

# HUNGARY

## ACT CXVI OF 1996 ON ATOMIC ENERGY\*

(adopted by the Parliament of Hungary on 10 December 1996)

Whereas the peaceful use of atomic energy promotes the living conditions of humanity in numerous fields of industry, agriculture, health care, and scientific research;

Taking into consideration, however, that the improper application of atomic energy may harm the health of humans and of fauna and flora, and damage the natural environment;

In order to ensure that the risk caused by the use of atomic energy is no greater than the socially-accepted risks associated with other activities and to ensure adherence to safety requirements by appropriate national regulations which are in agreement with international regulations;

The Parliament of Hungary hereby passes the following Act on the protection of the public and the environment against the detrimental effects of ionising radiation, on the regulation of the application of atomic energy and the associated licensing process, and on the fundamental tasks and obligations of regulatory authorities and the users of atomic energy in this field.

### *Chapter I* GENERAL PROVISIONS

#### **The Scope of the Act**

##### *Section 1*

(1) This Act shall apply to the peaceful use of atomic energy, the associated rights and obligations, as well as the protection of humans and the living and non-living environment against the detrimental effects of ionising radiation of natural and artificial origin.

(2) This Act shall not apply to activities related to radioactive materials, as well as equipment which – due to the character and extent of ionising radiation that can be created – do not qualify as hazardous to human life and health, as well as to the animate and inanimate environment.

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\* Official translation as published in the “Hungarian Rules of Law in Force” No. VIII/11 of 1 June 1997.

## Definitions

### Section 2

For the purposes of this Act, the following definitions shall apply:

- a) ***the application of atomic energy:***
  - aa) activities with radioactive materials and nuclear materials;
  - ab) activities with the facilities and equipment generating ionising radiation or supporting the application under aa);
- b) ***user of atomic energy:*** any party undertaking activities defined in Paragraph a);
- c) ***radioactive material:*** any material occurring in nature or artificially produced, one or more components of which releases ionising radiation, as well as any preparation containing such material(s);
- d) ***nuclear material:*** all those radioactive materials which are or can be made capable of self-sustaining nuclear chain reactions, as well as the compounds thereof or the material containing such element or its compound, especially uranium, thorium, plutonium, and any material that contains one or more of the previous materials, except for ores and waste ore falling within the scope of mining and ore processing;
- e) ***ionising radiation:*** the radiation consisting of directly or indirectly ionising particles, or photons capable of ionising;
- f) ***nuclear chain reaction:*** a series of nuclear fission reactions which is sustained by neutrons released in the course of the fission process;
- g) ***nuclear facility:*** a nuclear power plant, nuclear district heating plant, research and training nuclear reactor and all other facilities defined in Paragraph I, Article 97 of the agreement concluded between the Peoples' Republic of Hungary and the International Atomic Energy Agency for the application of safeguards in connection with the treaty on the non-proliferation of nuclear weapons, promulgated in Law-Decree 9 of 1972;
- h) ***nuclear system and equipment:*** systems and equipment of nuclear facilities having an impact on nuclear safety;
- i) ***nuclear reactor:*** equipment which is suitable for producing a controlled nuclear chain reaction;
- j) ***equipment generating ionising radiation:*** equipment which is suitable for generating and releasing ionising radiation through the use of external energy or radioactive materials;
- k) ***nuclear fuel:*** nuclear reactor fuel containing nuclear material;

- l) ***spent fuel***: the nuclear fuel utilised in a nuclear reactor, which, due to its recyclability – outside the nuclear reactor – does not qualify as waste;
- m) ***radioactive waste***: radioactive materials which will no longer be used and which, based on their radiation protection characteristics, cannot be treated as ordinary waste;
- n) ***radioactive waste disposal facility***: facilities serving for the final disposal of radioactive waste;
- o) ***interim storage facility for radioactive waste***: facilities serving for the temporary storage of radioactive waste;
- p) ***nuclear power plant***: an energy conversion facility which generates electricity through the use of nuclear chain reaction;
- q) ***nuclear district heating plant***: an energy conversion facility supplying heat through the use of nuclear chain reaction;
- r) ***abnormal event***: an incident occurring in a facility or equipment serving the application of atomic energy or arising in the course of an activity with a radioactive (nuclear) material – for any reason whatsoever – which may unfavourably affect safety and will or may result in an unplanned human exposure to radiation of, as well as an unplanned release of radioactive materials into the environment;
- s) ***nuclear emergency situation***: a situation caused by an abnormal event where measures are or may be required to be taken to prevent or mitigate the consequences for the general public;
- t) ***licensee***: a user of atomic energy possessing a regulatory licence and pursuing an activity requiring a licence;
- u) ***nuclear damage***: the loss of human life, all damage afflicted to the physical fitness and health of humans, all material damage, the costs of repairing to a reasonable extent the damages to the environment arising concurrently, and the costs related to all reasonable and required actions carried out for the mitigation or restoration of damages provided they were caused by nuclear fuel, a radioactive product, waste in a nuclear facility or by an abnormal event in the facility or during transport of radioactive material originating from, transported from or shipped to a nuclear facility;
- v) ***nuclear accident***: all abnormal events that cause nuclear damage;
- w) ***SDR***: Special Drawing Rights – the international accounting unit as determined by the International Monetary Fund (IMF);
- x) ***lowest level reasonably achievable***: the lowest value which is defined taking into account scientific, technical, economic and social conditions and is in agreement with international expectations.

## **Basic Principles**

### ***Section 3***

The Republic of Hungary promotes the peaceful and safe use of atomic energy through co-operation undertaken in the framework of international agreements as well.

### ***Section 4***

(1) Atomic energy may only be used in such a way that it does not damage human life, the health and living conditions of present and future generations, the environment and material assets beyond the socially-acceptable level of risk which is necessarily accepted in the course of other economic activities as well.

(2) In the use of atomic energy, safety has priority over all other aspects.

(3) In the use of atomic energy, it shall be ensured that:

a) no uncontrolled and unregulated nuclear chain reaction can be generated;

b) employees engaged in the application of atomic energy, the general public, the environment and material property are not damaged to an extent unacceptable from the perspective of safety, exceeding the individual and social benefit of atomic energy, as a result of ionising radiation or for a different reason;

c) the annual radiation dose of employees and the public taking all sources into account shall not be higher than the maximum dose defined by the relevant safety regulations, in light of the most recent, certified achievements of science and the recommendations of international and domestic expert organisations; the radiation dose must always be reduced to the lowest level reasonably achievable, and the maximum volume, concentration, and method of release – determined in accordance with physical and chemical or other characteristics – of radioactive materials released into the environment shall be regulated accordingly;

d) the risk of an abnormal event occurring is minimised, the development of such events can be prevented, the consequences thereof can be responded to in a planned manner, and the detrimental effect of any radioactive materials or ionising radiation released can be reduced to the lowest level reasonably achievable.

