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1. FEDERAL REPUBLIC
OF GERMANY

CONSOLIDATED TEXT OF THE 1977 ORDINANCE
ON THE PROCEDURE FOR LICENSING NUCLEAR
INSTALLATIONS, DATED 31st MARCH 1983

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ACT N° 1240 OF 15th DECEMBER 1971
CONCERNING THE NATIONAL NUCLEAR ENERGY
COMMISSION (CNEN) AS AMENDED BY ACT N° 84
OF 5th MARCH 1982 REORGANISING THE CNEN
AS THE NATIONAL COMMISSION FOR RESEARCH
AND DEVELOPMENT OF NUCLEAR AND ALTERNATIVE
ENERGY SOURCES (ENEA)

13

December 1982



• *Federal Republic of Germany*

CONSOLIDATED TEXT OF THE
1977 ORDINANCE ON THE PROCEDURE FOR
LICENSING NUCLEAR INSTALLATIONS, DATED 31ST MARCH 1982*

(Bundesgesetzblatt I, p. 412)

As provided in Section 2 of the first amending Order of 31st March 1982 (BGBl, I. p. 409), making certain changes to the Nuclear Installations Ordinance, the text is hereby published of the Nuclear Installations Ordinance in the form applicable as from 1st May 1982.

PART I

SCOPE, LICENCE APPLICATION AND SUPPORTING DOCUMENTS

Section 1 - Scope

For those installations specified in Section 7(1) and (5) of the Atomic Energy Act the procedure for granting a licence or partial licence or for issuing a provisional decision shall be in accordance with this Ordinance, unless otherwise provided in Section 7(4) (first and second sentence), Section 7a, 7b or Section 8(2) (second sentence) of the Atomic Energy Act.

* Unofficial translation by the Secretariat. A translation of the Ordinance of 18th February 1977 is reproduced in the Supplement to Nuclear Law Bulletin No. 19. The amendments to the text of 1977 are printed in italics.

Section 2 - Form and content of the licence application

- (1) The application shall be made in writing to the licensing authority.
- (2) The application shall:
 1. state the name and place of residence or headquarters of the applicant;
 2. specify whether the application is for a licence or a provisional decision;
 3. give the location of the site and details concerning the type and extent of the installation.

Section 3 - Supporting documents

- (1) The application shall be accompanied by all such supporting documents as are necessary to establish that the conditions for the grant of a licence are fulfilled, in particular:
 1. *a safety report enabling third parties to decide whether their rights may be prejudiced by effects connected with the installation and its operation. For this purpose, the installation and its operation shall be described and illustrated with the aid of plans and general drawings. The safety report shall describe and explain the design (basic design characteristics), safety design principles and functioning of the installation including its operational and safety systems. Any effects connected with the installation and its operation, including those of accidents within the meaning of Section 28(3) (fourth sentence) of the Radiation Protection Ordinance (design basis accidents) shall be described together with the preventive measures envisaged in compliance with Section 7(2) No. 3 of the Atomic Energy Act;*
 2. supplementary plans, drawings and descriptions of the installation and its component parts;
 3. details of measures envisaged for the protection of the installation and its operation against disturbance or other action by third parties within the meaning of Section 7(2) No. 5 of the Atomic Energy Act;
 4. information enabling an assessment to be made of the reliability and specialised skills of persons responsible for the construction of the installation and for the management and control of operations;
 5. information from which it can be established that persons otherwise engaged in the operation of the installation possess the knowledge required under Section 7(2) No. 2 of the Atomic Energy Act;
 6. a schedule setting out all information relevant to the safety of the installation and its operation, together with the measures envisaged to control incidents and accidents, and an outline plan for the inspections envisaged of significant parts of the installation from the safety standpoint (safety specifications);
 7. proposals concerning the provision of financial security to cover any liability to pay compensation for damage;

8. a schedule of measures proposed for maintaining the purity of water, air and the soil.
- (2) The information referred to in subsection (1) No. 3 above shall be submitted separately. Where the other documents referred to in subsection (1) contain a trade or industrial secret they shall be marked accordingly and submitted separately also. To the extent that it is possible without divulging the secret, their content must be described in the documents to be made available for public inspection under Section 6 in such detail that third parties are able to determine whether and to what extent they may be affected by the installation.
- (3) In addition to the documents referred to in subsections (1) and (2) (third sentence) the applicant shall submit to the licensing authority a short description, in simple terms suitable for public inspection, of the installation and the effects it is expected to have on the general public and the neighbourhood. He shall also submit a list of the documents submitted in support of the application and shall specifically indicate those documents which contain a trade or industrial secret.
- (4) Where the documents submitted are not sufficient for the purpose of examining the application, the applicant shall on the request of the licensing authority submit such further documents as are required within an appropriate period.

