regulations,<sup>16</sup>
  - c) appoint an employee who shall be responsible for keeping records and operation records on nuclear materials control, and report the Authority and the European Commission his/her given name and surname together with other contact data,
  - d) keep the Authority and the European Commission informed on non-compliance with duties pursuant to special regulations.<sup>17</sup>
- (2) Details concerning the operation record keeping, details concerning the conduct of inspection activities by the Authority,

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15. Treaty on the establishment of the European Atomic Energy Community. Commission Regulation (Euratom) No 3227/76 of 19 October 1976 concerning the application of the provisions on Euratom safeguards, as amended from time to time (Official Journal of the European Community L 363, 31.12.1976).

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16. Treaty on the establishment of the European Atomic Energy Community.

17 Chapter 7 of the Treaty on the establishment of the European Atomic Energy Community.

details concerning the preparation and submission of reports on inventory changes and concerning the method of notification and reporting of events connected with the function of the control equipment and with nuclear materials shall be laid down by a generally binding legal regulation to be issued by the Authority.

#### § 14

##### Import and export of nuclear materials, export of special materials and special equipments

The Authority shall issue authorisation for import or export of nuclear materials, export of special materials and equipment pursuant to special regulations<sup>18</sup> to a natural person or a legal person based on written application with the documentation attached pursuant to Annex 2 indent B. The special regulations<sup>9)</sup> shall be followed upon issuance of authorisation for export of special materials and equipment; the competent authority for the execution of that special regulation is Ministry of Economy.

#### §15

##### Shipment of radioactive materials

- (1) The consignor of radioactive materials shall mean a natural person or a legal person that prepares the shipment of radioactive materials, and is named as the consignor in the transport documents, and is authorisation holder for shipment of radioactive materials.
- (2) Unless this Act establishes otherwise, radioactive materials may only be transported based on shipment authorisation issued by the Authority to consignor.
- (3) Authorisation for shipment of radioactive materials shall be issued by the Authority upon submission of a written application with the documentation attached pursuant to the Annex 2 indent A.
- (4) Shipment of radioactive materials may be performed only by means of transport equipment which type was approved by

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18. § 9 Sec. 6 letter c), § 13 Sec. 4 letter c) and § 20 Sec. 3 letter b) of Act No. 21/2007 Coll. on Dual-Use Goods and Technologies and on Alterations and Amendments to Some Other Acts.

the Authority. The Authority shall make a decision on application for approval of the transport equipment type within 12 months from the opening of the proceedings. Holder of decision on approved type of transport equipment shall be liable to report the serial numbers of the transport equipment to the Authority. Details concerning the elements of application and documents necessary attached to the application shall be laid down by a generally binding legal regulation to be issued by the Authority.

- (5) Decision on the approval of the transport equipment type shall be issued for a five years period at maximum.
- (6) The consignor shall be liable to verify the conformity of the properties and parameters of transport equipment with the approved type and to provide evidence for the conformity.<sup>19</sup>
- (7) Transport equipment for the shipment of radioactive materials, approved in an equivalent manner in Member States or in some of a Member State of the European Free Trade Agreement, which at the same time is the signatory party to the European Economic Area, shall be deemed to be a type-approved pursuant to this Act.
- (8) Transport equipment for shipment of radioactive materials approved in an equivalent manner in countries not falling under section 7 may the Authority deems to be a type approved pursuant to this Act.
- (9) In respect of transport equipment determined for the transport of radioactive materials, documentation on tests shall be attached to the documents serving as the basis for the Authority decision on type approval. Persons authorised to carry out such tests at applicant's costs shall perform aforementioned tests.
- (10) Authorisation for shipment of radioactive materials shall be issued for each shipment separately; this is not the case of shipment where the same type of radioactive materials is concerned, with the same type of shipment by the same consignor; in such cases, authorisation for shipment may be issued for a one year

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19. Act No.264/1999Coll.LL. on Technical Requirements on Products and on Conformity Assessment, and on Amendments and Supplements to Some Laws, as amended from time to time.

period at maximum for the shipment of nuclear materials or spent fuel, or for a three years period at maximum for the shipment of radioactive waste.

- (11) Authorisation for the shipment of radioactive materials shall not be required for shipment of
- a) products from non-irradiated natural and depleted uranium and non-irradiated thorium,
  - b) nuclear materials which total transported amount within period of 12 consecutive calendar months shall not exceed
    1. 500 kg of natural non-irradiated uranium or
    2. 1000 kg of non-irradiated depleted uranium and non-irradiated thorium.
- (12) The consignor of radioactive materials shall be liable to take care of the notification of their entering or leaving the territory of the Slovak Republic into or out of non-European Union member countries to the Border Customs Office, and to submit to this Border Customs Office a certified copy of the relevant authorisation; if transit is concerned, a certified copy of the valid authorisation issued by the State to which the radioactive materials from the Slovak Republic are to be released, shall be submitted at the entrance. The Customs Office shall not release such goods unless this condition is met. The Customs Office shall report data given in these documents to the Authority.
- (13) The provisions of § 21 Sec. 3 shall apply accordingly to the shipment of radioactive materials. Requirements pursuant to the international agreements<sup>20</sup>, the Slovak Republic is bound by, must be met upon shipment of radioactive materials.
- (14) Details concerning the requirements on shipment of radioactive materials shall be laid down by a generally binding legal regulation to be issued by the Authority.

#### §16

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20. E.g., Regulation of Minister of Foreign Affairs No. 64/1987 Coll. on European Convention on International Road Transport of Hazardous Goods (ADR); Regulation of Minister of Foreign Affairs No.8/1985 Coll. on Convention on International Railway Transport (COTIF).

#### Shipment of radioactive waste between Member States and from and to the Community

- (1) The holder of radioactive waste shall be a natural person or a legal person holding legal responsibility for it in the period before its transport, who (which) intends to transport it to the consignee.
- (2) The consignee of radioactive waste shall be a natural person or a legal person to whom (which) radioactive waste is transported.
- (3) The competent authority shall be a body in the country of origin, transit or destination, which in accordance with the national legal system has power in the field of supervision and control of shipment of radioactive waste.
- (4) Application for the authorisation for shipment of radioactive waste to Member States or states which are non-Member States (hereinafter referred to as "other countries") shall be submitted by radioactive waste holder using the standard document the specimen of which is contained in Annex 3 Section A.
- (5) The holder of radioactive waste shall attach to the application pursuant to the Section 4 a statement confirming that he will take radioactive waste back should he not be able to assure its shipment to the consignee or should the shipment become impossible under conditions imposed by the competent authorities of other countries. In case of the shipment of radioactive waste from other country, the consignee shall assure the radioactive waste holder statement. This statement shall also include the financial arrangements of the re-shipment of the radioactive waste.
- (6) Authorisation for re-shipment of radioactive waste, shipment of which has not been completed, shall be issued by the Authority.
- (7) The Authority shall forward the application pursuant to Section 4 for review to the competent authorities of country of residence of radioactive waste consignee (hereinafter referred to as the "destination country") and of transit country.
- (8) A single application may be submitted for authorisation for several shipments of

- radioactive waste pursuant to Section 4 provided that at the same time
- a) the radioactive waste have identical physical, chemical and radiological characteristics,
  - b) the shipment will be carried out between the same holder and the same consignee of radioactive waste and include the same competent authorities,
  - c) the radioactive waste
    1. will enter the territory of the Member State from other country via the same frontier post,
    2. will leave the territory of the Member State to other country via the same frontier post,
  - d) the competent authorities of the countries participating in the shipment shall not decide differently.
- (9) The Authority shall reply the application pursuant to Section 4 forwarded by the competent authority of the Member State from which the holder of radioactive waste dispatches such waste (hereinafter referred to as “country of origin”) using the standard document the specimen of which is contained in Annex 3 Section B, within two months from the application delivery day.
- (10) Where necessary, the Authority may request the competent authority of the country of origin a one-month extension of the time for assessment of the application pursuant to Section 4.
- (11) If the Authority shall not receive any statement from competent authorities of the destination country and transit countries concerning the application forwarded pursuant to Section 4, within the time periods pursuant to Section 9 or 10, their position shall be deemed as the consent with the shipment of radioactive waste, unless these countries have informed the European Commission in advance that they do not agree with such a procedure of automated authorisation for shipments of radioactive waste.
- (12) Where the Authority disapproves the application or issues an authorisation conditionally, it shall also indicate the reasons for such refusal or conditions to be met.
- (13) Where the Authority issues an authorisation for the shipment of radioactive waste of a similar nature as that one already authorised by the competent authority of the Member State of destination or a Member State of transit, the Authority may not impose stricter conditions.
- (14) The Authority will not issue an authorisation for shipment of radioactive waste into Member States unless the competent authorities of the destination Member State and transit Member States have approved the application pursuant to Section 4. The Authority shall inform these competent authorities about the issuance of the authorisation, using the standard document the specimen of which is contained in Annex 3 Section C.
- (15) The completed standard documents shall be attached to the accompanying documentation upon the shipment of radioactive waste to Member States. Where radioactive waste is transported by railroad, the standard documents shall be submitted to the competent authorities of the Member States concerned. The list of consignments shall be compiled by the holder of the radioactive waste prior to any transport using the standard document the specimen of which is contained Annex 3 Section D. The document shall accompany the radioactive waste during the shipment. Upon the completion of the latter, the document shall be attached to the acknowledgement of receipt of the waste.
- (16) Within 15 days of the receipt of radioactive waste, the consignee of radioactive waste from the Member State concerned shall confirm to the Authority the receipt of the waste using the standard document the specimen of which is contained in Annex 3 Section E. The Authority shall forward the copy of acknowledgement of receipt of the waste to the competent authorities of the Member States concerned.
- (17) If the Authority receives an acknowledgement of receipt of the waste shipped from the Slovak Republic a copy of an acknowledgement of receipt of the waste shall be mailed to the original holder of the radioactive waste.
- (18) Application for authorisation for shipment of radioactive waste from Member States or other countries shall be submitted to the Authority by the

consignee of the radioactive waste using the standard document the specimen of which is contained in Annex 3 Section A. In such a case, the consignee of the radioactive waste shall be deemed to be a holder thereof, and the Authority shall act as the competent authority of the country of origin in relation to the competent authorities of the transit Member States, based on consignee's information.

- (19) Where radioactive waste shipped from other country to a consignee in another country enters the territory of a Member State via the territory of the Slovak Republic, the Slovak Republic shall be deemed to be Member State of origin, and the Authority shall act based on information provided by the person responsible for the shipment of radioactive waste via the territory of the Slovak Republic.
- (20) While reviewing the application for authorisation for shipment of radioactive waste into other country, the Authority shall inform the competent authority of country concerned about the shipment under preparation and about the issuance of authorisation for shipment unless shipment of radioactive waste to that country has not been previously banned pursuant to § 3 Section 8; the standard document the specimen of which is contained in Annex 3 Section B shall be used for that purpose.
- (21) The holder of radioactive waste, to whom (which) the Authority issued an authorisation for shipment into other country, shall inform the Authority in writing about the receipt of the radioactive waste within two weeks of their receipt in destination country. The written information shall also include
- a) an information about the last customs office which released the radioactive waste across the border of the Member State to other country,
  - b) a declaration of the consignee confirming that the radioactive waste were received at the destination and indicating the customs office which released the radioactive waste to the territory of the destination country.
- (22) If the Authority issued an authorisation for shipment of radioactive waste, the Authority will enable its re-shipment after processing or treatment in case of the

radioactive waste shall not be possible to re-ship to the consignee and, at the same time, the requirements laid down in the generally binding legal regulation to be issued by the Authority as well as requirements under international agreements, the Slovak Republic is bound by, are met.<sup>20)</sup>

- (23) Unless the holder of radioactive waste is not at the same time the originator of radioactive waste, then its originator is entitled to contractually transfer the responsibility for waste to the holder of the radioactive waste, and shall be liable to inform the Authority of this fact within 15 days after the signing of the contract.
- (24) The standard documents contained in Annex 3 shall be filled pursuant to the instructions contained in the individual sections of these documents.
- (25) The competent authority in the Slovak Republic to issue authorisation and to supervise shipments of radioactive waste between Member States and from and into the Community shall be the Authority. The Authority shall forward to the European Commission its name and address as well as all the information necessary for rapid communication, together with its disagreement, if any, with the automated procedure of authorisation, within 30 days of this Act entering into effect. The Authority shall keep the European Commission informed of any modifications of information needed for rapid communication, and shall forward such information without any delay as soon as it becomes available.
- (26) The Authority shall inform the European Commission once in two years, for the first time within 30 days of this Act entering into effect, about
- a) the application of the provisions of Sections 4 through 22,
  - b) shipments of radioactive waste via the territory of the Slovak Republic.

## PART FOUR NUCLEAR INSTALLATIONS

### § 17

#### Siting of nuclear installations

- (1) The Authority shall decide on issuance of the siting permission of nuclear installation based on written application with the attached documentation pursuant to Annex 1 Section A, and based on the statement of the European Commission pursuant to the special regulation.<sup>21</sup>
- (2) Based on application with the attached documentation pursuant to Annex 1 Section A, the Authority shall issue a statement about the environmental impact assessment of nuclear installation pursuant to the special regulation<sup>8</sup>) as well as the assessment of potential impact of the surrounding environment on nuclear installation.
- (3) Details concerning the scope, content and method of preparation of documentation pursuant to Annex 1 Section A shall be laid down by a generally binding legal regulation to be issued by the Authority.