(4) The licensee of a nuclear facility and radioactive waste disposal facility shall inform the general public about all abnormal events.

(5) In the interest of safety, the possibilities and constraints of human performance capabilities must be taken into account during the full life time of nuclear facilities.

(6) Users of atomic energy shall ensure that the generation of radioactive waste through their activity is held to the lowest level practically possible.

(7) In the application of atomic energy, provisions shall be made for the safe disposal of radioactive waste and spent fuel in accordance with the most recent, certified results of science, international

expectations, as well as experience, in such a way that no unacceptable burden is passed on to future generations.

(8) The safe application of atomic energy, including nuclear emergency response, and the solution of associated research and development tasks shall be promoted by developing science and technology, by co-ordinated organisation of research activities, by the application of the achievements of domestic and international scientific research, as well as by the training and advanced training of experts.

(9) Costs of research and development activities necessary for the enhancement of the safety of a nuclear facility shall be covered by the licensee.

(10) The basic technical activities serving the regulatory control of the safe use of atomic energy shall be funded from the central budget.

(11) Fundamental scientific, technical knowledge and other information – including the risks – related to the application of atomic energy shall be educated and disseminated to the public through public news services and through public education.

### ***Section 5***

(1) The safety requirements for the application of atomic energy must be reviewed and updated regularly, taking into account the achievements of science and international experience.

(2) Atomic energy may be used only in such ways identified by legal regulations and subject to regular control by the authorities. The conditions for the safe application of atomic energy shall be determined by the regulatory authorities concerned, taking into consideration the achievements in legislation, science and technology on an ongoing basis. These authorities shall be independent of the public administration organisations having an interest in promoting and developing the use of atomic energy.

## ***Chapter II*** **GENERAL RULES OF APPLYING ATOMIC ENERGY**

### **Regulation and Control**

#### ***Section 6***

(1) The Government shall be responsible for the control and supervision of the safe application of atomic energy.

(2) The Government shall provide for the execution of the governmental tasks described in this Act through the Hungarian Atomic Energy Commission (hereinafter HAEC) and the Hungarian Atomic Energy Authority (hereinafter HAEA), as well as the Ministers concerned.

## ***Section 7***

- (1) The Government's preliminary approval in principle is required to acquire the ownership of and to transfer use of an existing nuclear facility under any legal title.
- (2) The Parliament's preliminary approval in principle is required to initiate activities of preparing for the establishment of a new nuclear facility or radioactive waste disposal facility and to add a further unit containing a nuclear reactor to an existing nuclear power plant.

## ***Section 8***

(1) In matters related to the peaceful use of atomic energy, HAEC is a commission responsible for preparing decisions and carrying out co-ordination, making decisions in issues defined under special legal regulations, as well as undertaking supervisory tasks. The members of HAEC are the senior officials of the ministries and central public administration organisations performing regulatory tasks pursuant to the Act in the field of the application of atomic energy. The members of HAEC are appointed and dismissed by the Ministers and the directors of the central public administration organisations concerned, with the agreement of the President of HAEC. The Prime Minister shall appoint and dismiss the President of HAEC from among the members of the Government.

(2) HAEC shall:

- a) in its decision-preparing responsibility, take a position on the principle issues of government proposals and programmes involving the application of atomic energy, on issues of national and international significance related to the regulatory system serving the safe application of atomic energy, nuclear safety and radiation protection; monitor the general trends of international development in the field of application of atomic energy and based on this make proposals for the domestic measures required;
- b) in its co-ordinating responsibility, co-ordinate the activities related to the safe application of atomic energy which fall within the scope of authority of ministries, HAEA and other central public administration organisations defined by the Act;
- c) in its control responsibility, monitor the enforcement of legal regulations related to the application of atomic energy and the exercise of regulatory authorisations; and, based on the findings of its inspections, initiate actions and make proposals for amendment and enactment of legislation, if necessary.

(3) HAEC will submit to the Government its positions and proposals falling within the competence of the Parliament and the Government.

(4) In the field of the peaceful use of atomic energy, HAEA is a central public administration organisation with autonomous tasks and regulatory authorisation under the control of the Government, providing preliminary review of legislation and regulatory rules related to the use of atomic energy. The Director General and the Deputies will be appointed and dismissed by the Prime Minister.

(5) In order to ensure the scientific basis for the governmental, regulatory and nuclear emergency preparedness measures, a Scientific Board shall support the work of HAEC and HAEA.

(6) The Government shall exercise supervision over HAEA through the President of HAEC. The control and supervision of HAEA shall ensure the primary enforcement of the aspects of nuclear safety.

(7) The President of HAEC shall present an annual report, including the preparatory activities contained in Subsection (2) of Section 7, to the Parliament on the safety of the application of atomic energy.

### ***Section 9***

(1) Through regular controls, analyses and on-site inspections, the regulatory authority shall verify whether the technical conditions and operation of the facilities and equipment serving the use of atomic energy meet the safety requirements defined based on the acceptable level of risk and the provisions set forth in the regulatory licences issued by the authority.

(2) The safety of nuclear facilities, adherence to safety requirements and the level of risk shall be fully analysed and evaluated and the results shall be made public by the licensee and the regulatory authority, prior to the establishment and commissioning of such facilities and throughout the total operating period of such facilities at regular intervals, taking into consideration operational experience and new information on safety.

## **The Tasks of Users of Atomic Energy**

### ***Section 10***

(1) Users of atomic energy are responsible for the safe application of atomic energy and compliance with safety requirements.

(2) The licensee – in its scope of activity – is obliged to provide the technical, technological, financial and personnel conditions required for the safe use of atomic energy and for maintaining and developing safety, and furthermore to monitor continuously the radiation conditions in accordance with the most recent certified results of science, international expectations, as well as experience. The general public shall be informed regularly – at least on a monthly basis – about results of monitoring the environmental radiation conditions.

(3) The licensee is obliged to undertake continuous activities to upgrade safety, taking into consideration its operational experience and new knowledge regarding safety.

(4) In order to regularly provide information to the population of the communities in the vicinity of the facilities, the licensee of a nuclear power plant as well as that of a radioactive waste disposal facility shall promote the establishment of a public control and information association and can grant assistance to its activities.

### ***Section 11***

(1) In the scope of using atomic energy, only such persons shall be employed who have the education and specialised qualifications set forth in special legal regulations and who meet the required conditions of employment specified in other legislation, as well as the specified health requirements.

(2) Only those institutions, organisations, and other companies qualifying as economic organisations under Section 685, Paragraph c) of the Civil Code which possess appropriate quality assurance systems can take part in activities related to nuclear facilities, nuclear systems and equipment.

### *Chapter III*

## **REGULATORY LICENSING, INSPECTION AND SUPERVISION**

### **The General Regime of Licensing**

#### *Section 12*

(1) With respect to regulatory procedures relating to the activities falling within the field of atomic energy applications, unless regulated otherwise by this Act, the provisions of Act IV of 1957 on the General Rules of State Administration Procedures shall apply.

