

S U P P L E M E N T T O N o 16

I T A L Y

ACT No 1860 OF 31ST DECEMBER 1962
ON THE PEACEFUL USES OF NUCLEAR ENERGY

Revised as of 10th May 1975

November 1975



I T A L Y

ACT NO 1860

OF 31ST DECEMBER 1962

ON THE PEACEFUL USES OF NUCLEAR ENERGY*

C H A P T E R 1

DEFINITIONS

Section 1

For the purposes of enforcement hereof, the definitions concerning special fissionable materials, enriched uranium, source materials as well as ores, as provided by Article 197 of the Treaty establishing the European Atomic Energy Community, ratified and brought into force by Act No 1203 of 14th October 1957 shall apply.

Also in implementation of this Act in connection with the provisions on third party liability, and in accordance with the Conventions on third party liability in the field of nuclear energy, ratified and brought into force together with their related instruments by Act No 109 of 12th February 1974, the following definitions shall apply:

- (a) "A nuclear incident" means any occurrence or succession of occurrences having the same origin which causes damage, provided that such occurrence or succession of occurrences, or any of the damage caused, arises out of or results from the radioactive properties or a combination of radioactive properties with toxic, explosive, or other hazardous properties of nuclear fuel or radioactive products or waste;

* Unofficial translation by the Secretariat. This text embodies the series of amendments made to the Act since its entry into force. The amendments prior to DPR No 519 of 10th May 1975 (amending Section 1 and Sections 15 to 24) are indicated in footnotes to the relevant provisions.

- (b) "Nuclear installation" means nuclear reactors other than those comprised in any means of transport; factories for the manufacture or processing of nuclear materials; factories for the separation of isotopes of nuclear fuel; factories for the reprocessing of irradiated nuclear fuel; facilities for the storage of nuclear materials other than storage incidental to the carriage of such materials; and such other installations in which there are nuclear fuel or radioactive products or waste which are defined as such by decision of the Steering Committee of the Nuclear Energy Agency set up within the Organisation for Economic Co-operation and Development (OECD) and as provided by the last paragraph of this Section. A nuclear installation may consist of a number of installations, provided that the operator is the same and that they form an organic whole, i.e. a geographical unit;
- (c) "Nuclear fuel" means fissionable material in the form of uranium metal, alloy, or chemical compound (including natural uranium), plutonium metal, alloy, or chemical compound, and such other fissionable materials which are defined as such by decision of the OECD Nuclear Energy Agency as provided by the last paragraph of this Section;
- (d) "Radioactive products or waste" means any radioactive material produced in or made radioactive by exposure to the radiation incidental to the process of producing or utilizing nuclear fuel, but does not include:
- (1) nuclear fuel, or
 - (2) radioisotopes outside a nuclear installation which are used or intended to be used for any industrial, commercial, agricultural, medical or scientific purpose;
- (e) "Nuclear materials" means nuclear fuel (other than natural uranium and other than depleted uranium) and radioactive products or waste;
- (f) "Operator" in relation to a nuclear installation means the holder of a licence issued by the Minister for Industry, Commerce and Crafts for the operation of the nuclear installation. In the phase preceding the issue of the operating licence, the holder of the licence or of the clearance certificate for the construction of the nuclear installation shall be considered as an "operator" for the purposes of this Act and in respect of third party liability for the performance of tests and operations with nuclear fuel and irradiated fuel.

The decisions of the Steering Committee of the OECD Nuclear Energy Agency concerning the exclusion of nuclear installations, nuclear fuels or nuclear materials from the scope of the International Conventions ratified by Act No 109 of 12th February 1974 shall be adopted in Italy

by Decree of the Minister for Industry, Commerce and Crafts after having obtained the opinion of the National Committee for Nuclear Energy (CNEN)*.