PART II

PARTICIPATION OF THIRD PARTIES

Section 4 - Public announcement of the project

- (1) As soon as the documents required for public inspection (Section 6) are complete, the licensing authority shall publicly announce the project in its official information bulletin and in local newspapers circulating in the area surrounding the site of the installation. *Additional public announcement and deposit of documents for inspection shall only be necessary as prescribed in subsection (2) even in those cases covered by Sections 18 and 19. Such announcement shall be mentioned in the Federal Gazette.*
- (2) *Where the project is substantially modified in the course of the licensing procedure, the licensing authority may dispense with additional public announcement and deposit of documents for public inspection provided no new or changed circumstances would have to be pointed out in the safety report which could result in harmful effects to third parties. This is the case, in particular, where it can be shown that harmful effects to third parties are ruled out by the damage-prevention measures taken or planned by the person responsible for the project, or where the safety disadvantages of the modification are small in relation to the safety advantages. Additional announcement and deposit of documents for public inspection (Section 6) shall be necessary in the case of:*

1. changes that might result in an increase in the yearly activity levels originally specified for the installation and in an increase of over 5 per cent in radioactivity in the environs raising its level to over 75 per cent of the maximum dose level set out in Section 45 of the Radiation Protection Ordinance;
2. changes in the design of the installation or in the layout of buildings to the extent that, within the framework of the safe management of design basis accidents, such changes might lead to a safety significant increase in the originally assumed stresses on parts of the installation; for an assessment of what is meant by safety-significant the second sentence of this subsection shall apply *mutatis mutandis*;
3. changes to safety systems which might give reason to fear that their functional reliability in the safe management of design basis accidents might be significantly reduced;
4. an increase in the thermal power output or maximum fission product inventory of over 10 per cent of the figures calculated for planned full power operation; or
5. an increase of over 10 per cent in the planned storage capacity for irradiated fuel elements.

Where additional public announcement and deposit of documents for inspection is required the right to submit objections and the discussion shall be confined to the intended changes. This shall be mentioned in the announcement.

- (3) Subsection (2) shall apply *mutatis mutandis* to an application for a licence to make a substantial change to an installation or to the operation thereof under Section 7(1) of the Atomic Energy Act.
- (4) Public announcement and the deposit of documents for inspection may further be dispensed with where the application relates to an installation for the fission of nuclear fuel whose maximum power does not exceed one thermal kilowatt continuous power or which serves or is to serve for the propulsion of ships.
- (5) Public announcement and the deposit of documents for inspection may also be dispensed with where the application relates to the decommissioning of an installation under Section 7(1) of the Atomic Energy Act or to the safe containment of a finally decommissioned plant. Where the application is for the dismantling of the installation or parts of the installation, subsection (2) shall apply *mutatis mutandis*.

Section 5 - Content of the announcement

- (1) The announcement shall contain the information prescribed in Section 2(2). It shall also:
 1. indicate where and when the application and the documents specified in Section 6(1) may be inspected and state the first and last days of the inspection period;
 2. state that any objections are to be submitted within the inspection period /Section 6(1)/ to an agency to be specified in the announcement; attention shall be drawn to the legal consequences of Section 7(1) (second sentence).

3. fix a time and place for the hearing or indicate that a hearing will take place and will be announced in the same way as the project itself;
 4. indicate that objections will be discussed at the hearing even in the absence of the applicant or objectors;
 5. state that service of the decision taken on objections will be replaced by public announcement [Section 15(3) (second sentence)] where apart from the applicant it would have to be served on more than 300 persons.
- (2) A period of one week shall elapse between the public announcement of the project and the beginning of the inspection period. The relevant dates shall be determined by reference to the probable day of publication of the official information bulletin or of the newspaper last to appear.
 - (3) A period of at least one month shall elapse between the end of the inspection period and the hearing.

Article 6 - Deposit of the application and supporting documents for inspection; inspection of files

- (1) During a period of two months the following documents shall be kept available for inspection during working hours at the offices of the licensing authority and of an appropriate agency in the vicinity of the project site:
 1. the application;
 2. the safety report pursuant to Section 3(1) No. 1;
 3. the short description pursuant to Section 3(3).
- (2) Third parties shall be entitled on request to a copy or photocopy of the short description.
- (3) The licensing authority, exercising due discretion, may authorise the inspection of files; Section 29(1) (third sentence), (2) and (3) of the Administrative Procedure Act shall apply *mutatis mutandis*.