### § 18

#### Building permission for the construction of nuclear installations

- (1) A special regulation<sup>22</sup> and this Act shall apply to building permission proceedings

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21. Article 41 of Treaty on establishment of European Atomic Energy Community. Council Regulation (Euratom) No.2587/1999 of 2 December 1999, which defines investment projects subject to notification to the European Commission in accordance with article 41 of Treaty on establishment of European Atomic Energy Community (Official Journal of the European Communities L 315,09.12.1999).

Commission Regulation (EC) No.1209/2000 of 8 June 2000 on notices pursuant to article 41 of Treaty on establishment of European Atomic Energy Community (Official Journal of the European Communities L 138,09.06.2000), as amended by Commission Regulation (Euratom) No.1352/2003 of 23 July 2003 (Official Journal of the European Communities L 192,31.07.2003).

22. § 43 through 85 of Act No.50/1976 Coll., as amended from time to time.

for the construction of nuclear installations.

- (2) Only holder of valid building permission issued pursuant to the special regulation<sup>23</sup> shall be authorised to undertake construction of nuclear installation.
- (3) The Authority shall decide on the issuance of building permission for the construction of nuclear installation based on written application for building permission of the constructor with the documentation required by the special regulation<sup>11</sup>) and the documentation pursuant to Annex 1 Section B attached thereto.
- (4) Construction of nuclear installations involving specific interventions into the earth crust, such as underground repositories, shall be subject of specific regulations<sup>24</sup> unless this Act establishes otherwise.
- (5) Details concerning the scope, contents and method of preparation of the documentation pursuant to Annex 1 Section B shall be laid down by a generally binding legal regulation to be issued by the Authority.

### §19

#### Commissioning of nuclear installations and operation of nuclear installations

- (1) Only authorisation holder for the commissioning and operation of nuclear installation shall be authorised to commission and operate a nuclear installation.
- (2) The commencement of the commissioning of a nuclear installation shall mean loading of the first fuel assembly into the nuclear reactor, as well as the commencement of the management of nuclear material or radioactive waste or spent fuel at nuclear installations, which do not involve nuclear reactor.
- (3) Authorisation for the commissioning of a nuclear installation shall be issued by the Authority upon submission of a written application with the documentation

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23. § 66 of Act No.50/1976 Coll., as amended from time to time.

24. Act No..44/1988 Coll. on the Protection and Utilisation of Mineral Wealth (Mining Act), as amended from time to time.

attached pursuant to the Annex 1 Section C. Such authorisation shall be a part of preliminary use of construction pursuant to the specific regulation.<sup>25</sup>

- (4) Permission for subsequent stage of commissioning shall be issued by the Authority upon the submission of a written application by the authorisation holder pursuant to Section 3, after having reviewed the evaluation report of the preceding stage of the commissioning of the nuclear installation.
- (5) Operation of nuclear installation is divided into the trial operation and operation.
- (6) Permission for trial operation shall be issued by the Authority upon the submission of a written application with the evaluation report on the nuclear installation commissioning attached. Such permission shall be a part of the permission for the temporary use of the construction for trial operation pursuant to the specific regulation.<sup>26</sup>
- (7) The Authority shall begin, at the authorisation holder proposal, the proceedings of official construction approval based upon affirmative evaluation of trial operation pursuant to the specific regulation.<sup>27</sup>
- (8) The authorisation holder shall record and maintain data on the operation of the nuclear installation important for decommissioning, which are introduced in the decommissioning conceptual plan. At the same time, he shall ensure the earmarked funds to cover the costs connected with decommissioning.<sup>28</sup>
- (9) Details concerning the scope, contents and method of preparation of the documentation pursuant to Annex 1 Section C and the report pursuant to the Sections 4 and 6 shall be laid down by a generally binding

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25. § 83 of Act No.50/1976 Coll., as amended from time to time.

26. § 84 Sec. 1 and 2 of Act No.50/1976Coll., as amended from time to time.

27. § 84 Sec. 3 of Act No.50/1976Coll., as amended from time to time.

28. Act of the National Council of the Slovak Republic No.254/1994 Coll. LL. on State Fund for the Decommissioning of Nuclear Energy Installations and Management of Spent Fuel and Radioactive Waste, as amended from time to time.

legal regulation to be issued by the Authority.

## § 20

### Decommissioning

- (1) After the termination of nuclear installation operation the authorisation holder shall be liable to ensure its decommissioning. The responsibility for the decommissioning shall be with the authorisation holder for decommissioning stage.
- (2) Prior to the scheduled shutdown of a nuclear installation for the purpose of termination of its operation the authorisation holder for operation shall be liable to submit the documentation pursuant to the specific regulation<sup>8)</sup> and to complete it in a way to meet the requirements on the contents of the decommissioning conceptual plan.
- (3) Authorisation for decommissioning stage shall be issued by the Authority based on a written application attached with the documentation pursuant to Annex 1 Section D.
- (4) Where decommissioning requires the construction and utilisation of new technological plants within the territory demarcated by the boundaries of the nuclear installation to be decommissioned, the requirements pursuant to § 18 and 19 shall apply accordingly to the submission, review and approval of documentation.
- (5) Conventional waste from decommissioning is non-radioactive waste that was produced exclusively during the decommissioning process and which is subject of the specific regulation.<sup>29</sup>
- (6) The Authority shall decide on removal of nuclear installation from the coverage of this Act based on a written application of the authorisation holder for decommissioning attached with the documentation pursuant to Annex Section F.
- (7) Details concerning the scope, contents and method of preparation of the documentation pursuant to Annex 1 Sections D and F shall be laid down by a generally binding

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29. Act No.223/2001 Coll. LL. on Waste and on Amendments and Supplements to Some Laws, as amended from time to time.

legal regulation to be issued by the Authority.

## PART FIVE

### MANAGEMENT OF RADIOACTIVE WASTE AND SPENT FUEL

#### § 21

#### Management of radioactive waste and spent fuel

- (1) The responsibility for the safe management of radioactive waste prior to their receipt at the repository shall be with the originator of the radioactive waste.
- (2) Treatment of radioactive waste shall mean actions leading to the creation of a form suitable for shipment and disposal or storage of radioactive waste.
- (3) Radioactive waste shall be managed in a way:
  - a) to maintain subcriticality,
  - b) to secure removal of residual heat,
  - c) to minimize effects of ionising radiation on staff, population and the general environment,<sup>2)</sup>
  - d) to take into account properties influencing nuclear safety such as toxicity, flammability, explosiveness, and other hazardous properties.
- (4) Generation of radioactive waste and management of radioactive waste shall follow technical and organisational measures so as to keep their amount and activity as low as reasonable achievable.
- (5) The responsibility for disposal of radioactive waste from nuclear installation and disposal of institutional radioactive waste as well as responsibility for closure of repository and its institutional control shall be with the State under conditions laid down by this Act and other generally binding legal regulations.
- (6) Radioactive waste repository may be placed on land in a State-ownership only, in accordance with the approved Concept of Territorial Development of Slovakia and other approved territorial-planning documentation.
- (7) Unless otherwise specified by specific Act<sup>28)</sup>, costs associated with the management of radioactive waste including costs of

the provision for institutional control after the closure of repository shall be borne by the originator of radioactive waste.

- (8) In the case of radioactive waste whose originator is not known or where originator is not capable of managing radioactive waste safely the Authority shall appoint another authorisation holder for management of radioactive waste. In its decision, the Authority shall define the scope of the management of such radioactive waste.
- (9) Costs associated with the management of radioactive waste whose originator is unknown or costs incurred by authorisation holder appointed by the Authority pursuant to Section 8 shall be borne by State Fund for Decommissioning of Nuclear Energy Installations and Management of Spent Fuel and Radioactive Waste. When the originator of radioactive waste is identified subsequently, he shall be liable to reimburse the Fund for the costs incurred upon the management of the radioactive waste.
- (10) All activities during radioactive waste management shall be directed towards safe disposal thereof.
- (11) Imports of radioactive waste to the territory of the Slovak Republic shall be banned, except for cases under which the procedure pursuant to § 16 is complied with and except for imports of radioactive waste authorised by the Authority,
  - a) that was generated by reprocessing and treatment of radioactive materials exported for this purpose and re-shipment of which was permitted by the Authority in advance,
  - b) for purposes of their processing or treatment on the territory of the Slovak Republic provided that the export of materials with aliquot activity has been contractually provided and authorised by the Authority.
- (12) The provisions of the Sections 1 through 11 shall also apply accordingly to spent fuel management; the responsibility for the spent fuel management until its delivery and its receipt to repository shall be with the authorisation holder who (which) has produced the spent fuel.
- (13) Details concerning requirements for spent fuel management, with the emphasis on its storage and disposal and for management of radioactive waste,

including its generation, classification of radioactive waste into classes, and details of requirements for its imports, and of requirements for the scope and contents of the documentation upon the management of radioactive waste, of requirements for equipment for management of radioactive waste, of requirements for record-keeping about management of radioactive waste shall be laid down by a generally binding legal regulation to be issued by the Authority.

## § 22

### Repository closure and institutional measures

- (1) Repository closure shall mean administrative and technical activities performed after the completion of the placement of radioactive waste or spent fuel into repository.
- (2) Institutional control shall mean a set of activities by which the legal person pursuant to § 3 Sec. 9 ensures control of access to the repository grounds and maintenance of the functionality of its barriers after repository closure by the time as specified in the safety documentation.
- (3) Authorisation for repository closure and for institutional control shall be issued by the Authority upon submission of a written application attached with the documentation pursuant to Annex 1 Section E by the authorisation holder for repository operation.
- (4) The authorisation holder shall take measures to ensure that after repository closure
  - a) records shall be kept,
  - b) institutional control of the repository shall be carried out,
  - c) remedial interventions shall be implemented if necessary whenever unscheduled release of radioactive substances occurs.
- (5) The scope of the records pursuant to Section 4 letter a) and the scope of the institutional control pursuant to Section 4 letter b) shall be determined by the Authority as an authorisation condition.
- (6) Details concerning the scope, contents and the method of preparation of the documentation pursuant to Annex 1 Section E shall be laid down in a generally

binding legal regulation to be issued by the Authority.

## PART SIX

### NUCLEAR SAFETY, PROFESSIONAL COMPETENCY, QUALITY ASSURANCE, PHYSICAL PROTECTION, OPERATIONAL EVENTS AND EMERGENCY PREPAREDNESS

## § 23

### Nuclear safety

- (1) The responsibility for nuclear safety shall be with the authorisation holder. The authorisation holder shall be liable to provide for adequate funds and human resources to ensure nuclear safety, including the necessary engineering and technical support activities in all areas related to nuclear safety. The authorisation holder shall pay attention to the safety issues prior over any other aspects of the authorised activity.
- (2) During the operation and during the decommissioning of a nuclear installation, the authorisation holder shall be liable to perform regular, comprehensive and systemic assessments of nuclear safety (hereinafter referred to as “periodic safety review”) taking into account the state of the art in the area of nuclear safety review, and to take measures to eliminate any deficiencies identified.
- (3) The authorisation holder shall issue operating procedures for the performance of activities at nuclear installation, in particular concerning operation, maintenance, control and tests of defined equipment. Such regulations must be in accordance with the conditions set in the authorisation. The authorisation holder shall update the above-mentioned procedures and supplement them according to the current status of nuclear installation.
- (4) The authorisation holder may implement the modifications of nuclear installation pursuant to § 2 letter u) only provided that a preceding approval or permission has been obtained from the Authority, and - in cases pursuant to the special regulations<sup>21)</sup>

- also after having obtained the statement of the European Commission.

- (5) The authorisation holder may implement the modifications of nuclear installation pursuant to § 2 letter v) only after a preceding notification to the Authority and after their review by the Authority pursuant to § 4 Sec. 2 letter g) second indent.
- (6) Separate records shall be kept by the authorisation holder about modifications of nuclear installation pursuant to § 2 letter u) or v).
- (7) Periodic safety review shall be performed by the authorisation holder at intervals and within the scope laid down by a generally binding legal regulation to be issued by the Authority.
- (8) Details concerning the nuclear safety requirements for nuclear installations in respect of their siting, design, construction, commissioning, operation, decommissioning and closure of repository, as well as the criteria for the categorisation of classified equipment into safety classes shall be laid down by a generally binding legal regulation to be issued by the Authority.

## § 24

### Professional competency

- (1) Professional competency shall mean the sum of technical knowledge, practical experience, knowledge of generally binding legal regulations and operating procedures issued by the authorisation holder, needed to perform the working activities of the authorisation holder employee. Professional competency shall be acquired through successful completion of professional training at a specialised facility.
- (2) Special professional competency shall mean the sum of professional knowledge, practical experience, principal attitudes and knowledge of generally binding legal regulations and operating procedures issued by the authorisation holder to ensure the nuclear safety, which is needed to perform working activities with direct impact on nuclear safety.
- (3) Working activities of nuclear safety relevance may be carried out only by

employees with professional competency, whose professional competency have been verified by a professional commission established by the operator of a specialised facility, and to whom the certificate of professional competency has been issued.

- (4) Licensed employees of authorisation holder for commissioning of a nuclear installation, operation or decommissioning of a nuclear installation shall mean employees carrying out working activities with direct impact on nuclear safety, who completed second level of university education acquired in the Slovak Republic or on the territory of the Member States<sup>30</sup> professional training, show health-related and mental competency, whose special professional competency has been verified by an examination commission established by the Authority and to whom the licence of special professional competency has been issued by the Authority.
- (5) The Authority shall issue licence of special professional competency based on the authorisation holder application pursuant to § 5 Sec.3 letters b) through d) after the meeting of qualification requirements pursuant to Sections 2 and 4, demonstration of health-related competency<sup>31</sup>, mental competency, completion of professional training and passing of the exam before the examination commission established by the Authority.
- (6) The holder of the authorisation pursuant to § 5 Sec. 3 letters b) through g) an j) shall be liable to provide for periodic examination of the employees<sup>32</sup> focusing on health-related and mental competency if needed for the performance of their working activities.