C H A P T E R I I

NUCLEAR MATERIALS AND PLANTS

Section 2

The concession for the ores defined in the fourth paragraph, Article 197 of the European Atomic Energy Community Treaty, approved by Act No 1203 of 14th October 1957, shall be granted in accordance with the provisions of Royal Decree No 1443 of 29th July 1927, having consulted with the Superior Council of Mines.

Among the members of the Superior Council of Mines there shall be a representative of the CNEN appointed by Decree of the President of the Republic, on the proposal of the Minister of Industry and Commerce**, having consulted with CNEN.

Section 3***

All those who possess special fissionable materials or other source materials in any quantity shall be required to report them to the Ministry of Industry and Commerce within sixty days from the entry into force hereof.

Anyone who, after the entry into force hereof, becomes the owner of the above materials shall report them to the Minister of Industry and Commerce within five days. CNEN shall exert the necessary controls over such materials.

Reports shall be filed with the Ministry of Industry and Commerce within five days also by those who possess radioactive materials in such quantities that the total radioactivity, at the time of reporting, exceeds the value of the total quantity of radioactivity or mass determined within the meaning of Section 1 of Decree No 185 of 13th February 1964 of the President of the Republic (DPR) and fixed by Decree of the Minister of Industry and Commerce, as provided by Section 30 of the same Decree No 185 of 13th February 1964. When the said materials are in the possession of public institutions for exclusive purposes of teaching and scientific research, the director

* Comitato Nazionale per l'Energia Nucleare.

** At present, the Ministry for Industry, Commerce and Crafts.

*** As amended by Decree No 1704 of 30th December 1964 by the President of the Republic.

responsible shall be required to file the report also with the Ministry of Public Education.

The provisions on health protection of the population laid down in Chapter IX of DPR No 185 of 13th February 1964 shall apply.

The reports shall be brought up to date on 31st December of each year.

Section 4

The trading within the territory of the Republic in ores, source materials and radioactive materials, when the European Atomic Energy Community has not exercised the right of option under Article 57 of the Treaty, shall be subject - it remaining understood that regulations governing the supply of fissionable materials as set forth in the Euratom Treaty shall be complied with - to authorisation by the Ministry of Industry and Commerce.

The authorisation shall be considered granted on the expiry of 30 days from the date of filing of the application without the competent Administration having indicated its opinion within that period.

For the importation and exportation of the said minerals, source materials and radioactive materials, the authorisation, when required by the existing financial and currency control regulations, shall be issued by the Ministry of Foreign Trade, having consulted with the Ministry of Industry and Commerce.

The State shall have a right of option on source materials. Such right shall be exercised within 30 days from the submission of the request for authorisation.

Section 5*

The carriage of special fissionable materials in any quantity and of radioactive materials, the total quantity or mass of which exceed the value determined within the meaning of Section 1 of DPR No 185 of 13th February 1964 shall be undertaken by land, air and sea carriers authorised by Decree of the Minister of Industry and Commerce in agreement with the Minister of Transport and Civil Aviation and the Minister of the Merchant Navy.

Occasional individual shipments of radioactive materials may be undertaken without authorisation, when their total quantity of radioactivity does not exceed the values to be determined by Decree of the Minister of Industry and Commerce, enacted in accordance with Section 30 of DPR No 185 of 13th February 1964. In such case, before the carriage

* As amended by DPR No 1704 of 30th December 1965.

takes place, it must be notified by special report to the Prefect and the Medical Officer of the Provinces of origin and of destination of the shipment, at least forty-eight hours before such carriage is undertaken.

Individual shipments of special fissionable materials in any quantity and of radioactive materials the total quantity or mass of which exceed the limits fixed in accordance with the preceding paragraph shall be made by land, air and sea carriers authorised, where necessary, by Decree of the Minister of Industry and Commerce, in agreement with the Minister concerned.

The provisions in the preceding paragraphs shall not exempt the carrier from observing the transport regulations in force.