(2) The case processing administration period in the first instance for nuclear safety licensing procedures pursuant to Paragraph *a*) of Subsection (2) of Section 17, can be extended up to six months.

#### *Section 13*

Provisions set forth in special legislation shall apply with respect to public hearings on the use of atomic energy.

#### *Section 14*

(1) A licence may be granted for a defined or undefined period of time, as well as subject to certain conditions. The licence granted for a defined period may be extended when so requested.

(2) A licence shall become void, if:

- a) the period identified in the licence expires or the conditions defined in the licence are not fulfilled;
- b) nuclear equipment or nuclear facilities are – within the period licensed – continuously out of operation, beyond a period determined in the licence.

(3) The authority may withdraw a licence or limit the validity period of the licence if the authority has determined a change in the safety conditions and the level of risk which served as a basis for issuing the licence.

4) HAEA may withdraw the licence or limit the period of validity of the licence if modifications of the nuclear facility or the nuclear system and equipment, affecting nuclear safety, have been carried out in deviation from the licence for modification or without a licence.

### ***Section 15***

- (1) The licensing authority shall regularly monitor compliance with the stipulations of the licence, as well as with safety regulations considering the acceptable level of risk and the safety of the use of atomic energy, and shall take or initiate prompt measures in order to eliminate any irregularities observed.
- (2) The authority shall keep records on the licences and on the results of inspections.
- (3) The HAEA may oblige the licensee to pay a fine for violating a legal regulation, safety regulation, for failing to comply with an obligatory standard or with the provisions set forth in an individual regulatory licence issued based on the above.
- (4) Special legal regulations shall prescribe the fines and the use of the sum generated from the fines levied.
- (5) No fine can be imposed beyond 6 months from the date the authority learns about the negligence or breach of duty, or beyond two years from the date when the licensee should have complied with its obligation defined in this Act.

### ***Section 16***

- (1) Central records shall be kept on nuclear materials, radioactive materials and preparations, including radioactive waste as well, and the data of such records can be used also for statistical purposes.
- (2) The rules on keeping records of nuclear materials, radioactive materials, and preparations are laid down in separate legal regulations.
- (3) In addition to the central records, own accounting and operating records (documentation) shall be kept by all users of atomic energy that perform activities, defined in separate legal regulations, with radioactive or nuclear materials falling under the scope of the Act.

## **HAEA's Scope of Authority, and the Participation of Other Special Authorities in the Licensing Procedure of Nuclear Facilities**

### ***Section 17***

- (1) The main duty of HAEA is to co-ordinate or accomplish the regulatory tasks, as well as the related information activity, in connection with the safe application of atomic energy, and especially with the safety of nuclear materials and facilities, as well as nuclear emergency preparedness.
- (2) The following activities fall into the scope of HAEA:
  - a) nuclear safety licensing required for the siting, construction, enlargement, commissioning, operation, modification, putting out of operation, decommissioning of nuclear facilities;
  - b) nuclear safety inspection of nuclear facilities;

- c) regulatory licensing and controlling of structures connected to nuclear facilities;
- d) with regard to nuclear equipment, nuclear safety and technical radiation protection licensing and inspection of activities related to the design, manufacture, installation (fitting in), commissioning, operation, modification (repair), imports from abroad, putting out of operation and decommissioning;
- e) monitoring of the existence of a quality assurance system specified in Subsection (2) of Section 11 or having such systems inspected by an institution designated by HAEA;
- f) maintaining of central records and control of nuclear materials, in accordance with the specifications laid down in international agreements;
- g) maintaining central records of radioactive materials and preparations;
- h) licensing of nuclear exports and imports prior to the undertaking of such activities;
- i) licensing of the transport of radioactive materials in accordance with the provisions of legal regulations for the transport of dangerous goods;
- j) approval and inspection of the packaging of radioactive materials;
- k) evaluation and co-ordination of research and development activities related to the safe use of atomic energy, as well as, with the consideration of Subsection (10) of Section 4, financing activities serving as technical support of regulatory inspections;
- l) co-ordination of international co-operation related to the application of atomic energy, preparations for and organisation of the execution of inter-state and inter-governmental agreements in this area, and arranging the co-operation with the International Atomic Energy Agency.

(3) In HAEA's licensing process pursuant to Paragraphs a), c) and d) of Subsection (2), all other relevant public administration bodies participate as a special authority in their scope of responsibility and authority specified in separate legal regulations.

(4) The authority can designate other institutions as well to carry out the examinations to identify the conditions of licences.

(5) The HAEA is entitled to conduct inspections at any user of atomic energy, in its scope of authority.

### ***Section 18***

In regulatory matters involving the nuclear safety of a nuclear facility, in the event HAEA and another authority entitled to licensing or inspections have a conflict concerning the scope of authority, HAEA is entitled and obliged to proceed until such legal dispute is settled.

## ***Section 19***

(1) If any approval by a special authority constituting the basis for a HAEA licence becomes void, the relevant special authority may initiate the withdrawal of the licence granted as per Paragraphs a), c) and d) of Subsection (2) of Section 17. HAEA shall make a decision considering the gravity of the matter within 30 days from receiving the initiative.

(2) In the HAEA licensing procedure as per Paragraphs a), c) and d) of Subsection (2) of Section 17,

- a) the Minister of Interior shall enforce the considerations relating to public and domestic order, fire protection, security, as well as civil defence and nuclear emergency response, through organisations appointed in a separate legal regulation;
- b) the Minister of Agriculture shall enforce the considerations related to food, plant and animal hygiene, as well as soil protection, through an organisation appointed in a separate legal regulation;
- c) the Minister of Industry, Trade and Tourism shall enforce the considerations related to geology, through an organisation appointed in a separate legal regulation;
- d) the Minister of Transport, Communication and Water Management shall enforce the considerations related to water utilisation, water table protection, and water damage prevention, through an organisation appointed in a separate legal regulation;
- e) the Minister of Environment Protection and Regional Development shall enforce the considerations related to environment protection, nature conservation and water quality protection, through an organisation appointed in a separate legal regulation;
- f) the Minister of Public Welfare shall enforce the health and radiation protection considerations related to ionising radiation, through an organisation appointed in a separate legal regulation;
- g) the building authority responsible for the area shall enforce the general considerations related to regional planning and building;
- h) the President of the Hungarian Mining Authority shall enforce mining technological, mining technical and mining safety considerations.

(3) In HAEA's licensing procedure as per Paragraphs *a)*, *c)* and *d)* of Subsection (2) of Section 17, the applicant shall attach the other regulatory licences and approvals as prescribed in legal regulations to the licence application.