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30. § 3 Sec. 1 of Act No. 477/2002 Coll. LL. on the Recognition of Professional Competency and on Amendment and Supplements to Act of the National Council of the Slovak Republic No. 145/1995 Coll. LL. on Administrative Fees, as amended from time to time.

31. Act of the National Council of the Slovak Republic No. 277/1994 Coll. LL. on Health Care, as amended from time to time.

32. § 12 letter j) and § 17o of Act of the National Council of the Slovak Republic No. 272/1994 Coll. LL., as amended from time to time.

- (7) The operator of a specialised facility may carry out professional training of the authorisation holder employees based on an authorisation only. Professional training shall be carried out in accordance with the approved system of training according to the training programmes.
- (8) The Authority shall issue an authorisation to operator of a specialised facility based on a written application, after reviewing the technical equipment used during the training and the professional competency of the applicant employees.
- (9) Employees of the operator of a specialised facility who carry out professional theoretical training of licensed employees and their training on a simulator (hereinafter referred as to “the lecturers”) may carry out such activities based on licence of professional competency in the respective field of professional training only. Details concerning the verification and conditions of verification of professional competency of the lecturers shall be laid down by a generally binding legal regulation to be issued by the Authority.
- (10) Employees of the operator of a specialised facility who carry out professional training of licensed employees or employees with professional competency during their walk-through and on-the-job training (hereinafter referred to as “instructors”) may carry out such activities provided that they fulfil qualification requirements laid down in a generally binding legal regulation to be issued by the Authority.
- (11) The Authority shall issue the authorisation for professional training pursuant to Section 8 for the period of five years.
- (12) If a citizen of Member States having a skilled employment pursuant to Annex 4 is interested in vacancy at nuclear installation in the Slovak Republic, he shall not be discriminated because of his/her nationality or citizenship.
- (13) Under the terms of this Act, a skilled employment pursuant to Annex 4 shall mean regulated employment pursuant to the specific regulation<sup>33</sup> unless otherwise specified by this Act.
- (14) Under the terms of this Act, a special training based on which citizen of Member States can acquire special knowledge in the field of nuclear energy pursuant to Annex 4 shall mean a regulated training pursuant to the specific regulation<sup>34</sup>, unless otherwise specified by this Act.
- (15) Under the terms of this Act, regulated education shall be recognised pursuant to the specific regulation,<sup>35</sup> unless otherwise specified by this Act.
- (16) Professional competency in the field of nuclear energy with impact on nuclear safety based on recognised regulated education pursuant to Section 14 shall be equal to the professional competency pursuant to Section 1, unless otherwise specified by this Act or by the specific regulation.<sup>36</sup>
- (17) Professional qualification in the field of nuclear energy with direct impact on nuclear safety based on recognised regulated education pursuant to Section 14 shall be equal to the special professional competency pursuant to Section 2, unless otherwise specified by this Act or by the specific regulation.<sup>36</sup>
- (18) Details concerning professional training, activities of employees with professional competency and licensed employees of authorisation holders pursuant to § 5 Sec. 3 letters b) through g) and j) and their assignments to carry out the working activities, conditions of verification of their professional competency and their special professional competency including the issuance of licences of special professional competency, establishment of the professional commission and examination commission, documentation required to be attached to the application for the authorisation issuance pursuant to Section 8, requirements on professional training lecturers and professional training instructors , and requirements on the verification of their professional

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33. § 2 letter b) of Act No. 477 / 2002 Coll. LL.

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34. § 2 letter c) of Act No. 477 / 2002 Coll. LL.

35. § 10 through 16 of Act No. 477 / 2002 Coll. LL.

36. E.g., § 17n of Act No. 272 / 1994 Coll. LL., as amended from time to time.

competency including the issuance of licence of professional competency, shall be laid down by a generally binding legal regulation to be issued by the Authority.

## § 25

### Quality assurance

- (1) The authorisation holder pursuant to § 5 Sec. 2 and 3 letters a) through g), j) and k) shall be liable to establish the organisational structure, procedures and resources necessary to assure the quality of nuclear installations (hereinafter referred to as “quality system”).
- (2) Responsibility for the determination of and compliance with quality requirements for nuclear installations, classified equipment, their classification into the safety classes in the field of the use of nuclear energy including equipment supplies and provision of services shall be with the authorisation holder.
- (3) The quality requirements pursuant to Section 2 shall correspond to the nuclear safety importance of the equipment and the nuclear safety relevance of the activities.
- (4) Quality system documentation of authorisation holder, quality requirements for nuclear installation, classification of classified equipment into safety classes and quality requirements for classified equipment shall be approved by the Authority.
- (5) Details concerning requirements for quality system documentation of authorisation holder, as well as details concerning quality requirements for nuclear installations, details concerning quality requirements for classified equipment and details concerning the scope of their approval, shall be laid down by a generally binding legal regulation to be issued by the Authority.

## § 26

### Physical protection

- (1) “Unauthorised activities with nuclear installations, nuclear materials, special materials and equipment, radioactive waste or spent fuel“ mean activities carried out without the appropriate authorisation or

carried out with the objective of damaging, destroying, illicit trafficking or mislaying nuclear materials, special materials or equipment, radioactive waste or spent fuel.

- (2) “Sabotage” means any deliberate act directed against a nuclear installation or nuclear materials, special materials or equipment, radioactive waste or spent fuel during the management or shipment thereof, which may directly or indirectly, by release of radioactive substances, jeopardize the lives, health or property of the population or the environment.
- (3) The responsibility for the physical protection shall be with the authorisation holder within the scope of the authorised activities.
- (4) The authorisation holder shall be liable to assure that persons who, with his permit, stay within the site of the nuclear installation or participate in the activities mentioned in Articles 12 and 21, or who participate on the shipment of radioactive materials, would observe requirements of physical protection.
- (5) The authorisation holder shall be liable to provide for the verification
  - a) whether persons entering the site of a nuclear installation or participating in the shipment of radioactive materials are of unblemished reputation with the exception of
    1. persons whose unblemished reputation is required and demonstrated for the purpose of the performance of the activities pursuant to specific regulations,<sup>37</sup> and persons accompanying them or
    2. persons accompanied by designated employees of the authorisation holder pursuant to Article 5 Section 3 letters b) through g) and j),
  - b) whether persons who come into contact with category I and II nuclear materials, persons assuring physical protection, persons entering internal areas of a nuclear installation without being accompanied by designated employees of the authorisation holder, are reliable and of unblemished reputation ,

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37. E.g., Act No. 312/2001 Coll. LL. on Public Service and on Amendments and Supplements to Some Laws, as amended from time to time.

- c) of health related and mental capacity of all persons whose working activities may be related to nuclear safety.
- (6) In case of trespassing the site of a nuclear installation, unauthorised activities at nuclear installation, and unauthorised activities during the shipment of nuclear materials or threat of such activities, Police or Railroad Police shall, at authorisation holder's request, render assistance within the scope of their competencies.
- (7) Upon identifying the facts mentioned in Section 6, the authorisation holder shall be liable to take measures as necessary and to inform without delay the Police or the Railroad Police and the Authority.
- (8) Where the authorisation holder is unable to provide for physical protection of a nuclear installation, nuclear materials, radioactive waste or spent fuel in accordance with the generally binding legal regulations, approved documentation and with the conditions laid down in the authorisation, he shall be liable on the basis of respective request, to assure the physical protection in co-operation with the Police. The Police shall be liable to meet such a request on a contractual basis.
- (9) Details concerning the requirements on the provision for physical protection, including the classification of nuclear installation or nuclear material into categories for purposes of the provision of physical protection shall be laid down by a generally binding legal regulation to be issued by the Authority.

## § 27

### Operational events at nuclear installation and events during shipment of radioactive materials

- (1) "Operational event" shall mean an event in case of which threat or violation of nuclear safety has occurred at a nuclear installation during the commissioning of the nuclear installation, during its operation, during the decommissioning stage or during the closure of repository.
- (2) "An event during the shipment" shall mean an event during the shipment of radioactive materials, which caused non-compliance with the requirements on nuclear safety

- during the shipment of radioactive materials.
- (3) Operational events and events during the shipment are divided to
  - a) failure, which
    - 1. jeopardised nuclear safety without direct threatening of fulfilment of safety functions,
    - 2. disturbed safety barriers or other safety measures without direct consequences,
    - 3. induced the lapse of limits and conditions of safe operation and safe decommissioning,
    - 4. caused the violation of limits and conditions without direct consequences for fulfilling of the safety functions,
    - 5. triggered safety systems or triggered them due to actual reasons, but without direct consequences,
    - 6. caused violation of technical conditions or shipment regulations during the transport without direct consequences,
    - 7. caused other violation of reliability of equipment requiring remedial measures to be implemented to eliminate consequences,
    - 8. caused release of radioactive substances or ionising radiation without exceeding radiation limits,<sup>2)</sup>
  - b) Incident, which caused
    - 1. threat or violation of fulfilment of the safety functions ,
    - 2. failure of safety systems or triggering of safety systems due to actual reasons, requiring measures to be taken to eliminate the consequences,
    - 3. significant violation or failure of safety barriers,
    - 4. release of radioactive substances or ionising radiation with exceeding radiation limits,<sup>2)</sup>
  - c) Accident, which caused release of radioactive substances requiring implementation of measures to protect the population.
- (4) The authorisation holder shall be liable to
  - a) develop binding procedures to solve the events pursuant to Section 3,
  - b) timely implement preventive and safeguard measures and eliminate, without delay, conditions which might jeopardise nuclear safety, lives or health of persons,

- c) notify the Authority of deficiencies identified during operation, maintenance or control, which may result in the events pursuant to Section 3,
  - d) notify the Authority of events pursuant to Section 3 and in the case of incidents and accidents during commissioning of nuclear installation, operation of nuclear installation and decommissioning of nuclear installation also Ministry of Interior of the Slovak Republic and Ministry of Health of the Slovak Republic shall be notified. The authorisation holder shall identify their reasons and take remedial measures,
  - e) implement, based on the identified reasons of operational events and events during the shipment, measures to prevent them from repeating,
  - f) inform the public about incident, accident, measures to protect health and activities required to be taken upon such incident or accident.
- (5) The authorisation holder shall be liable to notify about incident or accident during the transport to the Authority, Ministry of Interior of the Slovak Republic, Ministry of Transport, Posts and Telecommunications of the Slovak Republic, and Ministry of Health of the Slovak Republic.
- (6) The Authority shall investigate the reasons and the circumstances of the occurrence of incidents and accidents, as well as of selected failures.
- (7) Details concerning the way of notification of operational events and events during the shipment, details concerning the investigation of their reasons shall be laid down by a generally binding legal regulation to be issued by the Authority.

## § 28

### Emergency planning and emergency preparedness

- (1) Emergency planning shall mean a set of measures and procedures to identify and cope with incidents and accidents at nuclear installations, and to identify and mitigate and eliminate consequences of release of radioactive substances into the environment during the management of radioactive materials, radioactive waste or

spent fuel, and during the shipment of radioactive materials.

- (2) The following emergency plans are distinguished:
- a) preliminary on-site emergency plan, which contains scheduled measures on the site of a nuclear installation or of several nuclear installations during its/their construction,
  - b) on-site emergency plan, which contains scheduled measures to be taken on the site of a nuclear installation or several nuclear installations, operated by a single authorisation holder, and links to off-site emergency plan,<sup>38</sup>
  - c) off-site emergency plan, which contains measures for the protection of the population within the emergency planning zone during the release of radioactive substances into the environment, as well as links to on-site emergency plan,
  - d) emergency transport order, which contain measures to be taken in case of an incident or accident during the shipment of nuclear materials.
- (3) The authorisation holder shall be liable to take preventive measures as well as measures to mitigate or eliminate consequences of incidents and accidents at nuclear installations or during the shipment of radioactive materials. He shall be liable to inform the public about the measures and procedures.
- (4) To provide for the responsibilities pursuant to Section 3, the authorisation holder shall be liable to establish a special workplace and to set up the organisational structure as necessary.
- (5) The Authority shall approve the size of emergency planning zone for every nuclear installation based on an application as a part of relevant authorisation proceedings. Regional offices concerned by the emergency planning shall, based on the approved size of emergency planning zone of the nuclear installation, make decisions on the involvement of municipalities into the emergency planning zone. Where the applicant for the relevant authorisation in relation to several nuclear installations located on the territory for which also a

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38. E.g., § 13 Sec. 1 letter i) of Act of the National Council of the Slovak Republic No. 42/1994 Coll. LL. on Civil Protection of the Population, as amended from time to time.

common on-site emergency plan has been developed, is a single person, such nuclear installations shall be deemed as a single nuclear installation with a single common emergency planning zone.