By Decree of the President of the Republic, having heard the Council of Ministers, on the proposal of the competent Ministers in agreement with the Minister of Industry and Commerce, having consulted with CNEN, regulations shall be enacted concerning the transport of special fissionable materials and radioactive materials, in conformity with the basic standards laid down by the European Atomic Energy Community.

Until the enactment of the regulations on the transport of special fissionable materials and radioactive materials as provided by the preceding paragraph, the carriage of such materials shall be undertaken in compliance with the provisions laid down by the Minister of Transport and Civil Aviation for transport by land and air, and by the Minister of the Merchant Navy for transport by sea, and in accordance with the provisions on health protection laid down by DPF No 185 of 13th February 1964.

Section 6

The operation of plants for the production and utilization of nuclear energy for industrial purposes as well as of plants for the processing and utilization of ores, source materials, special fissionable materials, enriched uranium and radioactive materials, excluding therefrom any plant whatsoever intended for the production of electrical power, shall be authorised by Decree of the Minister of Industry and Commerce, having consulted with CNEN.

The applicant shall show proof of adequate technical and financial capacity. He shall submit the plans for the plant, showing in particular the location selected, the arrangements for the dispersal and disposal of radioactive wastes, the expenditure and time required for construction, the arrangements for provision of the financial security referred to in Section 19 below.

The authorisation decree shall include the clauses of financial security covering third party liability, as well as the operating conditions considered necessary for the protection of public safety and any other provisions deemed appropriate for the operation of the plant.

Any alteration to the plants shall require the prior approval of the Minister of Industry and Commerce, having consulted with CNEN.

Section 7

The construction of industrial or scientific plants for the use of nuclear energy shall be subject to the supervision of CNEN, with a view to ascertaining that the technical standards correspond to those of the design for which the authorisation was granted.

Before being put into operation, the industrial or scientific plants for the utilization of nuclear energy shall be subject to inspection and testing by CNEN in compliance with provisions set forth in Section 2, No 3 of Act No 933 of 11th August 1960*.

Section 8

On completion of the inspection and testing, the operation of the nuclear plant shall be authorised by Decree of the Minister of Industry and Commerce, having consulted with CNEN.

The Decree may lay down particular conditions which the operator shall be required to comply with.

Section 9

The technical operation of nuclear plants shall be entrusted to persons recognised as qualified for this responsibility.

By Decree of the President of the Republic, on proposal of the Minister of Industry and Commerce, in agreement with the Minister of Public Education and with the Minister of Labour and Social Security, having consulted with CNEN, there shall be enacted the regulations concerning the qualifications required for certification of personnel as qualified to direct and operate nuclear plants, and concerning the issuance of the appropriate licences.

Also by Decree of the President of the Republic, on proposal of the Minister of the Merchant Navy, in agreement with the Ministers of Industry and Commerce, of Public Education, and of Labour and Social Security, having consulted with CNEN, the regulations shall be enacted concerning the certification and licensing of personnel to operate the nuclear plants to be installed on board ships.

* Act No 1240 of 15th December 1971 relates to the reorganisation of the CNEN and repeals the above Act with the exception of its Sections 12 to 16.

Section 10

The works required for the construction of authorised nuclear plants may, by Decree of the Minister of Industry and Commerce, be declared of public utility for all intents and purposes of Act No 2359 of 25th June 1865, as subsequently amended.

By the same procedure, the said works may be declared urgent and undelayable under Section 71 of the same Act.

Section 11

By Decree of the Minister of Industry and Commerce, in agreement with the Minister of Public Education having consulted with CNEN, special authorisations may be issued for nuclear plants exclusively intended for teaching purposes to scientific and scholastic institutions and universities.

The provisions of Sections 6, 7 and 8 shall apply to these plants.

Section 12

For nuclear plants installed on board ships, the provisions of the Minister of Industry and Commerce shall be adopted in agreement with the Minister of the Merchant Navy, having consulted with CNEN.