Section 7 - Objections

- (1) Objections may be submitted during the inspection period in writing to or may be taken down in writing by the licensing authority or other agency specified in accordance with Section 5(1) No. 2 above. On the expiry of the inspection period further objections shall be excluded unless based on some special claim under private law.
- (2) The applicant shall be given notice of the content of objections. Authorities involved by virtue of Section 7(4) (first sentence) of the Atomic Energy Act shall be notified of the content of objections affecting matters for which they are responsible.

PART III

THE HEARING

Section 8 - Object and purpose

- (1) The licensing authority shall discuss orally with the applicant and objectors those objections submitted within the prescribed time limit. Objections submitted within the prescribed time limit shall be those submitted within the inspection period to the agencies specified in Section 5(1) No. 2.
- (2) The purpose of the hearing shall be the discussion of objections submitted within the prescribed time limit, to the extent that this is relevant to deciding whether the conditions for the grant of a licence have been met. Every objector shall be given an opportunity to explain the nature of his objection.

Section 9 - Special objections

Objections based on special private law claims shall not be dealt with at the hearing; they shall be referred by written decision to the proper courts through the normal process of law.

Section 10 - Cancellation

- (1) No hearing shall be held where:
 1. no objections to the project are submitted or no objections are submitted within the prescribed time limit;
 2. objections submitted in due time have been withdrawn; or
 3. the objections submitted relate exclusively to special private law claims.
- (2) The applicant shall be notified of the fact that no hearing is to take place.

Section 11 - Postponement

- (1) The licensing authority may postpone a hearing already announced where this is necessary for the proper conduct of the hearing. The time and place of the new hearing shall be fixed as soon as possible.
- (2) The applicant and persons having submitted objections within the prescribed time limit shall be notified of the postponement of the hearing. Such notification may be effected by public announcement under Section 4(1).

Section 12 - Procedure

- (1) The hearing shall not be held in public. The representative of the licensing authority who conducts the hearing (presiding officer) shall decide who, in addition to the applicant and persons having

submitted objections within the prescribed time limit, shall be entitled to take part in the hearing.

- (2) The presiding officer may decide that certain objections be considered together. In such case he shall make known the order of the discussions. He may for a specified period restrict the right to take part in the hearing to those persons whose objections are to be discussed together.
- (3) The presiding officer shall accord the right to speak and may withdraw it from any person who exceeds the time limit fixed by him, or who makes remarks unrelated to the subject matter of the hearing or not relevant to the objection under discussion.
- (4) The presiding officer shall be responsible for the orderly conduct of the hearing. He may have persons who do not comply with his directions removed. The hearing may be continued in the absence of such persons.
- (5) The presiding officer shall close the hearing when its object has been achieved. He may also declare the hearing closed where, after an adjournment, the hearing is once again disturbed by one or more of the participants in such a way that it is no longer possible to conduct it in an orderly fashion. Persons whose objections have not been discussed or the discussion of whose objections has not been terminated may within one month of the closure of the hearing explain their objections in writing to the licensing authority; those present shall be so informed at the closure of the hearing.

Section 13 - Minutes

- (1) Minutes of the hearing shall be taken. The minutes shall contain:
 1. the place and date of the hearing;
 2. the name of the presiding officer;
 3. the subject matter of the licensing procedure;
 4. details of the discussions and the results of the hearing.

The minutes shall be signed by the presiding officer and by the reporter, if any. Anything recorded in a document annexed to the minutes and designated as an annex shall be deemed to be recorded in the minutes; such annex shall be referred to in the minutes. The licensing authority may record the hearing on sound recording media for the purpose of drawing up the minutes. Such records shall be destroyed *once the time to appeal against the decision on the licence application has expired. Where in the case of a procedure relating to a provisional decision the conditions of Section 7a(1) (second sentence) of the Atomic Energy Act are met, the record shall be destroyed once the provisional decision has become valid.*

- (2) The applicant shall be given a copy of the minutes. A copy shall also be given, on request, to any person who has submitted an objection within the prescribed time limit.

PART IV

THE LICENCE

Section 14 - Examination of the application

The examination of the application by the licensing authority shall in addition to the licensing requirements of Section 7(2) of the Atomic Energy Act also relate to the observance of all other public law provisions of relevance to the project.