- (6) The authorisation holder for the commissioning and operation of a nuclear installation or decommissioning shall be liable to arrange for monitoring systems of the nuclear installation as well as monitoring systems within the emergency planning zone.
- (7) Public service authorities, municipalities, natural persons and legal persons concerned by emergency planning shall be liable to render assistance in the development of emergency plans within the scope of their competencies, and to provide each other with the necessary source materials.
- (8) The applicant for authorisation shall be liable to submit to the Authority on-site emergency plan for approval, after being reviewed by Ministry of Health of the Slovak Republic, at least eight months prior to the scheduled start of the commissioning of nuclear installation, and subsequently every five years for re-approval.
- (9) Regional offices shall be liable to submit to the Authority off-site emergency plans of regions within the emergency planning zone for review, at least eight months prior to the scheduled start of the commissioning of nuclear installation, and subsequently every five years for repeated review.
- (10) Applicants for authorisation for shipment of radioactive materials shall be liable to submit to the Authority emergency transport order, at least six months prior to the first scheduled shipment of radioactive materials, and subsequently every five years for repeated review.
- (11) Authorisation holders or regional offices shall be liable to submit emergency plans for repeated review or approval at intervals shorter than five years in the case of the modifications of nuclear installation pursuant to Article 2 letter u), modifications of the organisational structure pursuant to Section 4, or modifications of the means determined to cope with incidents or accidents at nuclear installation or during the shipment of

radioactive materials, modifications of the size of emergency planning zone, modifications of the size of common emergency planning zone or modifications of the provision for shipment of radioactive materials or modifications based on the results of exercises or inspections.

- (12) Emergency plans
  - a) pursuant to Section 2 letter c) shall be approved by Ministry of Interior of the Slovak Republic,
  - b) pursuant to Section 2 letter d) shall be approved by Ministry of Transport, Posts and Telecommunications of the Slovak Republic.
- (13) Approved emergency plans and approved sizes of emergency planning zones of nuclear installation shall be binding for all public service authorities, municipalities as well as for all natural persons and legal persons concerned by emergency planning.
- (14) Authorisation holders or regional offices shall exercise procedures according to the emergency plans prior to the commissioning of the nuclear installation or prior to the first shipment of radioactive materials; subsequently, authorisation holders or regional offices shall exercise them at regular intervals, evaluate the exercises and take corrective measures based on the results of evaluations.
- (15) Authorisation holders shall be liable to make their employees acquainted with preliminary on-site emergency plan, on-site emergency plan, and to train the designated employees for the performance of the functions under the respective on-site emergency plan. Authorisation holder shall instruct other persons of whose presence on the site of the nuclear installation he is aware, of their responsibilities during the occurrence of an incident or accident.
- (16) Holders of authorisation for the shipment of radioactive materials shall be liable to make persons involved in the shipment of radioactive materials acquainted with emergency transport order and to train designated persons for the performance of functions under emergency transport order. Other persons involved in the shipment of radioactive materials shall be instructed by authorisation holder of their responsibilities upon the occurrence

of an incident or accident during the shipment of radioactive materials.

- (17) Public service authorities and municipalities concerned shall be liable to make the public within the emergency planning zone informed about the protective measures for the population in case of an incident or accident at the nuclear installation or about an incident or accident during the shipment of radioactive materials.
- (18) Public service authorities and municipalities, as well as legal persons and natural persons concerned shall be liable to participate, within the scope and in the way determined by the specific off-site emergency plan, in exercising and taking of protective measures, as well as, within the scope determined, in the elimination of consequences of incidents or accidents at nuclear installations or incidents or accidents during the shipment of radioactive materials.
- (19) The Authority shall be responsible for the realization of exercises and evaluation of the course and the consequences of incidents or accidents at nuclear installations and during the shipment of radioactive materials and the development of draft measures or recommendations for further proceeding; these activities shall be carried out at the Authority's workplace equipped with the necessary technical means.
- (20) Authorisation holder, at its r own account, and public service authorities and their subordinated agencies, free of charge, shall be liable to provide the Authority with the data needed for the provision of emergency preparedness, for the preparation of exercises, evaluation of incidents or accidents at nuclear installations and during the shipment of radioactive materials, as well as for forecasts of their development, such as technological data of nuclear installations, data from radiation monitoring, meteorological data, and additional data; the format, scope and method of the provision of such data shall be specified by the Authority.
- (21) Details concerning the content of emergency plans, details of procedures concerning their submission and approval, measures, procedures and activities,

including the determination of the degree of severity of events according to international criteria, details about the notification of the Authority and the public, details concerning elements of source documents needed to be attached to the application for the approval of the size of the emergency planning zone, common emergency planning zone , including the deadlines for the submission of the application, details of systems of monitoring, details of training, exercises and updating of emergency plans, details of data to be provided and the time-course of incidents and accidents at nuclear installation and during the shipment of radioactive materials shall be laid down by a generally binding legal regulation to be issued by the Authority.

## **PART SEVEN**

### **LIABILITY FOR NUCLEAR DAMAGE AND FINANCIAL COVERAGE THEREOF**

#### § 29

#### Liability for nuclear damage

- (1) The provisions of the international treaty, which the Slovak Republic is bound by,<sup>39</sup> shall apply for the purposes of the liability for nuclear damage. The provisions of the generally binding legal regulations concerning liability for damage<sup>40</sup> shall only apply unless the international treaty or this Act establishes otherwise.
- (2) The authorisation holder for the commissioning of a nuclear installation, operation of a nuclear installation except repositories, and the authorisation holder for decommissioning stage or authorisation

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39. Vienna Convention on Civil Liability for Damage caused by Nuclear Event (Notice No.70/1996 Coll. LL.).

Joint Protocol to the Application of the Vienna Convention and Paris Convention (Notice No.71/1996 Coll. LL.).

40. § 415 through 450 of Act No. 40/1964 Coll. Civil Code, as amended from time to time. Act No.513/1991 Coll. Commercial Code, as amended from time to time.

holder for shipment of radioactive material shall be liable for nuclear damage under the international treaty the Slovak Republic is bound by, as mentioned in Section 1.

- (3) If a single person is an authorisation holder pursuant to Section 2 for several nuclear installations located on the territory for which also a common on-site emergency plan was approved, such nuclear installations shall be deemed as a single nuclear installation for the purposes of the liability for nuclear damage. Several nuclear installations located on the same territory, but operated by different authorisation holders, shall not be deemed as a single nuclear installation, even if those installations are technologically linked to each other.
- (4) In determining the extent of loss and the method of indemnification of nuclear damage, provisions of the generally regulations concerning liability for damage shall be used.40) Regulations applicable at the time of the occurrence of the nuclear event, which caused the nuclear damage, shall apply for purposes of determination of the nuclear damage. The right for indemnification for nuclear damage shall be statute barred if it fails to be claimed within three years of the date on which knowledge was or could be obtained by the injured party of the event resulting in nuclear damage and of who was liable for it or within 20 years of the occurrence of such an event, whichever comes earlier, or after the extinction of insurance if the validity of the policy was longer.
- (5) Damage which occurred by spending funds on necessary measures to avert or reduce irradiation or to recover initial or equivalent condition of the environment shall be also deemed as nuclear damage, provided that such measures were prompted as a result of a nuclear event and the nature of the matters allows it.
- (6) The amount of the liability of the authorisation holders pursuant to Section 2 in respect of nuclear damage caused by each single nuclear event shall be limited to

- a) EUR 75,000,000, if a power nuclear installation for energy purposes is concerned,
- b) EUR 50,000,000 if remaining nuclear installations and shipments of radioactive material are concerned.

### § 30

#### Financial coverage of liability for nuclear damage

- (1) Authorisation holder shall be liable to secure coverage of authorisation holder 's liability for nuclear damage up to the values shown in Article 29 Sec. 6, through insurance or other type of financial security.
- (2) Insurance shall be obtained or other financial security shall be established for each nuclear installation or shipment of radioactive material separately, with account being taken of the provisions of Section 4 and Article 15 Sec.11.
- (3) The coverage of the operator's liability for nuclear damage pursuant to Section 1 must be maintained during the whole period of validity of the authorisation pursuant to § 29 Sec. 2 and for at least 20 years after a nuclear event.
- (4) Nuclear events shall be exempted from the coverage of liability for nuclear damage caused by small quantities of nuclear material or radioactive waste, in respect of which no nuclear damage is expected. Details concerning the maximum limits of such quantities shall be laid down by a generally binding legal regulation to be issued by the Authority.
- (5) Upon the occurrence of a nuclear event, the authorisation holder shall be liable to make written notification available within the area affected by such an event, according to the findings of the Authority and other bodies concerned, that authorisation holder is liable for the nuclear damage caused by the event. This written notification must be available for public at the authorisation holder, at the Authority and in all municipalities within the area.

## PART EIGHT

### STATE SUPERVISION, INSPECTION ACTIVITY, NUCLEAR SAFETY INSPECTORS, INTERNATIONAL INSPECTIONS, ADMINISTRATIVE DELICTS AND INFRACTIONS

#### § 31

##### State supervision, inspection activity and nuclear safety inspectors

- (1) The Authority shall supervise the compliance with this Act and with the other generally binding legal regulations issued based thereon, as well as adherence to the scope and conditions laid down in the decisions pursuant to Article 4, and the fulfilment of measures to eliminate deficiencies identified in protocols (hereinafter referred to as “inspection activity”). The Authority shall carry out inspection activity at authorisation holders and at persons who may be justifiably suspected to use nuclear energy for other than peaceful purposes or without authorisation or at persons who may be justifiably suspected to violate commitments under international treaties concerning peaceful uses of nuclear energy; the Slovak Republic is bound by. The Authority shall also carry out controls at persons reasonably suspected to be involved in activities in the field of uses of nuclear energy pursuant to this Act without authorisation or permission.
- (2) Inspection activity shall be carried out by appointed civil servants (hereinafter referred to as “inspectors”) acting on behalf of the Authority.
- (3) Inspector shall carry out inspection activities while being employed as civil servants in the relevant field of civil service pursuant to the specific regulation<sup>37)</sup> by service office being the Authority. Inspector must meet qualification criteria, have acquired relevant competency and successfully passed inspector’s exam, thus meeting the special qualification criteria. Only such an inspector may serve in areas involving confidential information who, apart from meeting the criteria required from inspectors, is authorised to deal with confidential information pursuant to the specific regulation.<sup>6)</sup>
- (4) During the period before the passing of inspector’s exam, Authority’s employee trained for the position of inspector shall have the position of inspector candidate. He shall be authorised to carry out inspection activities when accompanied and supervised by an inspector.
- (5) Inspector’s exam shall comprise a written and an oral part. The inspector’s exam shall be passed before examination commission, members of which shall be appointed by Authority Chairman. The purpose of the inspector’s exam is to verify whether inspector candidate is familiar with and is able to apply the regulations needed for the performance of inspection activities in the field he is expected to carry out inspection activities.
- (6) The examination commission to inspector-candidate within 15 days shall communicate the result of inspector’s exam. The Authority shall issue to inspector-candidate certificate of successfully passed inspector’s exam.
- (7) After having successfully passed inspector’s exam, the Authority Chairman shall assign the inspector candidate to the inspector position based on the proposal of the examination commission chairman, and shall issue inspector ID.
- (8) The Authority Chairman and Vice-Chairman shall obtain inspector IDs upon their appointment to their office.
- (9) Upon carrying out inspection activities, inspector shall identify himself or herself by inspector ID.
- (10) Inspection activity may only be carried out so that human health and safety and the environment shall not be jeopardized.
- (11) Inspector shall be authorised to
  - a) enter at any time and without any restrictions the premises of authorisation holders as well as the premises of nuclear installations and premises where nuclear materials, special materials and equipment are held, or where radioactive waste or spent fuel are managed, to carry out inspection activities in them, to verify knowledge of regulations of employees with professional competency and licensed employees who do not currently perform activities with direct impact on nuclear safety; to investigate the status, causes and

- consequences of operational event and event upon shipment of radioactive materials; as well as to check the status of emergency preparedness; to carry out inspections of compliance with nuclear safety, physical protection, and operating procedures; to verify professional competency of authorisation holder employees; and to participate in the investigation of operational events and events upon shipment of radioactive materials,
- b) carry out inspection, participate in tests and carry out acts aiming at checking whether the requirements under this Act, the generally binding legal regulations issued based thereon, and conditions laid down in the Authority decisions and inspection activities protocols are complied with,
  - c) request submission of documentation, records or other documents necessary for the performance of inspection activities and request copies thereof and provision of information and explanation,
  - d) having notified the statutory body of authorisation holder or the employee designated by him, take samples of materials or media used, in quantities necessary for analysis, or take environmental samples,
  - e) use technical means to make photo, video and audio documentation necessary for the performance of inspection activities unless such use is not prohibited by specific regulations,<sup>6)</sup>
  - f) order to keep equipment, workplaces, buildings and structures or their parts in original condition until the completion of investigation or order to record the status of equipment, workplaces, buildings and structures or parts thereof as of the time of the performance of the inspection activities,
  - g) order to perform the measurements, controls, tests and other acts necessary for the performance of inspection activities,
  - h) after negotiation with the statutory body of the legal person or a person authorised by statutory body or a natural person – authorisation holder, deficiencies identified, to order, in the form of a protocol, measures to eliminate the deficiencies, including binding deadlines,
  - i) withdraw licence of special professional competency in cases where deficiencies concerning special professional competency or activities are identified in a licensed employee that might be of direct impact on nuclear safety; or in case of lecturer, to withdraw licence of professional competency if deficiencies of professional competency or activities are identified which result or might result in an unsatisfactory professional training of licensed employees of authorisation holders.
- (12) Inspector shall forward the withdrawn licence of special professional competency or licence of professional competency to the Authority for further proceeding. The Authority shall make a decision on the revoke or return within one month of the withdrawal of the licence.
  - (13) Licence of special professional competency or licence of professional competency may be revoked for a specified period of time, not exceeding three years, or permanently. The licence shall be revoked for a specified period of time in cases where the reasons for the revoke can be expected to extinguish. If the employee successfully passes the exam before an examination commission or a professional commission verifying special professional competency or professional competency of the employee concerned, than the licence shall be returned. The licence shall be revoked permanently, if the holder of the licence of special professional competency lost his/her physical or mental competence permanently.
  - (14) The authorisations of inspector pursuant to Section 11 shall apply accordingly also to in-situ review as part of the authorisation or permission procedure, as well as to the performance of inspections at persons in respect of whom justified suspicion has arisen of involvement in activities pursuant to this Act without authorisation or permission, or at persons who may be justifiably suspected to perform activities in the field of the uses of nuclear energy for other than peaceful purposes.
  - (15) Unless this Act establishes otherwise, the principal rules of control activities laid

down in the specific regulation<sup>41</sup> shall apply to the performance of inspection activities.