By Decree of the President of the Republic, to be enacted on the proposal of the Minister of the Merchant Navy, in agreement with the Ministers of Defence and of Industry and Commerce, having consulted with CNEN, technical and administrative regulations shall be adopted concerning navigation by nuclear ships.

Section 13*

In addition to the requirements laid down by Sections 91, 96 and 102 of DPR No 185 of 13th February 1964, the use of radioactive isotopes, when the quantity of radioactivity intended to be used, is equal to or exceeds the value of the total quantity of radioactivity or mass to be determined by Decree of the Minister of Industry and Commerce, as provided by Section 30 of DPR No 185 of 13th February 1964, such use is subject to ministerial authorisation by the Minister of Industry and Commerce in agreement with the Minister of Labour and Social Security for industrial purposes; by the same Minister for Industry and Commerce, in agreement with the Ministers of Labour and Social Security and of Agriculture and Forests for agricultural purposes, in agreement with the Ministers of Labour and Social Security and of Public Education for teaching purposes, and in agreement with the Ministers of Labour and Social Security and of Health for diagnostic, therapeutic and medical research purposes.

* As amended by DPR No 1704 of 30th December 1965.

No authorisation shall be required by universities and other public scientific institutions which use radioisotopes exclusively for purposes of scientific research.

By Decree of the Minister of Industry and Commerce, having consulted with the Ministers concerned, regulations shall be issued concerning the granting of authorisations for the use of radioisotopes.

Section 14

By Decree of the President of the Republic, on proposal of the Prime Minister, in agreement with the Ministers concerned and with the Minister of Industry and Commerce, having consulted with CNEN, there shall be enacted, within one year from the entry into effect hereof, regulations for the safety of plants and for the health protection of the workers and of the population against the hazards of ionizing radiations, due both to the operation of nuclear plants and to operations whatsoever connected with nuclear materials, and to the use of radioactive isotopes, in conformity with the basic standards adopted by the European Atomic Energy Community, with the technical rules contained in the IAEA Manual on Safe Handling of Radioisotopes, and with the principles adopted by the other competent international organisations, for the purpose of ensuring with the greatest effectiveness the protection of public and private safety.

The same Decree shall establish modes and periodicity of controls provided in the previous paragraph, as well as penalties to be imposed on those who violate the protective regulations, in relation to the various offences, for which there may be imposed, jointly or severally, fines not in excess of 10 million Lire and imprisonment not in excess of one year.

The said regulations shall indicate the appropriate bodies for their enforcement and their powers and authority, as well as establish an interministerial organisation for co-ordination and consultation with the Ministry of Industry and Commerce.

C H A P T E R I I I

THIRD PARTY LIABILITY ARISING FROM THE PEACEFUL USES OF NUCLEAR ENERGY

Section 15

The operator of a nuclear installation shall be liable in accordance with this Act for damage to any person or property caused by a nuclear incident occurring in such nuclear installation or in connection with the same.

Damage caused directly by nuclear fuel or by radioactive products or waste which have been stored, abandoned, stolen or lost, is considered connected with the nuclear installation.

The operator shall not be liable for damage to:

- (1) the nuclear installation itself and any property on the site of that installation which is used to or to be used in connection with that installation;
- (2) in the case provided by Section 16 hereof, the means of transport upon which the nuclear materials were at the time of the nuclear incident upon proof that such damage was caused by a nuclear incident involving either nuclear fuel or radioactive products or waste in the nuclear installation or nuclear materials coming from such installation except as otherwise provided for in Section 16.

Where damage is caused jointly by a nuclear incident and by an incident other than a nuclear incident, that part of the damage which is caused by such other incident shall, to the extent that it is not reasonably separable from the damage caused by the nuclear incident, be considered to be damage caused by the nuclear incident. Where the damage is caused jointly by a nuclear incident and by an emission of ionizing radiation, nothing in this Act shall limit or otherwise reduce the liability of any person in connection with that emission of ionizing radiation.