Section 15 - Decision

- (1) The licensing authority shall make its decision in the light of the overall outcome of the procedure.
- (2) The application shall be refused where the examination reveals that the conditions for the grant of a licence have not been met and that compliance with them cannot be secured through supplementary provisions. The application may be refused where the applicant fails to comply within an appropriate specified period with a request for additional supporting documents.
- (3) The decision and the grounds therefor shall be set out in writing and shall be served on the applicant and objectors. *In addition, the decision shall be publicly announced in accordance with Section 17. Where the decision has to be served on more than 300 objectors service shall be effected by public announcement.*
- (4) Where the procedure is terminated in some other manner, the applicant and objectors shall be notified accordingly; *where more than 300 persons have to be so notified the notification may be effected in accordance with Section 4(1).*

Section 16 - Content of the licensing decision

- (1) The licensing decision shall specify:
 1. the name and place of residence or headquarters of the applicant;
 2. whether a licence or partial licence is granted, together with the legal basis thereof;
 3. the exact definition of the subject matter of the licence including the location of the installation;
 4. any supplementary provisions attached to the licence;
 5. the basis for the main factual and legal findings of the authority in reaching its decision, and for the treatment of objections.
- (2) The licensing decision shall include:
 1. a statement to the effect that the licensing decision is made without prejudice to the decisions of other authorities required for the project as a whole by virtue of other public law provisions; and,
 2. a notice as to the right of appeal.

Section 17 - Service by public announcement

- (1) *Public announcement shall be effected by advertisement of the operative part of the decision and of the notice as to the right of appeal in the manner prescribed in Section 4(1); attention shall be drawn to any conditions.*
- (2) A copy of the entire decision shall be kept available for inspection at the offices of the licensing authority and other agencies referred to in Section 6(1) for a period of two weeks from the date of the announcement. The beginning of this period shall be determined by reference to the expected publication date of the official information bulletin or last appearing daily newspaper. The public announcement shall state when and where the decision and the grounds therefor may be inspected and copies requested under sub-section (3) below. On the expiry of such inspection period the decision shall be deemed to have been served even on third parties not having submitted any objection; this shall be stated in the announcement.
- (3) After the public announcement has appeared, objectors may apply in writing for copies of the decision and the grounds therefor pending the expiry of the time allowed for appeal.

PART V

SPECIAL PROVISIONS FOR PARTIAL LICENCES AND PROVISIONAL DECISIONS

Section 18 - Partial licence

- (1) A partial licence may be granted upon application where a preliminary examination reveals that the conditions for the grant of a licence will be met as regards the construction and operation of the installation as a whole and that a legitimate claim exists for the grant of a partial licence.
- (2) Where an application has been made under subsection (1), the licensing authority may agree that the final information in the supporting documents shall relate only to the subject matter of the partial licence. In addition, information shall be submitted enabling, upon preliminary examination, an adequate assessment to be made as to whether the licensing requirements will be met with respect to the construction and operation of the installation as a whole.

Section 19 - Provisional decision

- 1) The application for a provisional decision shall be made in writing to the licensing authority of the Land in which the project is to be carried out.
- 2) In the case of applications not relating to a specific site the licensing authority shall announce the project in its official information bulletin, in the federal Gazette and in appropriate daily newspapers.
- 3) The provisional decision shall specify:

1. the name and place of residence or headquarters of the applicant;
 2. that a provisional decision is issued and the legal basis therefor;
 3. the precise designation of the subject matter of the provisional decision;
 4. the conditions and reservations subject to which the provisional decision is issued;
 5. the basis for the main factual and legal findings underlying the decision of the licensing authority, and on which the objections raised were dealt with.
- (4) The provisional decision ought to contain:
1. a reference to Section 7a(1) (second sentence) of the Atomic Energy Act;
 2. a statement that the provisional decision does not entitle the applicant to construct the installation or parts thereof;
 3. a statement that the provisional decision is issued without prejudice to administrative decisions required for the project as a whole by virtue of other public law provisions; and
 4. a notice as to the right of appeal.
- (5) Section 18(2) shall apply *mutatis mutandis*.