- (16) Inspection activity performed in manner and under conditions as laid above in Sections 1 to 15 and execution of Authority powers pursuant to § 4 Sec. 1 letters a) to e), j), k) and Sec. 2 and 3 shall mean an execution of the State supervision.

### § 32

#### Suspension of operation of nuclear installation

- (1) The Authority shall decide to restrict the scope or the validity of authorisation; or shall order the authorisation holder to take the necessary measures; or shall order to suspend the operation of nuclear installation where there is a risk in delay of or upon a serious occurrence of nuclear safety, physical protection or emergency preparedness relevance.
- (2) Where other authority has made the decision to suspend the operation of a nuclear installation due to reasons other than threat to safety, such body shall be liable to reimburse the authorisation holder for the costs needed to assure nuclear safety, and State Fund of Decommissioning of Nuclear Installations and Management of Spent Fuel and Radioactive Waste for the corresponding portion of the costs incurred as the result of such a decision.

### § 33

#### International inspections

- (1) "International inspection" shall mean an activity carried out by international inspectors based on international treaties the Slovak Republic is bound by.
- (2) "Inspection mandate" shall mean a document authorising international inspectors to carry out inspections pursuant to Section 1.
- (3) Any natural person or legal person shall be liable to render assistance to international inspectors upon inspection activities, in the

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41. § 8 through 13 of Act of the National Council of the Slovak Republic No. 10/1996 Coll. LL.

extent corresponding to the rights of the latter according to their inspection mandate.

- (4) Natural person and legal person concerned by international inspection shall have the right to be acquainted with the inspection mandate.
- (5) International inspections may only be carried out in a way, which does not jeopardise the health and the safety of people and the environment.
- (6) The provisions of Sections 1 through 5 shall apply accordingly also to other authorised persons designated by the European Commission who carry out activities pursuant to the specific regulation.<sup>42</sup>
- (7) Authority inspectors may participate in international inspections and, where the inspection is carried out by persons pursuant to Section 6, also representatives of ministries and other authorities of State administration may participate within the scope of their competencies laid down by specific regulations.<sup>43</sup>
- (8) Where necessary for the purposes of achieving the objective or the execution of international inspection, the Authority may request assistance from Police and Customs Authorities. In its request, the Authority shall specify the extent of the assistance. The Police and Customs Authorities shall be liable to meet the request by the Authority within the scope of their authorisations. Where a risk in delay exists, the Authority shall be entitled to ask the competent courts to issue preliminary ruling for the access of international inspectors into premises subject of international inspection.

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42. Article 35 of the Treaty on the establishment of European Atomic Energy Community.

43. E.g., Act No. 575/2001 Coll. LL. on the Organisation of Activities of the Government and Central Public Service Authorities, as amended from time to time.

## § 34

### Administrative delicts and offences

- (1) The Authority upon authorisation holder who has violated the provision of Article 3 Sec. 2, 7, 8 or 10, shall impose a fine of up to SKK 50,000,000.
- (2) The Authority upon legal person who has violated the provision of Article 3 Sec.6 shall impose a fine of up to SKK 30,000,000.
- (3) A fine of up to SKK 10,000,000 shall be imposed by the Authority upon authorisation holder who has violated his responsibilities under Article 10 or failed to comply with the conditions laid down in the authorisation or permission or failed to take, within the deadlines set, measures imposed upon him by the decision of the Authority or failed to take the measures imposed by inspector to eliminate the deficiencies pursuant to Article 31 Sec. 11 letter h).
- (4) A fine of up to SKK 1,000,000 shall be imposed by the Authority upon legal person who failed to meet the responsibilities under Article 3 Sec. 11 and 12, Article 12 Sec. 2 and 3, and Article 33 Sec. 3.
- (5) A fine of up to SKK 500,000 shall be imposed by the Authority upon authorisation holder who has failed to provide information important from the viewpoint of State supervision or failed to notify information of nuclear safety, physical protection or emergency preparedness relevance, or who has appointed an employee to carry out activities for which he/she does not meet the professional competency or special professional competency criteria.
- (6) A natural person who violates the provision of Article 3 Sec. 6 or fails to comply with the responsibilities under Article 3 Sec. 11 and 12, Article 12 Sec. 2 and 3 and Article 33 Sec. 3 shall be deemed to have committed an offence. For such offences, the Authority shall impose a fine of up to SKK 100,000. In offence

proceedings, the Authority shall proceed in accordance with the specific regulation.<sup>44</sup>

- (7) An additional fine amounting to up to twice the fine imposed in accordance with Sections 1 through 5 may be imposed upon the person who failed to remedy, within the deadline set, insufficiencies for which a fine has been imposed previously.
- (8) Proceedings on the imposition of fines pursuant to Sections 1 through 5 may be opened within one year of the date on which the Authority has identified the violation of responsibilities, but not later than within three years of the date on which the violation of the responsibilities occurred.
- (9) In imposing fines and determining their amounts according to Sections 1 through 5, an account shall be taken of mainly the severity, manner, duration and potential consequences of the violation of responsibilities, of co-operation and attitude of the entities subject of supervision or natural persons or legal persons concerned upon elimination of consequences of insufficiencies and to measures taken. In justified cases, the Authority may refrain from imposing the fine.
- (10) The criminal liability of authorisation holders, or natural persons and legal persons, as well as criminal liability of their employees shall not be prejudiced by the imposition of a fine.
- (11) The income of fines shall represent revenues of State Fund of Decommissioning of Nuclear Energy Installations and Management of Spent Fuel and Radioactive Waste.

## § 34a

### Contributions for execution of State supervision

- (1) Authorisation holder pursuant to § 5 Sec. 3 shall be obliged to pay an annual contribution for execution of State supervision (hereinafter "annual contribution").

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44. § 51 through 88 of Act of the Slovak National Council No. 372/1990 Coll. on Administrative Infractions, as amended from time to time.

- (2) If legal entity or natural person is holder of more authorisations pursuant to § 5 Sec. 3 at the same time, such holder shall be obliged to pay annual contribution for each activity the authorisation was granted therefore.
- (3) Annual contribution for commissioning of nuclear installation and for operation of nuclear installation [pursuant to § 5 Sec. 3 letter b) and c)], pursuant to the type of nuclear installation thereof, shall be
  - a) SKK 10.500 for each MWt of total installed thermal capacity for any nuclear installation pursuant to § 2 letter f) first indent,
  - b) SKK 1.000 for each nuclear fuel assembly stored therein up to the end of previous year for any nuclear installation pursuant to § 2 letter f) second indent,
  - c) SKK 1.150 for each GBq of the reprocessed radioactivity treated into the fibre reinforced concreted container during the previous year for any nuclear installation pursuant to § 2 letter third indent,
  - d) SKK 2.500 for each fibre reinforced concreted container disposed during the previous year in any nuclear installation pursuant to § 2 letter f) fourth indent.
- (4) Annual contribution for the construction of nuclear installation [pursuant to § 5 Sec. 3 letter a)] according to the type thereof, shall be 50 % of the annual contribution as laid down in Section 3 letter a), b), c) or d), where
  - a) for nuclear installation pursuant to § 2 letter f) first indent, total installed thermal capacity shall mean total installed thermal capacity as designed in project,
  - b) for nuclear installation pursuant to § 2 letter f) second to fourth indents, the state at the end of the previous year shall mean the state expected as on the 31<sup>st</sup> December of the year, in which the 12 months of nuclear installation operation is to be elapsed,
- (5) Annual contribution for decommissioning stage of nuclear installation [pursuant to § 5 Sec. 3 letter d)] according to the type thereof, shall be
  - a) 50 % of the annual contribution as laid down in Section 3 letter a),
  - b) 5% of the annual contribution as laid down in Section 3 letters b) to d), where the status at the end of year shall mean the status as on 31<sup>st</sup> December of the year that precedes the year in which the decommissioning stage authorisation has entered into effectuality.
- (6) Annual contribution for activities pursuant to § 5 Sec. 3 letter e) to n) shall be SKK 5.000.
- (7) Obligation of the authorisation holder to pay annual contribution shall rise on the first day of the calendar month that follows the month in which his authorisation entered into effectuality.
- (8) Authorisation holder shall be obliged to pay off his annual contribution by four equal instalments no later than on the tenth day of the first month of the calendar term with exception pursuant to Section 9.
- (9) If the annual contribution do not exceed an amount of SKK 10.000, it shall be paid off by a single payment no later than on the tenth day of the first month of the calendar year.
- (10) Authorisation holder, whose authorisation entered into effect during the calendar year, shall pay only proportional share of the annual contribution, no later than on the tenth day of the calendar month in which such obligation arose. If such proportional share of annual contribution do not exceed amount of SKK 10.000, it shall be paid off by a single payment.
- (11) Authorisation holder, whose authorisation was cancelled, extinguished or replaced by another type of authorisation during the calendar year, shall pay only proportional share of annual contribution for the calendar year concerned.
- (12) Proportional share of the annual contribution pursuant to Section 10 and 11 shall be calculated as one twelfth of the annual contribution multiplied by the number of calendar months in which the authorisation was or will be effective.
- (13) Obligation to pay annual contribution shall cease by the first day of the month that follows the month in which the decision on cancellation of authorisation enters into effect or the authorisation itself extinguishes.
- (14) If the annual contribution or instalment or proportional share thereof, are not paid in a regular and timely manner, authorisation holder shall be obliged to pay an interest on late payment of the

outstanding amount pursuant to Section 8 or 9 for each day of delay in amount of double discount rate of the National Bank Slovakia as valid on the first day of such delay. Authority shall not be obliged to recover an interest of late payment if it is not above SKK 100.

- (15) Annual contribution and instalments, proportional shares and interests on late payments thereof, shall be revenues of the State budget. Authority shall collect the annual contribution and instalments, proportional shares and interests on late payments thereof.
- (16) Annual contribution and instalments, proportional shares and interests on late payments thereof, shall be paid through the bank transfer or bank deposit directly at the Authority income account conducted by the State Treasury. Variable token shall mean a number that Authority assigned to each authorisation holder.

## **PART NINE**

### **COMMON, TEMPORARY AND FINAL PROVISIONS**

#### **§ 35**

##### **Relation to Administrative Proceedings Code**

Proceedings of the Authority shall be subject of the general regulation on administrative proceedings<sup>45)</sup> except the deadlines set for the issuance of rulings in proceedings pursuant to Article 8 Sec. 6 and Article 15 Sec. 4 and except of the elements of the rulings in proceedings pursuant to Article 15 Sec. 4, Article 16 and 24.

#### **§ 36**

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45. Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Proceedings Code), as amended from time to time.

Through this Act, the legal acts of the European Communities and the European Union listed in Annex 5 are implemented.

#### **§ 37**

##### **Temporary provisions**

- (1) The validity of authorisations issued pursuant to previous regulations, except of the authorisation of activities pursuant to Article 5 Sec. 2 and 3 of this Act, shall extinguish upon this Act taking into effect. Other rulings issued pursuant to the previous regulations shall be deemed as rulings issued pursuant to this Act.
- (2) Proceedings opened prior to the date this Act enter into force, shall be completed pursuant to the previous regulations. Proceedings concerning the licences shall be suspended upon the date of enter into force of this Act.
- (3) Where the carrying out of any activities in respect of nuclear energy uses is not in accordance with the conditions as laid down by this Act, the legal person or natural person concerned shall be liable to negotiate without delay with the Authority measures to bring them in compliance with this Act. The measures must be taken within the deadline set by the Authority or within six months of this Act taking into effect, whichever comes sooner.
- (4) The Authority shall issue to the inspectors new IDs pursuant to this Act within three months of this Act taking into effect.

#### **§ 37a**

##### **Temporary provisions for alterations and amendments effective as of 1st January 2008**

- (1) Authorisation holder, whose authorisation has been valid before 1<sup>st</sup> January 2008, shall be obliged to pay an annual contribution as of 1st January 2008.
- (2) Authorisation holder pursuant to Section 1 shall pay off their first instalment of the 2008 annual contribution in accordance with § 34a Sec. 8, or, their 2008 annual contribution pursuant to § 34a Sec. 9 no later than on 31<sup>st</sup> January 2008.