## **The Scope of Authority of the Minister of Public Welfare and the Participation of Special Authorities in the Licensing Procedure Regulated by the Minister of Public Welfare**

### ***Section 20***

(1) The Minister of Public Welfare, through an organisation appointed in a separate legal regulation, with the exception of the provisions set forth in Subsection (2) of Section 26, shall carry out:

- a) licensing and monitoring of the acquisition of ownership, producing, manufacturing, possessing, storing, using, utilising, transforming and distributing of radioactive materials;
- b) licensing and monitoring of the construction, commissioning, operation, modification, repair and decommissioning of non-nuclear facilities which serve the activities listed in Paragraph *a*);
- c) licensing and monitoring of the acquisition and transfer of ownership, conferring the use under any legal title, establishing, producing, operating, modifying and decommissioning of facilities and equipment generating ionising radiation;
- d) licensing and monitoring of the siting, construction, commissioning, operating, modifying and closing down radioactive waste disposal facilities;
- e) supervision of the organisation and operation of the radiation protection service operated in facilities serving the application of atomic energy;
- f) inspection of compliance with the requirements of radio hygiene, working conditions, occupational aptitude and employment, effective for the employees in the use of atomic energy;
- g) central collection, processing, recording and evaluation of data relating to the national radiation situation in order to protect the population from radiation and to contribute to the support of decision making in a nuclear emergency;
- h) public health and radio hygiene tasks related to radioactive materials and equipment emitting ionising radiation and inspecting that the radiation protection norms for workplaces and for the environment, as well as the requirements for the employees engaged in the field of applying atomic energy are complied with.

(2) In the licensing procedure as per Paragraphs *a*) through *d*) of Subsection (1) of this Section, all other public administration organisations participate as a special authority, in their scopes of authority and responsibility identified by separate legal regulations.

### ***Section 21***

In the licensing procedure as per Section 20:

- a) the Minister of Interior shall enforce the considerations relating to public and domestic order, fire protection, security, as well as civil defence, through organisations appointed in a separate legal regulation;

- b) the Minister of Agriculture shall enforce the considerations related to food quality, plant and animal hygiene, as well as soil protection, through an organisation appointed in a separate legal regulation;
- c) the Minister of Industry, Trade and Tourism shall enforce the considerations related to geology, through an organisation appointed in a separate legal regulation;
- d) the Minister of Environment Protection and Regional Development shall enforce the considerations related to environment protection, nature conservation and water quality protection, through an organisation appointed in a separate legal regulation;
- e) the Minister of Transport, Communication and Water Management shall enforce the considerations related to traffic, transport, as well as water utilisation and protection of water bases, through an organisation appointed in a separate legal regulation;
- f) the building authority competent for the area shall enforce the considerations related to regional planning and building;
- g) the President of the Hungarian Mining Authority shall enforce mining technological, mining technical and mining safety considerations.

### **The Scope of Regulatory Authority of Other Public Administration Organisations within the Fields of Atomic Energy Application**

#### ***Section 22***

Through an organisation identified in separate legal regulations, the Minister of Interior shall carry out the tasks of security, fire protection, physical protection, civil defence and nuclear emergency response, serving the provision of public and domestic order, associated with the use of atomic energy.

#### ***Section 23***

As determined in separate legal regulations, the Minister of Agriculture shall provide for the inspection of the radioactivity of soil, the flora and fauna, of the products of vegetable and animal origin, and for its expert assessment, as well as for performing the tasks in connection with tests and issuing certificates required for the international distribution of foodstuffs.

#### ***Section 24***

(1) As determined in separate legal regulations, the Minister of Industry, Trade and Tourism shall provide for the inspection of the radioactivity of raw materials used for the production of building materials or imported from abroad as well as of the building materials distributed in trade, and of other products.

(2) In the licensing procedure regulated by Act III of 1974 on Foreign Trade, and in its executive orders, a previous licence pursuant to Paragraph *h*) of Subsection (2) of Section 17 is required to license nuclear export and import.

### ***Section 25***

As determined in separate legal regulations, the Minister of Environment Protection and Regional Development shall provide for the inspection of the radioactive contamination of air, land and water environment.

### ***Section 26***

(1) As determined in separate legal regulations, the Minister of Defence – within the defence branch – shall provide for:

- a) the monitoring of the handling of radioactive materials, as well as of the construction, operation and decommissioning of facilities and equipment of military technology falling under the scope of this Act;
- b) the special (training, nuclear emergency preparedness, war-related) radio hygiene control of the defence branch;

(2) With respect to the organisations and institutions of the Hungarian Army (hereafter HA), the Medical Officer's Service of HA shall perform the tasks related to Paragraphs a) through c), e) through f), and h) of Subsection (1) of Section 20.

### ***Section 27***

As determined in separate legal regulations, the President of the National Measurement Authority shall perform the regulatory tasks related to measuring instruments in connection with the use of atomic energy.

### ***Section 28***

The Minister of Culture and Public Education shall:

- a) provide for the integration into the National Master Curriculum, determined by a separate legal regulation, of the obligation to educate on the fundamental scientific, technical and radiation protection knowledge in association with the application of atomic energy;
- b) provide for the regulation of higher and postgraduate education, and for creating their conditions in the field of the application of atomic energy in co-operation with the professionally relevant institutions of higher education, with the involvement of the Ministers concerned, within the framework of legal regulations applying to higher education.

### ***Section 29***

(1) The organisations specified in Sections 17 through 27 of the Act may entrust an institution to perform inspection which has the necessary personnel and material conditions, or a person who has appropriate special qualifications, respectively.

(2) The institution or person entrusted with the inspection shall have the same rights as the organisation eligible for inspections, except for the authorisation to take measures.

## **Guarding and Protection**

### ***Section 30***

(1) Guarding of certain nuclear facilities, nuclear materials, equipment producing radioactive materials, as well as of facilities for the handling, interim storage or final disposal of radioactive waste, shall be ensured by the licensee, as required in separate legal regulations, through armed security guards.

(2) With respect to the protection of facilities and equipment, pursuant to Subsection (1) defined by a separate legal regulation, the national security services shall perform their tasks under separate legislative empowerment.

(3) In the course of performing their tasks, the police, as determined by a separate legal regulation, shall monitor compliance with regulations relevant to public security and domestic order, with special regard to the nuclear facilities, to the use, utilisation and registration of radioactive and nuclear materials and preparations, and their transport within the territory of the Republic of Hungary and across the borders of the country, their guarding, the protective equipment as well as the final disposal of radioactive materials and waste, and the records applying thereto.

(4) According to separate legal regulations, the police shall issue an approval, as a special authority, for nuclear facilities and the facilities serving for the final disposal of radioactive waste.

(5) According to separate legal regulations, the police shall issue a licence for transporting fresh and spent nuclear fuel in the territory of the Republic of Hungary, as well as across the borders.

(6) In the event of a nuclear emergency situation, or – if necessary – of an abnormal event, the police shall perform the tasks related to maintaining order delegated to their authority.