PART VI

FINAL PROVISIONS

Section 20 - Transitional Provisions

Procedures already begun shall be completed in accordance with the provisions of this Ordinance. Time limits which have begun to run before the entry into force of this Ordinance shall be calculated in accordance with the provisions previously in force. Where new supporting documents are required under Section 3(1), they shall be submitted subsequently; the authority shall fix an appropriate period for this purpose. The service of decisions may be effected by public announcement under Section 17 even where the announcement of the project does not contain the statement prescribed in Section 5(1) No. 5.

Section 21 - Berlin Clause

This Ordinance shall also apply to the Land Berlin by virtue of Section 14 of the Third Transitional Act in conjunction with Section 58 (second sentence) of the Atomic Energy Act.

Section 22 - Entry Into Force

● *Italy*

● ●
ACT NO. 1240 OF 15TH DECEMBER 1971 CONCERNING
THE NATIONAL NUCLEAR ENERGY COMMISSION (CNEN) AS
AMENDED BY ACT NO. 84 OF 5TH MARCH 1982 REORGANISING
THE CNEN AS THE NATIONAL COMMISSION FOR RESEARCH AND
DEVELOPMENT OF NUCLEAR AND ALTERNATIVE ENERGY SOURCES (ENEA)*

TITLE I

Section 1

● ●
The National Nuclear Energy Commission, established under Act No. 933 of 11th August 1960, as amended by Act No. 1240 of 15th December 1971, is hereby renamed the National Commission for Research and Development of Nuclear and Alternative Energy Sources (ENEA) and shall be excluded from the application of Act No. 70 of 20th March 1975.

In all legislation and regulations currently in force, the words *National Commission for Research and Development of Nuclear and Alternative Energy Sources (ENEA)* shall replace the words *National Commission for Nuclear Energy (CNEN)*.

For the purpose of this Act, alternative energies mean those from sources other than hydrocarbons.

* Unofficial translation by the Secretariat

CNEN = Comitato Nazionale per l'Energia Nucleare

ENEA = Comitato Nazionale per la Ricerca e lo Sviluppo dell'Energia Nucleare e delle Energie Alternative.

Section 2

Within the framework of national energy policy ENEA shall be responsible for promoting the development and raising the standards of national industry, paying due regard to health and the environment.

For these purposes ENEA shall:

- (1) carry out and promote, in collaboration where appropriate with other interested bodies, investigations, research, development and demonstrations connected with the energy technologies within its field or with energy saving in the various stages of production, transport or utilisation, including the disposal of wastes produced by such processes;
- (2) carry out, promote and co-ordinate studies, research and experiments in regard to environmental and health implications for workers and the public of exploiting and using energy sources, and in regard to the safety of energy-generating plants including nuclear plants, and protection against ionizing radiation;
- (3) make provision to pass on knowledge acquired and the results of research to industrial operators, and shall co-operate with the latter in the design and construction of prototype components and plants;
- (4) co-operate scientifically, technologically and industrially with international and foreign agencies active in its field, within the framework of international agreements, and in accordance with directives from the Minister of Industry, Commerce and Crafts and the Ministry of Foreign Affairs, having obtained the opinion of the Minister responsible for co-ordinating scientific and technological research initiatives;
- (5) take measures and carry out inspections relevant to the nuclear safety and health protection of workers and the public against radiation hazards; supervise special fissile materials, raw materials and minerals; supervise the application of passive physical protection measures for nuclear plants and materials; ensure compliance with international agreements relating to the safeguards applicable to special fissile materials or to any raw materials or ores;
- (6) promote and encourage personnel training in energy technologies;
- (7) disseminate and make public information about energy problems;
- (8) provide advice and consultancy, and undertake technical assessments on behalf of central, regional and local government on problems connected with the production and use of energy. Section 107 of Decree No. 616 of 24th July 1977 of the President of the Republic shall apply to the ENEA.

For the purpose of fulfilling its responsibilities under subparagraphs (1), (2), (3) and (4) of this Section, the ENEA may:

- (a) enter into agreements with regions and local authorities;
- (b) on the basis of appropriate contracts, entrust universities, research and experimental institutes, or agencies and companies engaged in studies, research and experimental activity, with the carrying out of its own scientific programmes;
- (c) enter into collaboration agreements with national industries, and make available to such industries skills, know-how, patent licences and facilities;
- (d) promote the formation of industrial consortia in the form of joint-stock companies, or multinational or foreign enterprises or companies for the purpose of the industrial development of the energy technologies within its field and participate in such consortia, under programmes approved by the CIPE* subject to authorization by the Minister of Industry, Commerce and Crafts, who shall give prior notice thereof to Parliament.