Repealing provisions

The following will be repealed:

1. Act No.130/1998 Coll. LL. on peaceful uses of nuclear energy and on amendments and supplements to Act No. 174/1968 Coll. on the State professional supervision of safety at work, as amended by Act of the National Council of the Slovak Republic No. 256/1994 Coll. LL. and Act No.470/2000 Coll. LL.,
2. Regulation of the Nuclear Regulatory Authority of the Slovak Republic No. 29/1999 Coll. LL. which publishes the list of special materials and equipment,
3. Regulation of the Nuclear Regulatory Authority of the Slovak Republic No. 30/1999 Coll. LL. which lays down details of maximum limits of quantities of nuclear materials which are not expected to cause nuclear damage,
4. Regulation of the Nuclear Regulatory Authority of the Slovak Republic No.186/1999 Coll. LL. laying down details of the provision for physical protection of nuclear installations, nuclear materials and radioactive waste,
5. Regulation of the Nuclear Regulatory Authority of the Slovak Republic No.187/1999 Coll. LL. on professional competency of employees of nuclear installations, as amended by Regulation of the Nuclear Regulatory Authority of the Slovak Republic No.317/2002 Coll. LL.,
6. Regulation of the Nuclear Regulatory Authority of the Slovak Republic No.198/1999 Coll. LL. on accounting for and control of nuclear materials,
7. Regulation of the Nuclear Regulatory Authority of the Slovak Republic No.245/1999 Coll. LL. on emergency planning for the case of incidents or accidents, as amended by Regulation of the Nuclear Regulatory Authority of the Slovak Republic No.318/2002 Coll. LL.,
8. Regulation of the Nuclear Regulatory Authority of the Slovak Republic No.246/1999 Coll. LL. on documentation of nuclear installations upon their decommissioning,
9. Regulation of the Nuclear Regulatory Authority of the Slovak Republic No.284/1999 Coll. LL. on details of transport of nuclear materials and radioactive waste,
10. Regulation of the Nuclear Regulatory Authority of the Slovak Republic No.31/2000 Coll. LL. on events at nuclear installations,
11. Regulation of the Nuclear Regulatory Authority of the Slovak Republic No. 190/2000 Coll. LL., laying down details of management of radioactive waste and spent fuel,
12. Regulation of the Nuclear Regulatory Authority of the Slovak Republic No. 317/2002 Coll. LL. on requirements on quality systems of authorisation holders and on amendments and supplements to Regulation of the Nuclear Regulatory Authority of the Slovak Republic No.187/1999 Coll. LL. on professional competency of employees of nuclear installations,
13. Regulation of the Nuclear Regulatory Authority of the Slovak Republic No.318/2002 Coll. LL. on safety documentation of nuclear installations and on amendments and supplements to Regulation of the Nuclear Regulatory Authority of the Slovak Republic No.245/1999 Coll. LL. on emergency planning for the case of incidents or accidents,
14. Regulation of the Nuclear Regulatory Authority of the Slovak Republic No.121/2003 Coll. LL. on nuclear safety assessment,
15. Regulation of the Nuclear Regulatory Authority of the Slovak Republic No.167/2003 Coll. LL. on requirements on nuclear safety of nuclear installations.

Article II

Act No.50/1976 Coll. LL. on physical planning and rules of construction (Construction Act), as amended by Act No.139/1982 Coll., Act No.103/1990 Coll., Act No.262/1992 Coll., Act of the National Council of the Slovak Republic No.136/1995 Coll. LL., Act of the National Council of the Slovak Republic No.199/1995 Coll. LL., ruling of the Constitutional Court of the Slovak Republic No.286/1996 Coll. LL., Act No.229/1997 Coll. LL., Act No.175/1999 Coll. LL., Act

No237/2000 Coll. LL., Act No. 416/2001 Coll. LL., Act No.553/2001 Coll. LL., ruling of the Constitutional Court of the Slovak Republic No.217/2002 Coll. LL., Act No. 103/2003 Coll. LL., Act No.245/2003 Coll. LL., Act No.417/2003 Coll. LL., and Act No.608/2003 Coll. LL. shall be amended and supplemented as follows:

1. Letter e) shall be added to Article 121 Section 2, which shall read as follows:  
„e) the Nuclear Regulatory Authority of the Slovak Republic in respect of extensions of nuclear installations and constructions connected with nuclear installations located on the grounds within the boundaries of a nuclear installation.”
2. The words “and nuclear safety of nuclear installations” shall be added to Article 126, Sec. 1 after the word “environment”.
3. The text “building permit and decision on approval of construction” shall be omitted from Article 126 Sec. 3 ”.

### Article III

Act of the National Council of the Slovak Republic No. 145/1995 Coll. LL. on administrative fees, as amended by Act of the National Council of the Slovak Republic No.123/1996 Coll. LL.; Act of the National Council of the Slovak Republic No.224/1996 Coll. LL.; Act No.70/1997 Coll. LL. ; Act No.1/1998 Coll. LL.; Act No.232/1999 Coll. LL.; Act No.3/2000 Coll. LL.; Act No.142/2000 Coll. LL.; Act No.211/2000 Coll. LL.; Act No.468/2000 Coll. LL.; Act No. 553/2001 Coll. LL.; Act No.96/2002 Coll. LL.; Act No.118/2002 Coll. LL.; Act No.215/2002 Coll. LL Act No.237/2002 Coll. LL.; Act No.418/2002 Coll. LL.; Act No.457/2002 Coll. LL.; Act No.465/2002 Coll. LL.; Act No.477/2002 Coll. LL.; Act No.480/2002 Coll. LL.; Act No.190/2003 Coll. LL.; Act No.217/2003 Coll. LL.; Act No.245/2003 Coll. LL.; Act No.450/2003 Coll. LL.; Act No.583/2003 Coll. LL.; Act No.5/2004 Coll. LL.; Act No.199/2004 Coll. LL.; Act No.204/2004 Coll. LL.; Act No.347/2004 Coll. LL.; Act No.382/2004 Coll. LL.; and Act No.434/2004 Coll. LL. shall be amended and supplemented as follows:

PART XII NUCLEAR SAFETY of the scale of administrative fees shall read as follows:

„Position 195

Ruling on approval of

- a) type of transport equipment for the shipment of radioactive materials  
SKK 5,000
- b) documentation of quality system of applicants for permission or authorisation or holders of permission or authorisation  
SKK 5,000
- c) requirements of nuclear installation quality, classification of classified equipment into safety classes and quality requirements on classified equipment  
SKK 5,000
- d) system of professional training of employees  
SKK 5,000
- e) training programme for licensed employees  
SKK 1,000
- f) physical protection plan  
SKK 5,000
- g) preliminary on-site emergency plan  
SKK 5,000
- h) on-site emergency plan  
SKK 5,000
- i) limits and conditions of safe operation  
SKK 5,000
- j) limits and conditions of safe decommissioning  
SKK 5,000
- k) programme of commissioning of nuclear installation divided into stages  
SKK 5,000
- l) boundaries of nuclear installation and changes thereof  
SKK 5,000
- m) size of the emergency planning zone and changes thereof  
SKK 5,000
- n) implementation of nuclear safety-relevant modifications  
SKK 1,000

Authorisation

If amendments to ruling pursuant to letters a) through n) are concerned, the administrative body may reduce the fee to as little as 50 % of the rate shown.

Position 196

Ruling on

- a) approval for siting of the construction of a nuclear facility  
SKK 10,000

- b) building authorisation for the construction of a nuclear installation, including site survey SKK 10,000
- c) authorisation for commissioning of nuclear installation, including site survey SKK 10,000
- d) authorisation for operation of nuclear installation SKK 10,000
- e) authorisation for operation of nuclear installation after systemic and comprehensive nuclear safety review SKK 10,000
- f) authorisation for decommissioning stage SKK 10,000
- g) authorisation for closure of repository and of institutional control SKK 10,000
- h) authorisation for management of radioactive waste and spent fuel SKK 5,000
- i) authorisation for management of radioactive materials SKK 5,000
- j) authorisation for imports or exports of nuclear materials, special materials and equipment SKK 5,000
- k) authorisation for shipment of radioactive materials SKK 5,000
- l) authorisation for professional training of authorisation holder employees SKK 5,000
- m) authorisation of re-shipment of radioactive waste SKK 5,000
- n) authorisation for imports of radioactive waste SKK 5,000
- o) authorisation for management of nuclear materials outside of nuclear installation SKK 1,000

#### Authorisation

1. If a written submission is concerned with incomplete or inadequate documentation, the administrative authority may increase the fee under this item by as many as 50% of the set rate.
2. If modifications of rulings mentioned under position 196 are concerned, the administrative authority may reduce the fee by up to 50% of the rate shown.

#### Position 197

Ruling on review of emergency transport order SKK 5,000

#### Authorisation

If modifications of a ruling shown under position 197 are concerned, the administrative authority may reduce the fee to as low as 50% of the rate shown.

#### Position 198

Ruling on permission of

- a) implementation of modifications of nuclear safety relevance SKK 1,000
- b) the use of a new type of fuel SKK 3,000
- c) exemption of the coverage of nuclear facility of the Act SKK 5,000
- d) dilution and consumption of nuclear materials SKK 3,000
- e) individual stages of commissioning of nuclear installation SKK 3,000

#### Authorisation

If modifications of ruling mentioned under position 198 are concerned, the administrative authority may reduce the fee to as low as 50% of the rate shown.

#### Position 199

- a) issuance of licence of special professional competency SKK 500
- b) extension of validity of licence of special professional competency SKK 200
- c) issuance of licence of professional competency SKK 1,000
- d) extension of validity of professional competency SKK 500

#### Article IV

Act No.95/2000 Coll. LL. on labour inspection and on amendments and supplements to some laws, as amended by Act No. 231/2002 Coll. LL., Act No.121/2004 Coll. LL., and Act No. 215/2004 Coll. LL. shall be amended as follows:

§ 16a shall be inserted after §16, which reads as follows:

„§ 16a

*Upon execution of supervision of safety and protection of health and safety during the work at technical facilities in nuclear energy sector, State administration authorities in the field of labour inspection shall co-ordinate their activities with the Nuclear Regulatory Authority of the Slovak Republic,<sup>15a)</sup> which executes State supervision of nuclear safety.”*

Footnote to reference 15a reads as follows:

„<sup>15a)</sup> Article 4 Sec. 4 of Act No.541/2004 Coll. LL. on peaceful use of nuclear energy (Atomic Act) and on amendments and supplements to some laws.”

#### Article V

Act No.478/2002 Coll. LL. on protection of air, which amends and supplements Act No. 401/1998 Coll. LL. on charges for air pollution, as amended from time to time (Air Act), as amended by Act No. 245/2003 Coll. LL. and Act No. 525/2003 Coll. LL. shall be amended and supplemented as follows:

1. Section 2 shall be omitted from Article 1.
2. Letter b) in Article 2 shall read as follows:  
*„b) pollutant means any substance introduced by anthropic activities into the air either directly or indirectly, having or potentially*

*having harmful effects on human health or the general environment, except substances introduction of which into the environment is regulated by the specific regulation,<sup>1)</sup>”.*

Footnote to reference 1 reads as follows:

„<sup>1)</sup> Act of the National Council of the Slovak Republic No.272/1994 Coll. LL., as amended from time to time.

*Regulation of the Ministry of Health of the Slovak Republic No. 12/2001 Coll. LL. on requirements on the provision for radiation protection.”.*

#### Article VI

This Act shall take into effect on 1 December 2004, except Article 3 Sec. 9 and 10, which shall take into effect on 1 January 2012.

**Ivan Gašparovič s.m.**  
**Pavol Hrušovský s.m.**  
**Mikuláš Dzurinda s.m.**  
**Annex No.1**  
**to Act No. 541/2004 Coll. LL.**

### **DOCUMENTATION OF NUCLEAR INSTALLATIONS NEEDED FOR THE INDIVIDUAL DECISIONS**

#### **A. Documents to be attached to the written application for permission for siting of nuclear installation**

- a) safety report of reference,
- b) report of reference on the decommissioning method,
- c) project intention for physical and technical solution of nuclear installation – design development project level,
- d) report of reference on the method of management of radioactive wastes and spent nuclear fuel,
- e) requirements on the quality of the nuclear installation,
- f) proposed boundaries of the nuclear installation,
- g) proposed size of the emergency planning zone ,
- h) environmental impact assessment of the nuclear installation, if special regulation establishes,<sup>8)</sup> as well as potential impact assessment of the environment on the nuclear installation.

#### **B. Documents to be attached to the written application for building permission for the construction of nuclear installation**

- a) preliminary safety report providing evidence for the meeting of the legal requirements on nuclear safety based on the data considered in the project,
- b) project documentation needed for building permission proceedings ,
- c) preliminary plan of management of radioactive waste, spent fuel, including their transport,

- d) preliminary decommissioning plan concept,
- e) classification of classified equipment into the safety classes,
- f) preliminary plan of physical protection,
- g) quality system documentation and requirements on the quality of the nuclear installation and their evaluation as mentioned in Section A, letter e),
- h) preliminary on-site emergency plan,
- i) preliminary limits and conditions of safe operation,
- j) pre-operation preliminary inspection programme of nuclear installation,
- k) preliminary outline of the boundaries of the nuclear installation (specification of the data mentioned under Section A letter f),
- l) preliminary definition of the size of the emergency planning zone of the nuclear installation (specification of the data mentioned under Section A letter g),
- m) documents pursuant to § 6 Sec.2 letter j).

**C. Documents to be attached to the written application for authorisation for the commissioning of nuclear installation and operation**

- a) limits and conditions of safe operation,
- b) list of classified equipment as classified into safety classes,
- c) testing programmes of classified equipment as determined by the Authority,
- d) nuclear installation commissioning programme, split up into stages,
- e) operational control programme of classified equipment,
- f) quality system documentation and requirements on the quality of the nuclear installation, and their evaluation pursuant to Section B letter g),
- g) operating regulations set by the Authority,
- h) on-site emergency plan,
- i) pre-operation safety report, specifying the report mentioned under Section B letter a),
- j) probability assessment of operation safety of shut-down reactor and for low output levels, as well as for full reactor output in case of nuclear installation comprising nuclear reactor,
- k) physical protection plan, including contract with the Police pursuant to § 26 Sec. 8, as well as description of the method of aviation activities<sup>13</sup>) at premises or in the vicinity of the nuclear installation,
- l) radioactive waste and spent fuel management plan, including their transport,
- m) plan concept of decommissioning of the nuclear installation,
- n) document providing evidence for financial coverage of liability for nuclear damage, except repository,
- o) professional training systems for employees,
- p) training programmes for licensed employees,
- q) training programmes for employees with professional competency,
- r) documents providing evidence for the meeting of the qualification criteria by licensed employees and employees with professional competency,
- s) documents providing evidence for the preparedness of nuclear installation to be commissioned, for trial operation evaluation report on the commissioning of nuclear installation, and for permanent operation evaluation report on trial operation,
- t) off-site emergency plan for regions within the emergency planning zone ,
- u) definition of boundaries of nuclear installation by specification of the data mentioned under Section B letter k),
- v) definition of the size of the emergency planning zone of nuclear installation by specification of the data mentioned under Section B letter l),
- w) documents pursuant to § 6 Sec.2 letter j).