The operator of a nuclear installation shall also be liable for damage caused by ionizing radiation emitted by any radioactive source within such nuclear installation.

The operator shall not be liable for damage caused by a nuclear incident directly due to an act of armed conflict, hostilities, civil war, insurrection or a grave natural disaster of an exceptional character.

Section 16

In the case of carriage of nuclear materials including storage incidental thereto, the operator of a nuclear installation shall be liable in accordance with this Act for damage, upon proof that it was caused by a nuclear incident outside that installation and involving nuclear materials in the course of carriage therefrom, only if the incident occurs:

- (a) before liability with regard to the nuclear incident caused by the nuclear materials has been assumed pursuant to an agreement in writing with the operator of another nuclear installation or in the absence of such agreement, before the operator of another nuclear installation has taken charge of the nuclear materials;

- (b) where the nuclear materials are intended to be used in a reactor comprised in a means of transport, before the person duly authorised to operate the reactor has taken charge of the nuclear materials;
- (c) where the nuclear materials have, with the written consent of the operator, been sent to a person within the territory of a State which does not apply the Conventions on third party liability in the field of nuclear energy, ratified and brought into force by Act No 109 of 12th February 1974, before the materials have been unloaded from the means of transport by which they have arrived in the territory of that State.

The operator of a nuclear installation shall also be liable, in accordance with this Act, for damage upon proof that it was caused by a nuclear incident outside that installation and involving nuclear materials in the course of carriage thereto only if the incident occurs:

- (a) after liability with regard to the nuclear incident caused by the nuclear materials has been assumed by him pursuant to an agreement in writing with the operator of the other nuclear installation or in the absence thereof, after he has taken charge of the nuclear materials;
- (b) after he has taken charge of the nuclear materials from a person operating a reactor comprised in a means of transport;
- (c) where the nuclear materials have, with the written consent of the operator, been sent from a person within the territory of a State which does not apply the Conventions on third party liability in the field of nuclear energy, ratified and brought into force by Act No 109 of 12th February 1974, after they have been loaded on the means of transport by which they are to be carried from the territory of that State.

The operator liable in accordance with this Act shall provide the carrier with a certificate issued by or on behalf of the insurer or other financial guarantor furnishing the security required by Section 19 of this Act. The certificate shall comply with the model established by Decree of the Minister for Industry, Commerce and Crafts in consultation with the Minister for Transport and shall in each case state the name and address of that operator and the amount, type and duration of the security, and these statements may not be disputed by the person by whom or on behalf of whom the certificate was issued, and the obligations arising from such insurance or other financial security shall not be altered even if the damage is covered by other insurance or financial security. The certificate shall also indicate the nuclear materials and the itinerary covered by the security and shall include a statement by

the Minister for Industry, Commerce and Crafts that the person named in the certificate is an operator within the meaning of this Act.

The insurance or financial security provided for the transport of nuclear substances shall also cover damage from the nuclear incident to the carrier by rail, provided that the liability of the operator shall not be reduced in respect of other damage to an amount less than 3,150 million Lire.

A carrier may, with the consent of the operator of a nuclear installation situated on the national territory, be authorised by decision of the Minister for Industry, Commerce and Crafts to assume liability in place of that operator in accordance with this Act. In such case, for all the purposes of this Act, the carrier shall be considered, in respect of nuclear incidents occurring in the course of carriage of nuclear materials, as an operator of a nuclear installation on the national territory.

Section 17

If the nuclear fuel or the radioactive products or waste involved in a nuclear incident have been in more than one nuclear installation and are in a nuclear installation at the time damage is caused, no operator of any nuclear installation in which they have previously been shall be liable for the damage.

Where, however, damage is caused by a nuclear incident occurring in a nuclear installation and involving only nuclear materials stored therein incidentally to their carriage, the operator of the nuclear installation shall not be liable where another operator or person is liable pursuant to Section 16.