### ***Section 31***

(1) The user of atomic energy is obliged to prevent unauthorised persons from gaining access to the radioactive or nuclear materials in its possession, and to the facility and equipment under its control serving the use of atomic energy, and shall ensure that such materials are not removed from secure guarding and used for impermissible purposes.

(2) If a user of atomic energy learns that radioactive or nuclear material, or equipment generating ionisation radiation has been or could be transferred into the possession of unauthorised persons, or if it notices any other irregularities, it shall report this without delay to the police and the national security services.

### ***Section 32***

An organisation designated by the Government shall provide for the storage of any radioactive or nuclear materials found or confiscated.

## **Separate Regulations Applying to Nuclear Power Plants**

### ***Section 33***

In addition to the nuclear safety regulatory licences to be issued pursuant to this Act, the licences of the Hungarian Energy Office issued pursuant to Act XLVIII of 1994 on the Production, Transport and Supply of Electric Energy are also required for the construction and lawful operation of a nuclear power plant.

## **Rights and Obligations Related to Third Party Real Estate Properties; Exclusion Zone**

### ***Section 34***

(1) The surroundings of the nuclear facility or radioactive waste disposal facility – including the subsurface section and the air space above it – may be designated an exclusion zone for the safety of the facility and its surroundings, as well as the population living there.

(2) In the exclusion zone, a ban on forming lots or on building, as well as the restriction of mining, land and water usage rights and other usage restrictions may be prescribed.

(3) The requirements of determining the exclusion zone and of bans and restrictions set forth in Subsection (2), as well as the detailed rules of compensation shall be established by the Government in a decree.

### ***Section 35***

(1) Within the exclusion zone, the ban on forming plots and on building, as well as the usage restrictions, except for the restrictions of using air space, shall be prescribed by the building authority concerned; the restrictions on mining rights by the Hungarian Mining Authority, the restrictions on water usage shall be prescribed by the water affairs authority, respectively. The fact of the establishment of an exclusion zone, as well as the bans and restrictions prescribed for real estate properties shall be recorded in the real estate property files (land register).

(2) If the ban or restriction prescribed in the exclusion zone terminates or substantially hinders the regular function of the real estate property, and furthermore, if this is necessitated for the safe use of the facility serving the application of atomic energy and to be installed in the exclusion zone, the area concerned may be expropriated in accordance with the general rules applying to expropriation.

### ***Section 36***

(1) In the course of designating the exclusion zone and when prescribing restrictions on use, the stipulations of legal regulations applying to the protection of agricultural lands shall also be taken into consideration.

(2) In the exclusion zone, any restrictions on using air space, on the basis of the conditions stated by the authority licensing the construction, shall be determined by the air control authority defined in a separate legal regulation.

### ***Section 37***

Any damages caused by the maintaining of bans and restrictions prescribed in the exclusion zone, by the construction of a nuclear facility or radioactive waste disposal facility, as well as by activities carried out in association with these facilities within the exclusion zone shall be compensated.

## **Storage and Disposal of Radioactive Waste and Spent Nuclear Fuel**

### ***Section 38***

(1) A licence for the application of atomic energy shall be granted only if the safe storage, i.e. interim storage or final disposal, of the radioactive waste and spent fuel generated can be assured in accordance with the most recent certified results of science, international expectations, as well as experience.

(2) The interim storage and final disposal of radioactive waste and spent fuel shall be considered safe if:

- a) the protection of human health and the environment is ensured throughout the entire duration of these activities;
- b) the impact on human health and the environment is not higher beyond the country borders than that accepted within the country.

### ***Section 39***

The interim storage of radioactive waste and spent fuel shall be licensed for a definite period of time only.

### ***Section 40***

As the solution of such matters is in the national interest, the performance of tasks related to the final disposal of radioactive waste, as well as to the interim storage and final disposal of spent fuel, and to the decommissioning of a nuclear facility shall be the responsibility of an organisation designated by the Government.

### ***Section 41***

The licensee, or in the case of budgetary organisations, the central budget shall be liable to cover the costs of the final disposal of radioactive waste, as well as the interim storage and final disposal of spent fuel, and of the decommissioning of a nuclear facility.

*Chapter IV*  
**MEASURES FOR THE PREVENTION OF ABNORMAL EVENTS  
AND THE ELIMINATION OF THEIR CONSEQUENCES**

***Section 42***

The user of atomic energy is obliged to take appropriate measures immediately if an abnormal event occurs in the course of its activities, and the level of ionising radiation or the extent of radioactive contamination affecting the employees or the population, or the volume of radioactive materials released into the environment is or may be higher than the level permitted by the authorities.

***Section 43***

(1) The termination of an abnormal event, the investigation of its causes, and the execution of measures necessary to prevent its repeated occurrence are primarily the tasks of the user of atomic energy.

(2) In order to prevent the occurrence of a nuclear emergency situation, to respond to or limit the consequences of an event that has occurred, as well as to restore the prescribed, regular circumstances, the user of atomic energy is obliged to:

- a) elaborate a plan for emergency preparedness and response and have it approved by the relevant authorities;
- b) establish the personal, material and organisational conditions for efficient emergency response and to regularly verify the satisfaction of these conditions from time to time;
- c) ensure the conditions required for external assistance necessary for emergency response (nature, extent and method of such assistance) in agreement with the relevant authorities and organisations.

***Section 44***

The execution of measures necessary for the response to an abnormal event which exceed the capabilities of the user of atomic energy is the responsibility of the institutions identified in the emergency preparedness and response plan, and in a nuclear emergency situation it is the task of authorities and organisations responsible for emergency response and identified in separate legal regulations.

***Section 45***

(1) The user of atomic energy is obliged to report, in accordance with regulatory requirements, all abnormal events and any accident resulting in personal injury without delay to the mayor with jurisdiction over the area, the county or Budapest office of the State Public Health and Medical Officer's Service (hereinafter Medical Officer's Service) with jurisdiction over the area, the Medical Officer's Service of HA in the case of units and institutions of the Hungarian Army, the police and HAEA, and furthermore if the environment is contaminated, to the environmental protection inspectorate and the county (or Budapest) animal health and foodstuff inspection station, in the case of agricultural land becoming contaminated, to the county (or Budapest) plant health and soil protection

station, in the case of water becoming contaminated to the water affairs administration, as well as for information, to the regional and central management organisations designated on the basis of separate legal regulations for nuclear emergency response.

(2) If the abnormal event causes air contamination as well, the user of atomic energy shall also inform the Hungarian Meteorological Service in accordance with Subsection (1).

(3) In the case of nuclear facilities, reporting obligations pertaining to abnormal events – in addition to the provisions in Subsection (1) – shall be determined by HAEA.

(4) The authorities shall advise the other concerned authorities of abnormal events if they were not reported by the user of atomic energy.