The ENEA may acquire a majority holding in companies whose objects are research, development and demonstration in technology sectors within the field covered by the ENEA.

The ENEA shall acquire no more than a minority holding in companies whose objects are to develop the production or marketing of nuclear and alternative energies (excluding activities reserved to the ENEL** under Act No. 1643 of 6th December 1962 as amended). In such instances, its interest in national companies must take the form of patents, know-how, equipment, plants, infrastructure or skills.

Section 3

Upon the proposal of the ENEA the Minister of Industry, Commerce and Crafts shall present to the CIPE, in accordance with the directives of that Committee and for its approval, the five-year programme of work with budget forecasts covering the entire period.

Three months before the expiry of the five-year period, the Minister of Industry, Commerce and Crafts shall, upon the proposal of the Board of Management of the Commission, present the next five-year plan to Parliament.

Within the three months following approval of the five-year plan by the CIPE, the Minister of Industry, Commerce and Crafts shall present to Parliament, together with a detailed report on the programme and results achieved during the preceding five-year period, draft legislation to provide ENEA with the required funds within the limits of the resources available in the annual and pluriannual government budget. In October of each year, the Minister of Industry, Commerce and Crafts shall report to Parliament on progress in implementing the programme.

The programme shall be amended where necessary in accordance with the same procedures.

* Interministerial Committee for Economic Planning (Comitato Interministeriale per la Programmazione Economica).

** National Electricity Board (Ente Nazionale per l'Energia Elettrica).

Section 4

The organs of the ENEA shall be:

- the Chairman;
- the Board of Management;
- the Executive Committee;
- the Board of Auditors.

Section 5

The Chairman shall be appointed by Decree of the President of the Republic, upon the proposal of the Ministry of Industry, Commerce and Crafts having obtained the opinion of the Council of Ministers. His term of office shall be five years and he may be reappointed for only one further term.

The function of the Chairman shall be incompatible with that of administrator or employee of any public economic undertaking or membership of the board of directors of any commercial company.

The Chairman shall forfeit his office if a situation of incompatibility has not been terminated within sixty days of its communication.

An employee of the Government or of a non-profit making public agency appointed as Chairman shall be given leave of absence for that purpose.

Section 6

The Chairman:

- (a) shall be the legal representative of the Commission;
- (b) shall convene and chair the Board of Management;
- (c) shall convene and chair the Executive Committee and draw up its agenda with the advice of the Director General;
- (d) shall superintend the general functioning of the Commission;
- (e) shall present to the Minister of Industry, Commerce and Crafts the budget estimates and final accounts and, by 30th April in each year, a report on the activities of the previous year duly approved by the Board of Management.

Section 7

The Board of Management shall consist of:

- (1) the Chairman;
- (2) eight members, five being experts in energy science and technology and their applications, two being management specialists and one being an industrial technology specialist;

- (3) two experts, one designated by the Minister for the Budget and Economic Programming and the other by the Minister for the Co-ordination of Scientific Research;
- (4) the Director General of the General Directorate for Energy Sources and Basic Industries within the Ministry of Industry, Commerce and Crafts;
- (5) three Commission employees, one belonging to the research staff, to be chosen from shortlists of three candidates each presented by the most representative unions in the Commission.

Members of the Board of Management shall be appointed by Decree of the President of the Council of Ministers, with the advice of the Council of Ministers, upon the proposal of the Minister of Industry, Commerce and Crafts, for a five-year term of office. The Board of Management shall itself elect a Deputy Chairman for the five-year term. The Deputy Chairman, as well as performing duties delegated by the Chairman, shall stand in for him in case of absence or impediment.

The Board of Management shall be convened by the Chairman whenever he deems appropriate, or on the request of at least five members of the Board itself.

The Board of Management shall:

- (a) adopt the international regulations of the Commission;
- (b) attend to the implementation of directives of the CIPE and of the Minister of Industry, Commerce and Crafts and on the basis thereof, determine the pluriannual programmes of work of the Commission and any annual revisions;
- (c) draw up budget estimates two months before the beginning of each financial year, and any budget alterations and the final accounts within four months of the end of the financial year, together with a report on achievements and progress with current activities;
- (d) decide appropriations not delegated to other agencies or offices;
- (e) decide matters referred to un sub-paragraphs (a), (b) and (c) of Section 2 (paragraph 3);
- (f) elect the members of the Executive Committee;
- (g) adopt regulations and contracts concerning staff status and remuneration;
- (h) decide matters relating to staff recruitment and organisation, the appointment of directors, and the duties of and contracts for consultants;
- (i) take decisions, where appropriate, on any delegation to the Executive Committee or to the Chairman of responsibility for staff employment contracts, having regard to its own decisions as to numbers and categories of staff, or of responsibility for the operational workings of the Commission subject to the general directives laid down by the Board;