If the nuclear fuel or radioactive products or waste involved in a nuclear incident have been in more than one nuclear installation and are not in a nuclear installation at the time damage is caused, liability for such damage shall lie with the operator of the last nuclear installation in which they were before the damage was caused or with the operator who has subsequently taken them in charge.

If damage gives rise to liability of more than one operator, in accordance with this Act, these operators shall be jointly liable, provided that where such liability arises as a result of damage caused by a nuclear incident involving nuclear materials in the course of carriage in one and the same means of transport, or, in the case of storage incidental to the carriage, in one and the same nuclear installation, the maximum amount for which such operators shall be liable shall be the highest amount established with respect to any of them pursuant to Section 19; and provided that in no case shall any one operator of a nuclear installation be required, in respect of a nuclear incident, to pay more than the amount established with respect to him pursuant to Section 19.

Section 18

The right to compensation for damage caused by a nuclear incident may be exercised only against an operator liable for the damage in accordance with this Act or against the insurer or other financial guarantor furnishing the security required pursuant to Section 21.

Except as otherwise provided in this Section, no other person shall be liable for compensation for damage caused by a nuclear incident.

Nothing in this Act shall affect the liability:

- (1) of any individual who has wilfully caused damage due to a nuclear incident for which the operator, by virtue of Section 15, paragraphs 3 and 6 of this Act is not liable;
- (2) of a person duly authorised to operate a reactor comprised in a means of transport for damage caused by a nuclear incident when an operator is not liable for such damage pursuant to Section 16, paragraph 1(b) and Section 16, paragraph 2(b).

The operator shall have a right of recourse only:

- (a) against the individual having wilfully caused the damage;
- (b) if and to the extent such recourse is provided by contract.

The insurance companies specialised in workmen's compensation or in insurance against occupational diseases, as well as those specialised in optional insurance in respect of damage caused to a person or property as a result of nuclear incidents shall not be entitled to bring action against the operator of the nuclear installation or against any person jointly liable with him, pursuant to the first paragraph of this Section, for recovering the amount paid in respect of workmen's compensation or optional insurance in case of damage caused by a nuclear incident.

Section 19

The maximum amount of compensation due by the operator of a nuclear installation for damage caused by a nuclear incident shall be 7,500 million lire.

If, as a result of a nuclear incident, the financial security for third party liability may be deemed to have diminished, the operator

shall be compelled to re-establish such security in such amount and under such conditions as determined by the Minister for Industry, Commerce and Crafts; should the above not be complied with, the authorisation is automatically revoked.

Whenever a nuclear incident causes damage giving a right to compensation in accordance with this Act, and such compensation exceeds the amount of the financial security of the operator, then compensation for the portion in excess shall be borne by the State up to a ceiling of 43,750 million Lire.

When a nuclear incident causes damage giving a right to compensation in accordance with this Act, and such compensation exceeds the amount of the financial security of the operator and the amount to be borne by the State, as provided above, the difference up to a ceiling of 75,000 million Lire shall be borne by the Contracting Parties to the Conventions on third party liability in the field of nuclear energy, ratified and brought into force by Act No 109 of 12th February 1974, in accordance with the terms and conditions laid down by these Conventions.

Section 20

Any interest and costs awarded by a court in actions for compensation under this Act shall not be included in the compensation due for the purposes of this Act and shall be payable in addition to the amount of the above compensation.

Where damage is due to the fault of the operator, the State may exercise a right of recourse against the operator up to the amount due for such compensation within the meaning of this Act.

Where a right of recourse is exercised, the claims of the State shall have priority over the claims of the insurers or any other person having furnished financial security.

Section 21

Transports in transit through the national territory shall not be authorised unless proof of a valid financial security is produced of an amount at least equal to that provided by Section 19.

Section 22

The operator of a nuclear installation shall be required to have and maintain insurance of an amount equal to that provided in Section 19, or other financial security of equal value.