#### ***Section 46***

In a nuclear emergency situation, the reporting obligation is regulated by the emergency preparedness and response plan.

#### ***Section 47***

(1) In order to prevent the proliferation of radioactive contamination and to avoid radiation injury, the responsible county (Budapest) institute of the Medical Officer's Service, or the Medical Officer's Service of HA:

- a) may subject a person to medical observation if he/she may directly contaminate his/her environment as a result of his/her radioactive contamination;
- b) may order the placement of persons into safe conditions, and the decontamination of the area, real estate property, buildings and other structures, as well as material assets and may restrict or ban their use (utilisation) and distribution for a specified or unspecified period;
- c) may order the destruction of contaminated material assets, and in the case of livestock their emergency slaughter or killing;
- d) may initiate the ordering of renovating, restoring, modifying, or demolishing of buildings and other structures with the building authority, and those of water facilities with the water affairs authority.

(2) In applying Paragraphs *b*) and *c*) of Subsection (1) the county (Budapest) institute of the Medical Officer's Service shall proceed in agreement with the county (Budapest) animal health and foodstuff inspection station regarding foodstuff, tobacco products, agricultural crop and products as well as livestock.

(3) In the case of a risk which poses a severe threat to health and the human environment, the resolution made on the basis of Subsection (1) shall be executed regardless of an appeal.

*Chapter V*  
**LIABILITY FOR DAMAGES AND COMPENSATION OF DAMAGES  
RELATED TO THE APPLICATION OF ATOMIC ENERGY**

***Section 48***

- (1) The licensee of a nuclear facility shall be liable for all nuclear damage defined pursuant to this Act. The licensee may be exempted from liability exclusively in cases defined by this Act.
- (2) In the case of international carriage, the location where liability is transferred shall be set forth in the contract.

***Section 49***

- (1) No exemption from the liability determined in Section 48 shall be granted unless the nuclear damage is the consequence of a nuclear accident directly triggered by an unavoidable external cause outside the scope of activity of the facility (armed conflict, war, civil war, armed uprising or a grave natural disaster of an extraordinary character).
- (2) The licensee shall be exempted in part or in whole from the liability determined in Section 48 if it can prove that the damage suffered by the injured party occurred in part or in whole as a result of his gross negligence, or is the consequence of such a wilful and unavoidable act or omission of the injured party which was expressly aimed at creating the damage.

***Section 50***

It will not be qualified as nuclear damage, and the licensee shall be liable for it in accordance with the Civil Code, if the damage:

- a) was caused to the condition of the nuclear facility or to any property on the site of that facility, which is used or intended to be used in connection with that facility;
- b) was caused to the means of transport upon which the given nuclear material was placed at the time of the nuclear accident.

***Section 51***

Except as otherwise stipulated in this Act, the limitation of or exemption from the liability for nuclear damage is null and void.

***Section 52***

- (1) The absolute liability of the licensee of a nuclear power plant, nuclear district heating plant and a facility producing, storing or processing nuclear fuel shall not exceed SDR 100 million on each occasion of a nuclear accident arising in the facility, and SDR 5 million on the occasion of each nuclear accident arising in other nuclear facilities and in nuclear accidents arising during the transport or storage of nuclear fuel.

(2) The nuclear damage in excess of the amount defined in Subsection (1) shall be compensated by the State of Hungary; however, the total amount devoted to compensation shall not be higher than SDR 300 million even in this case.

(3) The compensation shall be effected in official Hungarian currency, based on the official exchange of limit amounts expressed in SDR set forth in Subsections (1) and (2).

### ***Section 53***

(1) If the damage has been caused by a nuclear accident as defined by this Act and another event jointly, and the damage caused by the other event cannot be separated from the nuclear damage with absolute certainty, the damage caused by the other event is also qualified as a nuclear damage. In the case, however, if the nuclear damage was caused by a nuclear accident and by the release of ionising radiation not falling within the scope of this Section, the person responsible for this release shall be obliged to provide compensation as per Section 345 of the Civil Code.

(2) If more than one licensee takes joint and several responsibility for the nuclear damage, the upper limit of the absolute liability of any of the licensees shall not exceed the amount applicable to them on the basis of Section 52.

(3) If the abnormal event arises in the course of carriage of nuclear materials either in a means of transport or while storing them during their carriage in a facility, and there is more than one licensee responsible for the nuclear damage caused, the total upper limit of absolute liability may not be higher than the highest amount to be paid by one of the licensees on the basis of Section 52 of this Act.

(4) Two or more nuclear facilities operated at the same site by the licensee – from the aspect of applying compensation rules of this Act – are qualified as one nuclear facility.

### ***Section 54***

(1) The licensee is obliged to provide for insurance or other financial security up to the amount of compensation as per Subsection (1) of Section 52. In the case of a budgetary institution, the sources of funding shall be secured by the central budget.

(2) No insurer or financial guarantor shall suspend or cancel the insurance or financial security without giving notice in writing, at least two months in advance, of the suspension or cancellation to HAEA.

(3) If the insurance or financial security relates to the carriage of nuclear materials, the insurance or financial security may not be cancelled or suspended during the period of carriage.

### ***Section 55***

(1) Claims for compensation in the case of nuclear damage may only be brought against the licensee or the party which grants the financial coverage on behalf of the licensee.

(2) In the case of nuclear damage, the licensee has the right of recourse if:

a) this right has been expressly provided for in a written contract;

- b) the nuclear damage is the result of a wilful destructive action or negligence, against a natural person acting or omitting to act with such intention.

***Section 56***

- (1) The amount of absolute liability defined in Section 52 does not include the interest and costs determined by a court in relation with the compensation for the nuclear damage.
- (2) If it is probable that the damage caused by the nuclear accident will exceed the amount defined in Section 52 then on the basis of the Government's decision, until further action, only a specified portion of the amount of compensation may be used to satisfy the injured parties.
- (3) If the amount available for compensation is not enough to satisfy all injured parties in full, the amount of compensation due to all of them is proportionately reduced.

***Section 57***

- (1) Injured parties may claim their right to compensation within a three-year limitation period. The statutory limitation commences on the date when the injured party learned or could have learned about the occurrence of the damage and the identity of the licensee responsible therefor.
- (2) The licensee shall bear liability for nuclear damage defined in this Act for ten years from the date of the occurrence of a nuclear accident.
- (3) If the nuclear damage was caused by an abnormal event brought about by a nuclear material which nuclear material was stolen, lost, jettisoned or abandoned at the time of the abnormal event, the deadline stipulated in Subsection (2) shall be counted from the date of the abnormal event, but it shall not be longer than twenty years from the date of occurrence of the events listed.
- (4) No claim for compensation shall be enforced after the expiration of the deadlines specified in Subsections (2) and (3).