**D. Documents to be attached to the written application for authorisation for decommissioning stage**

- a) limits and conditions of safe decommissioning,
- b) documentation of quality system and requirements on the quality of nuclear installation,
- c) on-site emergency plan,

- d) decommissioning stage plan,
- e) decommissioning concept for the period after the conclusion of the decommissioning stage to be authorised,
- f) physical protection plan, including contract with the Police pursuant to § 26 Sec. 8, as well as description of the method of aviation activities<sup>13</sup>) at premises or in the vicinity of the nuclear installation,
- g) radioactive waste management and shipment plan and management plan of conventional waste from decommissioning,
- h) document providing evidence for financial coverage of liability for nuclear damage,
- i) test programme of classified equipment,
- j) operating regulations set by the Authority,
- k) professional training system for employees,
- l) training programmes for licensed employees,
- m) training programmes for employees with professional competency,
- n) documents providing evidence for the meeting of the qualification requirements by licensed employees and employees with professional competency,
- o) off-site emergency plan for regions within the emergency planning zone,
- p) modifications of boundaries of nuclear installation by specifying the data mentioned under Section C letter u),
- q) modifications of the size of the emergency planning zone of nuclear installation by specifying the data mentioned under Section C letter v),
- r) classification of classified equipment into safety classes.

**E. Documents to be attached to the written application for authorisation for closure of repository and for institutional control**

- a) overall assessment of the condition of the repository and its operation, including description of modifications and changes of the repository and their safety evaluation,
- b) overall inventory of disposed radioactive waste,
- c) repository closure plan and institutional control plan, including safety analyses,
- d) monitoring programme, including proposal for potential remedial measures,
- e) professional training system for employees,
- f) training systems for employees with professional competency,
- g) documents providing evidence for the meeting of the qualification requirements by employees with professional competency,
- h) quality system documentation and requirements on the quality of the nuclear installation,
- i) modifications of the boundaries of nuclear installation by specifying the data mentioned under Section C letter u),
- j) modifications of the size of the emergency planning zone of nuclear installation by specifying the data mentioned under Section C letter v).

**F. Documents to be attached to the written application for the permission for the removal of nuclear installation from the coverage of this Act**

- a) final description of the territory of the decommissioned nuclear installation and of all activities performed during the decommissioning,
- b) summary data on the quantities and activity of the disposed or long-term stored radioactive waste and on the quantities of other waste and materials released into the environment,
- c) list of data which will be kept after the completion of the decommissioning, indicating the duration of storage,
- d) results of the final check of the radiation situation based on independent verification, including standpoint of the radiation protection supervisory body

**Annex No.2**  
**to Act No. 541/2004 Coll. LL.**

- A. Documents to be attached to the written application for authorisation for shipment of radioactive materials**
- a) carrier identification data,
  - b) type and quantities of radioactive materials to be shipped ,
  - c) itinerary,
  - d) expected shipment date,
  - e) safety documentation:
  - f) health protection plan against negative effects of ionising radiation,
  - g) transport order, including emergency transport order,
  - h) quality system documentation for shipment,
  - i) physical protection plan,
  - j) document on the approval of the transport equipment type,
  - k) document providing evidence for the financial coverage of the liability for nuclear damage, if applicable,
  - l) if authorisation for transit of nuclear material and spent fuel is concerned, document from the competent authority of the State of consignor confirming that their resumption is secured should the transit be not completed,
  - m) approval of the shipment of nuclear material and spent fuel, issued by the competent authorities of the State of consignee or consignor and transit States if international shipment is concerned,
  - n) statement by the competent authority of the State of the consignee confirming that the nuclear material or spent fuel will be used in accordance with the special regulation,<sup>46)</sup>
  - o) authorisation for import or export of nuclear material,
  - p) valid commercial contract endorsed by the European Commission if nuclear material is concerned, or draft contract or contract between the applicant and his counterpart with exact specification of special materials and equipment and of their quantities, except scheduled shipment of quantities and materials specified by specific regulations,<sup>47)</sup>
  - q) authorisation for management of nuclear material issued to a natural person or a legal person who/which exports or imports the nuclear material.

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46. Decree of the Minister of Foreign Affairs No.61/1974 Coll.

Decree of the Minister of Foreign Affairs No.62/1974 Col.

Treaty on the establishment of the European Atomic Energy Community.

Commission Regulation (Euratom) No.3227/76 of 19 October 1976 concerning the application of the provisions on Euratom safeguards, as amended from time to time (Official Journal of the European Communities L 363, 31.12.1976).

47. Commission Regulation No 17/66/Euratom of 29 November 1966 exempting the transfer of small quantities of ores, source materials and special fissile materials from the Rules of the Chapter on Supplies (Official Journal of the European Communities L 241, 28.12.1966), as amended by Commission Regulation (Euratom) No. 3137/74 of 12 December 1974 (Official Journal of the European Communities L 333, 13.12.1974).

**B. Documents to be attached to the written application for authorisation for import or export of nuclear materials, export of special materials and equipment pursuant to § 14**

- a) identification data of the applicant; name and surname, date of birth, permanent domicile for natural person; name, registered address, identification number of the company, name, surname and permanent domicile of the statutory body or its member for legal person,
- b) type and quantities of nuclear materials to be imported or exported, and type and quantities of special materials and equipments to be exported,
- c) indication of the State to which nuclear materials, special materials and equipment are to be exported or from which nuclear materials are to be imported,
- d) expected import or export date,
- e) in respect of imports of nuclear materials, certificate providing evidence that the applicant is authorised for management of nuclear materials or that he has a contract with another natural person or legal person who/which is holder of authorisation for management of nuclear materials, who/which will manage the nuclear materials to be imported,
- f) in respect of exports of nuclear materials, special materials and equipment, a guarantee issued by consignee's State that the nuclear materials, special materials and equipment will not be managed in contradiction to the requirements of the international treaty the Slovak Republic is bound by,<sup>1)</sup>
- g) in respect of imports of nuclear materials, statement by the applicant for authorisation by which he commits himself
  1. to refrain from using the material or equipment in question for purposes which would contradict the international treaty the Slovak Republic is bound by,<sup>1)</sup> and which would help achieving any military goals,
  2. to provide for physical protection of the materials and equipment in question in accordance with § 26,
  3. not to transfer the material or equipment in question to another natural person or legal person without obtaining permission from the Authority.

**Annex No. 3**  
**to Act No. 541/2004 Coll. LL.**

**STANDARD DOCUMENTS NEEDED FOR AUTHORISATION FOR SHIPMENTS OF  
RADIOACTIVE WASTE BETWEEN MEMBER STATES OR INTO AND OUT OF THE  
COMMUNITY**

The standard document shall be printed in black ink on white paper, weighing at least 40 grams per square metre, and its strength should be such that in normal use it does not easily tear or crease. The standard document shall measure 210 by 297 mm (A4) with a maximum tolerance as to length of 5 mm less and 8 mm more.

Registration No:.....  
*(to be completed by the authorities responsible  
 for issuing the shipment authorization)*

### APPLICATION FOR SHIPMENT AUTHORISATION

#### NOTE

The applicant must complete boxes 1 to 16 and must then send the entire standard document (parts A to E) to the competent authorities of his country, who are responsible for issuing the authorisation for radioactive waste shipment.

The applicant is the following, depending on the type of shipment (see box 1):

- Type A:** Shipment between Member States – the holder of the radioactive waste;
- Type B:** Import to the Community – the consignee of the radioactive waste;
- Type C:** Export from the Community – the holder of the radioactive waste;
- Type D:** Transit through the Community – the person responsible for the shipment in the Member State by way of which the waste enters the Community.

Part A accompanies the waste as it is shipped, as do parts C and D.

<b>1</b>	<b>Type of shipment</b> ( <i>tick the appropriate box</i> ) Type A: Shipment between Member States Type B: Import into the Community Type C: Export from the Community Type D: Transit through the Community
<b>2</b>	<b>Application for authorisation for</b> ( <i>tick the appropriate box</i> ): a single shipment several shipments                      Number of shipments planned: ..... Planned period of execution:.....
<b>3</b>	<i>(Box to be completed for shipment(s) between Member States via one or more third countries.)</i> Frontier post of exit from the Community:..... Frontier post of entry to third country ( <i>first country crossed</i> ):..... Frontier post of exit from third country ( <i>last country crossed</i> ):..... Frontier post of return to the Community:..... <b>(These frontier posts must be identical for all shipments covered by the application unless otherwise agreed by the competent authorities.)</b>
<b>4</b>	<b>Holder</b> ( <i>trade name</i> ):..... Contact person: Mr/Ms..... Address:..... Post code:.....Town:.....Country:..... Tel.:.....Fax:.....Telex:.....
<b>5</b>	<i>(Box to be completed if the information to be entered differs from that in box 4.)</i> <b>Place where the waste is held:</b> ..... Contact person: Mr/Ms..... Address:..... Post code:.....Town:.....Country:..... Tel.:.....Fax:.....Telex:.....

6	<p><b>Nature of the waste:</b></p> <p>.....</p> <p>Physico-chemical characteristics:.....</p> <p>Main radionuclides:.....</p> <p>.....</p> <p>Maximum alpha activity/package: (GBq).....</p> <p>Maximum beta/gamma activity/package: (GBq).....</p>
7	<p>Total alpha activity: (GBq).....</p> <p>Total activity beta/gamma:(GBq).....</p> <p>.....</p> <p>Total number of packages:..... Total net weight of waste: (kg).....</p> <p>Total gross weight: (kg).....</p> <p>Total volume</p> <p><i>(optional.....)</i></p> <p><i>(These values are estimates if the application relates to several shipments.)</i></p> <p>Model of packages containing the waste (e.g. plastic bags, metal drums 200 l, ISO transport container, etc.):</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Means of identification of the packages (if labelling is used, annex examples)</p> <p>.....</p> <p>.....</p>
8	<p><b>Other hazard categories (tick any appropriate box/boxes)</b></p> <p>Category 1 Explosive substances</p> <p>Category 2 Gas: compressed, liquefied or dissolved under pressure</p> <p>Category 3 Inflammable liquids</p> <p>Category 4 4.1. Inflammable solids</p> <p>4.2. Substances liable to spontaneous combustion</p> <p>4.3. Substances which, on contact with water, give off inflammable gases</p> <p>Category 5 5.1. Oxidizing substances</p> <p>5.2. Organic peroxides</p> <p>Category 6 6.1. Toxic substances</p> <p>6.2. Substances liable to provoke disgust or infection</p> <p>Category 8 Corrosive substances</p> <p>Category 9 Various dangerous substances</p>
9	<p><b>Type of activity giving rise to the waste (e.g. medical, research, industrial nuclear industry or other activity to be specified):</b>.....</p> <p>.....</p> <p>.....</p>
10	<p><b>Purpose of the shipment (tick the appropriate box):</b></p> <p>Return of waste resulting from re-treatment of irradiated fuel</p>

Treatment and/or packaging of waste
Return of waste after treatment and/or packaging
Interim storage
Return after interim storage
Final disposal
Other purposes ( <i>to be specified</i> )
.....
.....
.....



	<p>Address: .....</p> <p>Post code: ..... Town: ..... Country: .....</p> <p>Tel.: ..... Fax: ..... Telex: .....</p>
16	<p>In accordance with the provisions of Directive 92/3/Euratom, I hereby:</p> <p>i) apply for authorisation to make the shipment(s) of radioactive waste described above;</p> <p>ii) certify that the information provided above is correct to the best of my knowledge and that the shipment(s) will be carried out in accordance with all the relevant statutory provisions;</p> <p>iii) (Where the shipment is of type A or C)  - undertake to take back the waste if the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled(*),  (Where the shipment is of type B or D)  - attach hereto a declaration by the holder of the radioactive waste established in the third country that will take back the waste if the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled(*).</p> <p>Stamp</p> <p>.....</p> <p>.....</p> <p>(Date and place) (Signature)</p> <p>(*) Only one of the asterisked statements can apply: delete whichever is inapplicable.</p>

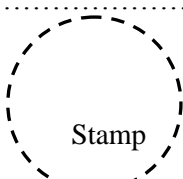
Registration No: .....

*(to be completed by the authorities responsible for issuing the shipment authorization)*

**APPROVAL BY THE COMPETENT AUTHORITIES CONSULTED**

*NOTE*

1. The competent authorities responsible for issuing the authorization for the radioactive waste shipment should complete boxes 17 and 18 immediately on receipt of the application and enter the registration number at the top of each part of the standard document. They should then make sufficient copies of part B to send to any other competent authorities whose approval is required for the shipment(s) to be authorized ('the competent authority to be consulted'). For each competent authority to be consulted, box 19 should be completed on a copy of part B; that copy of part B, together with a copy of part A, should be sent to the competent authority to be consulted named therein.
  
2. The competent authority consulted should make any necessary additional entries in box 19 and should give the application due consideration. Within two months from the date of receipt it should complete box 20 and return the original copy of part B to the competent authority responsible for issuing the authorization. An extension of up to one month in the time required to consider an application may be requested by the competent authority consulted. Failure to complete and return the form by the due time shall be taken as deemed approval of the shipment application, subject to Article 6(4) of Directive 92/3/Euratom.