- (l)* take decisions, subject to the necessary limitations, and excluding the matters referred to in sub-paragraphs (a), (b) and (c) of Section 2, on any delegation to the Executive Committee, the Chairman, the Director General or to the Directors of operational units of power to enter into financial commitments, invite tenders, award contracts and issue orders for supplies;
- (m) take decisions, within the financial limits laid down, in respect of any delegation to the Chairman of responsibility for entrusting specific studies or research of a technical, scientific, economic or legal nature to specially qualified persons outside the Commission.

The Board of Management shall be empowered to decide that membership of the Executive Committee is incompatible with any other professional activity and with public or private employment.

An employee of the government or of any non-profit making public agency invited to join the Executive Committee, but covered by an incompatibility decision of the Board of Management under the previous paragraph, shall be given leave of absence.

The Board of Management shall, subject to the provisions of this Act, have full management powers, and shall be responsible for the acts of the Commission for the purposes set out in Sections 1 and 2 of this Act.

The decisions of the Commission shall not be subject to approval by the supervisory authority.

Decisions under sub-paragraph (b) of paragraph 4 above relating to pluriannual programmes of work and any annual revision thereof shall be transmitted to the Minister of Industry, Commerce and Crafts, who shall submit them to the CIPE for decision in accordance with Section 3 above.

Decisions on matters referred to in sub-paragraphs (c) and (g) of paragraph 4 above shall be submitted to the Minister of Industry, Commerce and Crafts for approval. The Minister of Industry, Commerce and Crafts shall, having obtained the opinion of the Minister of the Treasury, within sixty days of the date of receiving decisions referred to in sub-paragraphs (c) and (g) of paragraph 4 above, approve them or refer them back, giving reasons, for reconsideration by the Board of Management. On the expiry of the sixty day period, any decision not referred back shall become enforceable.

The Board shall take decisions by majority vote. In case of a tie, the Chairman shall have a casting vote. Two-thirds of the members of the Board including the Chairman or his substitute shall constitute a quorum.

In formulating programmes, the Board of Management shall obtain the opinion of a committee of not more than eight members selected from the scientific research staff.

Before considering programmes the Board of Management shall obtain the opinion of the workers' representative bodies concerning the financial and the organisational methods of implementing the programme. It shall also hear the opinions of the same bodies on the preparation and amendment of internal rules.

* Note by the Secretariat: the letters *j* and *k* are not included in the Italian alphabet.

Section 8

The Executive Committee shall consist of the Chairman of the Commission, who shall take the chair at its meetings, and of four members of the Board of Management elected by the Board from among the members mentioned in sub-paragraphs (2) and (3) of paragraph 1 of Section 7 above.

The Executive Committee shall:

- (a) prepare the agenda and documentation necessary for Board meetings;
- (b) replace the Board of Management in emergencies, adopting the necessary measures which shall be laid before the Board for ratification at its next meeting;
- (c) perform any other functions delegated to it by the Board of Management.

Section 9

On the proposal of the Chairman of ENEA the Minister of Industry, Commerce and Crafts may establish by his own decree consultative committees for particular problems facing the Commission, for limited periods of time.

Section 10

The Chairman of the Board of Auditors and the auditors shall be appointed by Decree of the Minister of Industry, Commerce and Crafts for terms of office of five years. The Board shall consist of three members and three deputies, including one member acting as Chairman and one deputy appointed by the Ministry of the Treasury.

The Board shall review management decisions, ascertain that proper books and accounts have been kept and check cash balances.

The Board shall prepare a written report on the final accounts, report regularly to the Minister of Industry, Commerce and Crafts and may attend meetings of the Board of Management. The Chairman of the Board of Auditors, or a member of the Board delegated by its Chairman may attend meetings of the Executive Committee.

The Board of Auditors shall continue to perform its duties during periods of administration by a Commissioner.

Section 11

By Decree of the Minister of Industry, Commerce and Crafts, following consultation with the Minister of the Treasury, emoluments shall be determined for members of the Board of Management, Executive Committee and Board of Auditors.

Section 12

The Director General shall be appointed, upon the nomination of the Board of Management, by Decree of the Minister of Industry, Commerce and Crafts. His appointment may be terminated or revoked, or he may be suspended by Decree of the same Minister.