***Section 58***

This Act does not affect the liability, pursuant to the Civil Code, of

- a) natural persons who caused such nuclear damage by their act or omission aimed at causing damage, for which the licensee is not responsible according to Subsection (2) of Section 49 and Section 50 of this Act;
- b) the licensee in cases not falling within the scope of this Act, for which the licensee is not responsible according to Section 50 of this Act.

***Section 59***

No compensation on the basis of this Act is due to any party that has received full compensation for the same nuclear damage, under any other title.

### ***Section 60***

(1) The liability and compensation rules of this Act related to the application of atomic energy must be used in cases when as a result of a nuclear accident related to a nuclear facility operating within the territory of the Republic of Hungary, the nuclear damage arises in the territory of the Republic of Hungary, or in the territory of a foreign state or other areas where the licensee is obliged to compensate on the basis of an international agreement.

(2) This Act does not rule out the application of the provisions of this Act in other cases in addition to those mentioned in Subsection (1), on the basis of reciprocity.

### ***Section 61***

The provisions of this Act shall be applied without any discrimination based upon nationality, domicile, or residence.

## ***Chapter VI*** **THE CENTRAL NUCLEAR FINANCIAL FUND**

### ***Section 62***

(1) The Central Nuclear Financial Fund (hereinafter the Fund) is a separate state fund pursuant to Act XXXVIII of 1992 on Public Finance exclusively earmarked for financing the construction and operation of disposal facilities for the final disposal of radioactive waste, as well as for the interim storage and final disposal of spent fuel, and the decommissioning (demolishing) of nuclear facilities.

(2) The member of the Government exercising supervision over HAEA shall dispose of the Fund. The manager of the Fund is HAEA.

### ***Section 63***

(1) The licensees are obliged to cover the costs of the final disposal of radioactive waste, as well as of the interim storage and final disposal of spent fuel, and of the decommissioning (demolishing) of nuclear facilities by contributing to the Fund.

(2) In the case of nuclear facilities, the amount of payment shall be determined in a way that it fully covers all the costs arising as a result of the final disposal of radioactive waste and of the interim storage and final disposal of spent fuel generated during the total operating period of the facility and at the time of decommissioning, as well as all the costs related to the decommissioning of the nuclear facility.

(3) The amount of payments is determined by the law on the annual budget on the basis of the cost estimate prepared by the organisation identified pursuant to Section 40 taking into consideration the obligations under Subsection (2) and reviewed by the HAEA and – in relation to a nuclear power plant – by the Hungarian Energy Office.

(4) The payments made by the licensees may be accounted for within the category of other costs. In the case of a nuclear power plant, these should be taken into account when determining the price of electric energy.

(5) Payments made pursuant to the provisions under Subsections (1) and (2) constitute the source of income of the Fund.

#### ***Section 64***

(1) The provisions on the separate state financial funds of Act XXXVIII of 1992 on Public Finance, amended several times, shall be applied to the financial management of the Fund, with the deviations included in this Act.

(2) The Government is authorised, in order to ensure that the Fund maintains its value, to allocate a sum calculated on the average assets of the Fund in the previous year using the average base interest rate of the central bank in the previous year, to be debited to the central budget, in the course of planning the budget bill.

(3) The sum described in Subsection (2) shall be made available to the Fund by January 31 of every year.

(4) The assets of the Fund shall be kept separated in the unified treasury account.

(5) The manager of the Fund shall use the accumulated assets through the organisation identified in Section 40 exclusively for the purposes defined in Subsection (1) of Section 62.

### ***Chapter VII*** **CLOSING PROVISIONS**

#### **Miscellaneous Regulations and Enacting Provisions**

#### ***Section 65***

(1) The Municipal Court of Budapest has exclusive jurisdiction to judge compensation claims submitted on the basis of this Act.

(2) The power of this Act does not affect the rights and obligations related to international co-operation in the field of applying atomic energy, originating from treaties accepted by the Republic of Hungary.

#### ***Section 66***

(1) This Act, with the exception of Sections 62 through 64, shall enter into force on the first day of the sixth month following its promulgation. Paragraphs 62 through 64 shall enter into force on 1 January 1998.

(2) Simultaneously with this Act becoming effective:

- a) Act I of 1980 on Atomic Energy, amending Law-Decree 15 of 1987, Decree 12/1980 (IV. 5.) MT on the enforcement of the Act; amending Decree 54/1987 (X. 24.) MT; Decree 75/1988 (X. 31.) MT; and Government Decree 104/1990 (XII. 15.) become null and void;
- b) Subsection (6) of Section 3 of Act IV of 1957 on the General Regulations of the State Administration Procedures shall be replaced by the following provision:

“(6) This Act shall be used in defence, foreign trade administration, industrial rights protection and social insurance matters, as well as in matters defined in acts on prohibiting unfair market practices and the restriction of competition, defining prices, insurance companies and insurance activity, credit institutions and financial enterprises; in tax, revenue, and customs administration matters, as well as in matters relating to activities in the application of atomic energy unless there are regulations ruling otherwise”.

- c) Section 4 in Law-Decree 9 of 1972 on the promulgation of the agreement signed in Vienna on March 6, 1972, between the People’s Republic of Hungary and the International Atomic Energy Agency for the application of safeguards in connection with the treaty on the non-proliferation of nuclear weapons will be substituted by the following provision:

“Section 4. The enforcement of this Law Decree is ensured by the President of the Hungarian Atomic Energy Commission – in co-operation with the Minister of Defence in view of Article 14 of the Agreement”.

## **Authorising Provisions**

### ***Section 67***

The Government is empowered to regulate by decree:

- a) the scope of authority and responsibility of HAEC and HAEA, as well as the system of forums of authorities acting in connection with the application of atomic energy;
- b) the set of those radioactive materials and equipment generating ionising radiation, the application of which – as a result of the character and extent of ionising radiation generated by them – is not qualified as hazardous to human life and health, and to the human environment, and therefore is not qualified as falling within the scope of the Act on Atomic Energy;
- c) the special conditions for the acquisition of ownership of materials and equipment belonging to the application of atomic energy, and the regime of reporting their possession and operation;
- d) with respect to nuclear facilities:
  - da) the contents of safety reports;

- db) the nuclear safety requirements related to siting, construction, enlargement, commissioning, operation, modifications, termination of operation and decommissioning;
  - dc) the nuclear safety requirements related to the design, manufacture, installation (fitting in), importing from abroad, commissioning, operation, modifications (repair), putting out of operation and decommissioning of nuclear equipment;
  - dd) the requirements imposed on the quality assurance systems of organisations performing the design, construction, building, manufacture, commissioning, operation and decommissioning;
  - de) the employment requirements of employees;
  - df) the rules of regulatory activities of nuclear safety and technical radiation protection;
  - dg) the regime of regulatory procedures for building and of inspections of structures in connection with facilities, as well as the nuclear safety requirements related to construction and building engineering;
- e) tasks and obligations of atomic energy users and the relevant authorities, and the concerned sectoral and regional organisations related to both the preparedness and planning for a nuclear emergency situation, and the response to the emergency situation, as well as informing the general public on a true and timely basis;
  - f) the establishment of an organisation designated for the final disposal of radioactive waste and spent nuclear fuel, as well as for the decommissioning of a nuclear facility, and the financial resources of its activities;
  - g) the characteristics, conditions and amount of insurance or other financial security related to nuclear liability;
  - h) the standards to be applied on a compulsory basis in the field of atomic energy applications;
  - i) the rates of penalties stipulated in Section 15 of the Act, and the manner of using the proceeds from the penalties imposed;
  - j) the provisions in connection with the exclusion zone and compensation pursuant to Section 34 and expropriation pursuant to Section 35 of the Act;
  - k) the regime of storage and handling of radioactive or nuclear materials found or confiscated;
  - l) the regulations of nuclear exports and imports in accordance with the international control systems.