The general conditions of the insurance policy must be approved by Decree of the Minister for Industry, Commerce and Crafts. If another

form of financial security is involved, such security must be deemed adequate by Decree of the Minister for Industry, Commerce and Crafts, in agreement with the Minister of the Treasury, after consulting the State Attorney General.

Insurance or financial security furnished for the carriage of nuclear substances shall in no circumstances be suspended or cancelled before such carriage is completed and the nuclear substances have been consigned to another person liable under this Act.

Insurance or financial security furnished for a nuclear installation shall in no circumstances be suspended or cancelled without giving at least three months' notice in writing, to be served by a Court Officer, to the Minister for Industry, Commerce and Crafts.

The sums due, in accordance with this Act, for compensation for damage resulting from a nuclear incident are not subject to attachment or distraint.

Section 23

Actions brought for compensation of damage to persons or property, resulting from nuclear incidents, shall be barred within a period of three years from the date at which the person suffering damage has knowledge or ought reasonably to have known of both the damage and the operator liable.

No action may be brought after the elapse of a ten-year period as from the date of the nuclear incident.

In the case of damage caused by a nuclear incident involving nuclear materials which have been stolen, lost or abandoned and have not been recovered, the above-mentioned period shall be computed from the date of that nuclear incident, but shall in no case exceed twenty years from the date of the theft, loss or abandonment.

Section 24

The Italian courts shall have exclusive jurisdiction to hear actions as provided by this Act in respect of a nuclear incident having occurred in Italy. They shall also have exclusive jurisdiction when a nuclear incident has occurred outside the territory of States applying the Conventions ratified by Act No 109 of 12th February 1974, or where the place of the incident cannot be determined with certainty and the nuclear installation of the operator liable in accordance with this Act is situated in Italian territory.

Section 25

An action in respect of compensation for damage caused by a nuclear incident must be brought before a Tribunal under whose jurisdiction the nuclear installation falls.

Notice of the summons shall be submitted also to the Ministry of the Treasury, which shall have in all cases authority to intervene in the proceedings.

In the event of many applications and whenever it may be expected that the amount of the compensation may exceed financial securities laid down by Sections 19 and 20 above, the President of the Court may provide for joint proceedings and appoint for this purpose a magistrate to handle such joint proceedings.

In the case of proven insufficiency of the above financial securities, the Court shall pass a judgment whereby the amount allowed to each damaged party shall be proportionally reduced.

C H A P T E R I V

PATENTS

Section 26

The Central Patents Bureau shall notify CNEN of any and all applications for invention patents or industrial trade models of a specifically nuclear nature or directly connected with or essential for the development of nuclear energy under Section 15 of Act No 933 of 11th August 1960.

Section 27

The Minister of Industry and Commerce, whenever public interest reasons exist in this connection, may grant CNEN licences on a non-exclusive basis for the use of invention patents or of utility models.

Upon hearing the opinion of CNEN, the Minister may also grant the said licences on a non-exclusive basis in favour of the operator of nuclear installations, whenever these are essential to the development of nuclear energy within the country.

Decrees shall be issued specifying if and in what amount the compensation for such utilization is due, taking into account possible public fund allocations granted to carry out pertinent research. A Court action by the interested party against the assessment of or failure to grant compensation is permitted within thirty days from notification of the relevant Decree.

C H A P T E R V

PENAL PROVISIONS

Section 28

Failure to report the materials referred to in Section 3 shall be punished by a fine ranging from 1 million to 5 million lire; in the case of failure to report special fissionable materials, the penalty shall also comprise imprisonment for from one to two years.

Section 29*

Whoever trades in or transports the ores referred to in Article 197 of the European Atomic Energy Community Treaty approved by Act No 1203 of 14th October 1957, without authorisation by the Minister of Industry and Commerce, shall be punished by a fine ranging from 5 hundred thousand to 1 million lire.