<b>17</b>	<p><b>Competent authorities responsible for issuing the shipment authorisation</b>                  Depending on the type of shipment, these authorities are:                  Type A: <i>the authorities of the country of origin;</i>                  Type B: <i>the authorities of the country of destination;</i>                  Type C: <i>the authorities of the country of origin;</i>                  Type D: <i>the authorities of the Member State by way of which waste enters the Community.</i></p> <p>Name of the competent authorities:                  .....</p> <p>Contact person: Mr/Ms                  .....</p> <p>Address:.....                  .....Post code: ..... Town: ..... Country:                  .....</p> <p>Tel.: ..... Fax: ..... Telex:                  .....</p>
<b>18</b>	<p><b>Date of registration of the application:</b>                  .....</p> <div style="text-align: center; margin-top: 20px;">  <p>Stamp</p> </div>





Registration

No:

.....

*(to be completed by the authorities responsible for issuing the shipment authorization)*

**SHIPMENT AUTHORISATION**

*NOTE*

The competent authorities responsible for issuing the shipment authorisation:

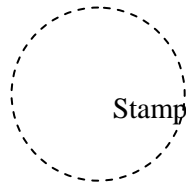
1. complete this part, bearing in mind , when filling in box number 22, that the maximum period of validity for the authorization is three years;
2. send it to the applicant together with the other parts necessary for the procedure (that is, part A, C, D a E);
3. send copies of this part to the other competent authorities consulted.

<b>21</b>	<p><b>Competent authorities responsible for issuing the shipment authorisation</b>                  Depending on the type of shipment, these authorities are:                  Type A: <i>the authorities of the country of origin;</i>                  Type B: <i>the authorities of the country of destination;</i>                  Type C: <i>the authorities of the country of origin;</i>                  Type D: <i>the authorities of the Member State by way of which the waste enters the Community.</i></p> <p>Name of the competent authorities:                  .....                  Contact person: Mr/Ms                  .....                  Address:.....                  .....                  Post code: ..... Town: ..... Country:                  .....                  Tel.: ..... Fax: ..... Telex:                  .....</p>																					
<b>22</b>	<p><b>Authorisation</b>                  Yes Valid for a single shipment                  No Valid for several shipments                  Date of expiry of the authorization:                  .....</p>																					
<b>23</b>	<p>Sequential list of the countries involved in the shipment  <i>(the first country is that where the waste is held and the last the country of destination)</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Country</th> <th colspan="2">Conditions</th> <th style="width: 30%;">Country</th> <th colspan="2">Conditions</th> </tr> <tr> <td></td> <th>Yes</th> <th>No</th> <td></td> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>				Country	Conditions		Country	Conditions			Yes	No		Yes	No						
Country	Conditions		Country	Conditions																		
	Yes	No		Yes	No																	

	1 ..... ...			5 ..... ...		
	2 ..... ...			6 ..... ...		
	3 ..... ...			7 ..... ...		
	4 ..... ...			8 ..... ...		
<b>24</b>	<b>List of conditions</b> <i>(indicating the country imposing the conditions and any references to attached documents):</i>			<b>Reasons for the refusal</b>		
	..... ..... ..... ..... ..... .....			..... ..... ..... ..... .....		

**25** The decision adopted and recorded in this part has been reached in accordance with the provisions of Directive 92/3/Euratom.

The competent authorities consulted are informed that the authorization for radioactive waste shipment has been granted or refused.



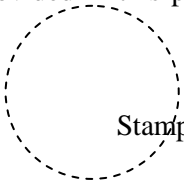
.....

.....

(Date and place)  
responsible)

(Signature of the person



	<p>.....          See attached list (<i>if the space provided above is inadequate</i>), or (<i>if preferred</i>) the attached document containing the abovementioned data.</p>
<b>31</b>	<p>Date of dispatch: .....</p> <p>I hereby certify that the information provided in this part (and the attached list) is correct to the best of my knowledge.</p> <div style="text-align: center; margin: 20px 0;">  <p>Stamp</p> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p>.....</p> <p>(Date and place)</p> </div> <div style="text-align: center;"> <p>.....</p> <p>(Signature of the holder)</p> </div> </div>

Registration No: .....

*(to be completed by the authorities responsible for issuing the shipment authorization)*

## **ACKNOWLEDGEMENT OF RECEIPT OF THE WASTE**

### **NOTE**

This part must be filled in by the consignee, any necessary additions being made by the applicant. However, a consignee located outside the European Community may acknowledge receipt of the waste by means of a declaration separate from the standard document.

Depending on whether the authorization is for one or several shipments, the procedure to be adopted is as follows.

### **Authorization for a single shipment**

#### **1. Shipment of type A or B**

Within 15 days of receiving the waste, the consignee must complete boxes 32, 33 and 35, and submit parts D and E to the competent authorities of the Member State of destination.

The competent authorities of the Member State of destination then forward copies of parts D and E to the other competent authorities consulted (and, where appropriate, the original of these two parts to the competent authorities which issued the authorization).

For shipments between Member States, the competent authorities of the Member State of origin must send a copy of the acknowledgement of receipt to the holder.

#### **2. Shipment of type C or D**

The applicant must ensure that the consignee located outside the European Community sends him part D and part E with boxes 32 to 35 duly completed immediately on receipt of the waste. Part E may be replaced by a declaration on the part of the consignee providing at least the information contained in boxes 34 and 35.

Within 15 days after receipt of the waste, the applicant must forward part D, part E (if the consignee did not use part E, the applicant must complete it with the exception of box 34) and, where applicable, the consignee's declaration, to the competent authorities which issued the authorization.

These authorities must then send copies of parts D and E, and, where applicable, the consignee's declaration, to the other competent authorities consulted.

### **Authorization for several shipments**

#### **1. Shipment of type A or B**

The consignee completes boxes 32, 33 and 35 of part E after each shipment (having made several copies of a blank part E for this purpose) and submits this part direct to the competent authorities which issued the authorization. He attaches the part D relating to the same shipment.

2. Shipment of type C or D

The applicant must ensure that after each shipment the consignee located outside the European Communities completes boxes 32 to 35 on a copy of a blank Part E and returns it to him together with the appropriate part D.

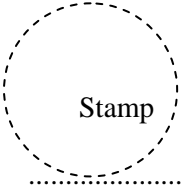
The applicant must complete box 36 of part E and forward parts D and E to the authorities which issued the authorization.

3. Shipments of all types

When all the shipments covered by an authorization have been carried out, the final acknowledgement of receipt is completed and submitted as if the authorization were valid for a single shipment only (see above) except that:

- it is stated in box 33 of part E that the shipment in question is the last shipment covered by the authorization;
- any declaration made by a consignee located outside the European Communities must state that all the waste covered by the shipping authorization has indeed arrived;
- to provide an overview, the parts D for each of the shipments covered by the authorization must be attached to the final acknowledgement of receipt.



<b>36</b>	<p><i>For shipments of type C or D only:</i></p> <p>Forwarding by the applicant of the acknowledgement of receipt and, where appropriate, the consignee's declaration (<i>see note below</i>) to the authority which issued the authorization: Date of forwarding of the acknowledgement of receipt (together with part D): .....</p> <p>Frontier post of exit from the Community: Country:..... Post:.....</p> <div style="text-align: center; margin: 20px 0;"><p>Stamp</p></div> <p>..... (Signature of the applicant)</p>
<p>NB:</p> <ol style="list-style-type: none"><li>1. A consignee located outside the European Communities may acknowledge receipt of the waste by means of a declaration or certificate providing at least the information contained in boxes 32 to 35.</li><li>2. The competent authorities which receive the original acknowledgement of receipt must send copies of it to the other competent authorities.</li><li>3. The originals of parts D and E must be sent finally shall eventually be mailed to the competent authority which issued the authorisation.</li><li>4. For shipments between Member States, the competent authorities of the Member State of origin must send a copy of the acknowledgement of receipt to the holder.</li></ol>	

SECTION A

**FIELDS OF NUCLEAR ENERGY FOR WHICH SPECIAL TRAINING OR AT LEAST FIVE MONTHS' PRACTICAL WORKARE REQUIRED AND WHICH RELATES TO**

- a) nuclear energy research in the fields listed in Section B,
- b) b) supervision, maintenance, repair or technical operation of installations and equipment for
  1. production, separation or any use of ores, source materials or special fissile materials or for the reprocessing of irradiated nuclear fuels,
  2. isotope separation,
  3. production of the special materials needed in the nuclear field, such as moderators and structural, cladding and shielding materials specially devised for nuclear purposes,
  4. production of nuclear energy,
  5. disposal of nuclear waste and radioactive impurities,
  6. transport or storage of radioactive materials,
  7. production, preparation or use of radioactive isotopes;
- c) planning, designing or construction of installations or equipment or constituent parts of the installations or equipment used in the fields listed in letters a) and b),
- d) protection against radiation.

SECTION B

**LIST OF TYPES OF SKILLED EMPLOYMENT IN THE FIELD OF NUCLEAR ENERGY**

**Employment requiring knowledge equivalent to that of a nuclear engineer or nuclear technician**

Employment requiring knowledge in one of the following fields:

- a) working conditions peculiar to the nuclear field and designing of nuclear equipment (nuclear engineer and nuclear technician),
- b) special mechanical problems in the nuclear field and designing of auxiliary equipment (mechanical engineer and technician),
- c) action of radiation on matter, and nuclear properties of the various substances used as fuels, moderators and structural materials for nuclear equipment; preparation of nuclear substances, reprocessing of spent fuels, disposal of radioactive waste or decontamination (chemical engineer and technician),
- d) properties of ceramics used in the field of nuclear energy (uranium and thorium oxides, uranium carbide, etc.) (ceramics engineer and technician),
- e) properties of structural materials for nuclear reactors, cladding materials for fuels and for metallic fuels; behaviour of such materials during irradiation and in the presence of the substances used in reactors or in reprocessing facilities (metallurgical engineer and technician),
- f) control of nuclear reactors, measurement of radioactivity (electronics engineer and technician),
- g) neutron physics of nuclear reactors and essential requirements arising there from (thermodynamics engineer and technician),
- h) special features and operational supervision of a reactor, and measures necessary in the event of a major breakdown (operating engineer and technician),
- i) assessment and checking of the technical safety of the reactor and of the experimental nuclear plant (safety engineer and technician).

**Prospector**

Employment involving detection with the aid of special instruments (Geiger-Muller counters, etc.) of traces of radioactivity, however slight, in locations indicated by geologists; interpretation of the information obtained in order to guide later research.

**Test driller in uranium mines**

Employment requiring skill in directing operations relating to test borings in order to determine the nature of the land and to detect the presence of radioactive materials, and interpretation of the information obtained in order to direct later operations.

**Mine superintendant in uranium mines**

Employment involving the direction, supervision and/or control of one or more or of all underground sections or activities of a uranium mine, or the carrying out of technical research or complicated measurements and supervision of compliance with safety measures necessitated by the special nature of such mines.

**Laboratory technician**

Employment involving the study of radioactive ores and the carrying out, in co-operation with analysts, of chemical and physical analyses of samples in order to determine the intensity of radiation of the samples, their chemical composition and other characteristics.

**Operative (preparation of fuel elements )**

Employment involving the carrying out of operations involved in the fabrication, by forging, of fuel elements, their inspection and testing ; the preparation and acceptance of metallic clads for fuels.

**Reactor superintendant**

Employment involving the operation of a reactor and requiring knowledge of fundamentals of electronics and reactor dynamics and also ability to interpret diagrams and to locate and repair minor breakdowns.

**Reactor operations supervisor**

Employment involving the operation of a reactor and requiring good general knowledge plus a thorough knowledge of all the distinctive features of the reactor ; ability to give orders and to take decisions.

**Operative in charge of loading, unloading and cooling of nuclear fuels**

Employment requiring ability to handle, in accordance with instructions, devices for loading, unloading and cooling nuclear fuels.

**Laboratory technician (hot laboratory)**

Employment requiring ability to interpret diagrams and to carry out the necessary assembly and adjustment, to undertake a test single-handed in accordance with detailed instructions and to express the results in quantitative terms ; knowledge of the dangers arising from radiation and ability to use remote-control apparatus.

**Engineering draughtsman (specialising in the nuclear field)**

Employment requiring ability to prepare a simple design from written data and to illustrate it with rapidly executed drawings or sketches, giving visual representation of the subject of the design as defined, and to apply the radiation protection regulations in force.

**Operative (particle accelerator)**

Employment involving the operation and handling of high-voltage apparatus for electrostatic accelerators ; the construction, use and handling of ion sources ; the handling and the operation of apparatus to detect and measure radioactivity, etc.

**Radiation protection officer**

Employment involving supervision of the safety of staff operating reactors or of staff in uranium mines or other nuclear installations, and requiring sound knowledge of the dangers arising from radiation and of protection against radiation.

**Decontamination officer**

Employment requiring ability to carry out, in the event of contamination, the necessary measures and certain special decontamination operations and, if necessary, to take practical measures.

**LIST OF LEGAL ACTS OF THE EUROPEAN COMMUNITIES AND THE EUROPEAN UNION IMPLEMENTED**

1. Council Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community (Official Journal of the European Communities L 035, 12/02/1992).
2. Council Directive 89/618/Euratom of 27 November 1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency (Official Journal of the European Communities L 357, 07/12/1989).
3. Directive 62/302/EC of 5 March 1962 on freedom to take skilled employment in the field of nuclear energy (Official Journal of the European Communities P 057, 09/09/1962).