## *Section 68*

(1) The Minister supervising HAEA is authorised to determine in a decree in agreement with the Ministers concerned by this Act:

- a) the regulations for the accounting and control of nuclear materials in accordance with the requirements identified in international agreements;
- b) the regulations of registering radioactive materials and preparations;
- c) the regime of procedures of licensing and controlling the packaging of radioactive materials;
- d) the fees to be paid for utilising administration services in association with the registration of nuclear and radioactive materials and, furthermore, the fees to be paid for the regulatory activities of HAEA and, within that, the fees for nuclear safety regulatory activities;
- e) the conditions of paying charges for the service of institutes and institutions utilised for the regulatory activities of HAEA;
- f) the rules of operation and the order of procedures of the Central Nuclear Financial Fund.

(2) The Minister of Public Welfare is authorised to determine in a decree:

- a) the maximum dose limits related to the radiation dose of employees engaged in the field of atomic energy applications and those of the population's radiation dose, the order of inspecting the external and internal radiation dose of persons, and the intervention levels to be taken into consideration in the plans of emergency preparedness and response, as well as the dose limits related to the radiation dose of persons involved in eliminating the consequences of a nuclear accident (catastrophe);
- b) the radiation protection qualification of equipment and devices used in the field of applying atomic energy;
- c) the requirements of radio hygiene, working conditions and occupational aptitude for employees engaged in the field of applying atomic energy, and the order of radiation protection training of employees engaged in the field of atomic energy applications;
- d) the radiation protection requirements of the means of road transport;
- e) in agreement with the Minister supervising HAEA, the radiation protection regulations related to the application of atomic energy, and the detailed specifications in connection with the tasks and operations of radiation protection services;
- f) in agreement with the Ministers concerned, the regulations related to the monitoring of the national radiation situation and radioactive material concentrations, as well as the regime of central data acquisition, processing, registering and evaluation of the results of monitoring;
- g) the acceptable level of the concentration of radon and radon daughter elements in residential and public buildings, as well as in agreement with the Minister of Industry, Trade and

Tourism and the Minister of Environment Protection and Regional Development, the limitation – for radiation protection purposes – of using raw materials applied for the production of building materials and furthermore that of building materials to be distributed by trade, as well as the usage of building sites;

- h) in agreement with the Minister of Industry, Trade and Tourism, the rules of complying with and controlling of the requirements related to the radioactivity of products and raw materials originating from abroad and distributed by trade;
  - i) the rules of using radioactive materials in consumer goods;
  - j) the rules of sterilising therapeutic instruments and sanitary articles by ionising radiation;
  - k) the licensing procedure of possessing, producing, manufacturing, distributing, storing, using and modifying of radioactive materials;
  - l) the licensing procedures and regime of control of constructing, commissioning, operating, modifying, repairing, decommissioning and removing of facilities or equipment serving for the activities listed in Paragraph *k*);
  - m) the licensing procedures and regime of control necessary for establishing, producing, operating, modifying and decommissioning facilities and equipment generating ionising radiation;
  - n) the rules of organising and maintaining the radio hygiene stand-by service;
  - o) the rules of therapeutic treatment of persons injured or suspected of being injured by radiation;
  - p) the radio hygiene regulations of the interim storage and final disposal of radioactive waste;
  - q) in agreement with the Minister of Industry, Trade and Tourism, the radio hygiene requirements related to the mining and geological environment;
- (3) The Minister of Environment Protection and Regional Development is empowered to determine in a decree, in agreement with the Minister supervising HAEA, the Minister of Transport, Communication and Water Management, as well as the Minister of Public Welfare:
- a) the maximum quantity of radioactive materials – depending on the physical and chemical characteristics – allowed to be released to the atmosphere and into water in the course of using atomic energy, and other conditions of release, and furthermore, the regulations concerning the inspection of the radioactive contamination of the air and water environment;
  - b) the special rules of protecting waters and water containing formations against radioactive contamination and heat pollution, which rules relate to environment protection and go beyond general legal regulations.
- (4) The Minister of Transport, Communication and Water Management is authorised to determine in a decree the requirements related to the transport and packaging of nuclear and radioactive materials in

agreement with the Minister of Interior, the Minister of Environment Protection and Regional Development, the Minister of Public Welfare, as well as the Minister supervising HAEA.

(5) The Minister affected by the nature of activity is authorised to regulate, in agreement with the Minister supervising HAEA, the specialised vocational training and advanced training of employees, and the authorised parties eligible to pursue activities related to the use of atomic energy.

(6) The Minister of Industry, Trade and Tourism is authorised to determine in a decree the set of geological requirements to be taken into consideration on forming an opinion about the suitability of the selected site for a nuclear facility, or facilities for disposing radioactive waste and to be observed in their technical design, and the Hungarian Geological Service will decide on this basis concerning the issue of special regulatory approval.

(7) The Minister of Interior is authorised in order to protect public security and the internal order to define in a decree, in agreement with the Minister supervising HAEA:

- a) the tasks of the police related to the use of atomic energy, the criteria of special regulatory approval required for the issue of regulatory licences, as well as the special safety requirements applying to employees engaged in the field of atomic energy applications and the inspection regime of their prevailing in the long term;
- b) the special method of undertaking guarding and protection with respect to nuclear materials and facilities.

(8) The Minister of Interior is authorised to determine in a decree, in agreement with the Minister of Transport, Communication and Water Management, as well as the Minister supervising HAEA, the tasks of police control and coverage of transporting radioactive and nuclear materials.

(9) The Minister of Industry, Trade and Tourism is authorised to determine in a decree the requirements for mining engineering and mining safety with respect to selecting and operating mining areas, as well as of other subterranean areas for the disposal of radioactive waste.

(10) The Minister of Defence is authorised to determine in a decree:

- a) the regulations of this sector with respect to the handling and control of radioactive materials, as well as the rules of constructing and decommissioning facilities and military technology equipment falling within the scope of this Act;
- b) the special (training, nuclear emergency preparedness, and war related) radio hygiene regulations of this sector.