Whoever trades in or transports without due authorisation source materials, radioactive materials, special fissionable materials, is punished by imprisonment for from one to two years, and by a fine ranging from 2 million to 10 million lire.

The same penalties shall be imposed on the purchaser.

Whoever fails to file the report as provided by the second paragraph of Section 5 of the present Decree** shall be punished by a fine ranging from 1 hundred thousand to 5 hundred thousand Lire.

Section 30

Whoever puts into operation a nuclear plant without having obtained the authorisation required hereunder shall be punished by imprisonment for from two to three years and by a fine ranging from 5 million to 10 million lire, without prejudice to penalties applicable for offences falling under the Criminal Code.

The same penalty shall apply in the case where the operator of a nuclear plant continues to operate it after the authorisation has been suspended.

* As amended by DPR No 1704 of 30th December 1965.

** Reference is made here to Decree No 1704 of 30th December 1965 of the President of the Republic amending Act No 1860 above.

Section 31

Those who use radioactive isotopes without the authorisation referred to in Section 13 above shall be punished by a penalty ranging from 5 hundred thousand to 2 million lire.

Section 32

In the cases referred to in the previous Sections the seizure of the special fissionable materials, source materials, ores and radioactive products shall always be ordered.

C H A P T E R VI

FINAL AND TEMPORARY PROVISIONS

Section 33

All provisions set forth herein, except for the provisions of Section 6, shall also apply to nuclear plants in any way connected with the production of electrical power.

Section 34

There shall be no change as regards supervision in the field of accident prevention, occupational health, health-hazard industries, as well as matters pertaining to the safety of the plants under the supervision of the National Combustion Control Association, restricted to the equipment at the present time under the Association's control, even though such equipment is incorporated into, or is in any way part of, nuclear plants.

Equally there shall be no change as regards the national marine demesne, territorial waters and public waters.

Section 35

Within one year of the entry into effect hereof, the Government of the Republic is delegated to take measures for the reorganisation and expansion of the personnel of the Ministry of Industry and Commerce, with a view to adapting them to the responsibilities attributed to the said Ministry, such expansion not involving more than 40 new positions.

The appropriate measures shall be enacted by Decree of the President of the Republic, on the proposal of the Prime Minister, in agreement with the Minister of Industry and Commerce and with the Minister of the Treasury.

The same Decree shall also set forth the subsequent higher allocations in favour of the Ministry of Industry and Commerce.

Section 36

Expenditure implied in the duties assigned hereby to the Ministry of Industry and Commerce in the sector of nuclear energy shall be set in the amount of 100 million Lire to be entered into the estimate of expenses for the Ministry of Industry and Commerce during fiscal year 1962-1963 and subsequent fiscal years.

This burden shall be met by a corresponding reduction in funds entered in the estimate of expenses for the Ministry of Treasury for the above fiscal year, covering charges to be borne for law provisions at present under way.

The Ministry of the Treasury shall hereby be authorised to effect, by his own Decree, the necessary budgetary amendments.

ACT NO 1008 OF 19TH DECEMBER 1969
AMENDING ACT NO 1860 OF 31ST DECEMBER 1962
ON THE PEACEFUL USES OF NUCLEAR ENERGY

SINGLE SECTION*

By Decree of the Minister for Industry, Commerce and Crafts in agreement with the Minister for Health, after consultation with the CNEN, exemptions from declarations and authorisations prescribed by Act No 1860 of 31st December 1962, may be allowed in respect of the possession, commerce and transport of small quantities of special fissionable materials, source material and other radioactive materials, subject to precautions being taken for the protection of workers and the population at large against the dangers of ionizing radiations arising from the peaceful uses of nuclear energy.

By source material is meant raw material and ores as defined in article 197 of the Treaty establishing the European Atomic Energy Community approved by Act No 1203 of 14th October 1957.

* This Section concerns the provisions of Sections 3 and 4 of Act No 1860. The Decree referred to in the above Section is the Ministerial Decree of 15th December 1970.