The remuneration of the Director General shall be fixed by the Board of Management.

Section 13

The Director General shall:

- (a) attend meetings of the Board of Management and of the Executive Committee in an advisory capacity, with the right to put suggestions and proposals;
- (b) attend to the implementation of decisions of the Board of Management;
- (c) present budget estimates and final accounts to the Board of Management;
- (d) supervise the activity of the Commission and represent it before the Board of Management;
- (e) perform any other function inherent in the management of the Commission which is assigned to him by the Board of Management unless such function be reserved to any other body.

Any remuneration due to the Director General or other employee for the performance of external functions on behalf of the Commission shall be transferred to the ENEA budget.

Section 14

Rules governing the legal status, remuneration and pension arrangements of staff shall be set out in regulations adopted by the Board of Management, and shall give effect to agreements entered into with the trade unions.

For special purposes the Board of Management shall be empowered, notwithstanding the provisions of Act No. 230 of 18th April 1962, to recruit specially qualified technical or research staff on fixed term contracts.

The regulations shall be approved by the Minister of Industry, Commerce and Crafts in agreement with the Minister of the Treasury.

Section 15

Industrial property rights deriving from the fulfilment of employment contracts or the provision of services for ENEA, where the objects of such contracts or services include study, research and experimental activities remunerated as such, shall be the property of the Commission, except that the inventor shall have the right to be recognised as such.

An inventor shall receive a fair reward, in determining which the importance of the invention shall be taken into account.

Section 16

In the event of ascertained shortcomings liable to jeopardise the proper technical or administrative functioning of the Commission, or re-

peated failure to comply with directives from the Interministerial Committee for Economic Planning, the Board of Management may be dissolved by Decree of the President of the Republic upon the proposal of the Minister of Industry, Commerce and Crafts, having obtained the opinion of the Council of Ministers.

In such case the powers of the Chairman of the Board of Management shall be exercised by a Commissioner to be appointed in the same Decree as that dissolving the ordinary administrative organs.

Within six months of the appointment of the Commissioner, the Board of Management shall be reconstituted.

Section 17

The final accounts of ENEA shall be attached to the budget estimates of the Ministry of Industry, Commerce and Crafts for the financial period following that in which the final accounts were approved.

Section 18

Review of the proper management of the ENEA shall lie with the State Audit Board (Corte dei conti) as provided for under Sections 4, 7, 8, 9 and 12 of Act No. 259 of 21st March 1958.

Section 19

Following the submission of the final accounts to the Minister of Industry, Commerce and Crafts, the Chairman of the Board of Management or his representative shall report on the programmes implemented and research results achieved to a Parliamentary Commission consisting of five senators and five members of the lower house chosen by the Chairmen of both Chambers.

Section 20

ENEA shall perform the duties conferred upon it by Section 2 of the present Act with the assistance of its own assets, financial contributions of central government, and contributions from private bodies and any other income deriving from its activity.

The Board of Management of ENEA shall establish in advance criteria for determining suitable fees payable for carrying out tests, analyses, inspections and certification at the request of private bodies or public law agencies of the State, and criteria for determining charges payable in respect of services provided by the Commission under Act No. 1860 of 31st December 1962 and Decree No. 185 of the President of the Republic of 13th February 1964.

Decisions referred to in the above paragraph shall be subject to approval in accordance with paragraph 8 of Section 7.

Section 21

Capital and financial management of the Commission shall be governed by accounting rules adapted to the special nature of the Commission itself, and adopted by the Board of Management. These rules shall be approved by the Minister of Industry, Commerce and Crafts after obtaining the opinion of the Minister of the Treasury.

Section 22

Sections 1 to 11 and 17 to 19 of Act No. 933 of 11th August 1960 are hereby repealed.

Section 23

Legislative provisions relating to the financing of pluriannual ENEA programmes approved by the CIPE under Section 3 of the present Act shall be proposed by the Minister of Industry, Commerce and Crafts in agreement with the Minister of the Treasury, having regard to the opinion of the Minister for the Co-ordination of Scientific and Technological Research.

Any sums appropriated under financial legislation but not utilised within the financial year for which they were made shall be carried forward to supplement funds available in subsequent financial years for the purpose of giving effect to the pluriannual programmes to which they relate.

Section 24

A committee shall be established within the Ministry of Industry, Commerce and Crafts to advise on the industrial utilisation of nuclear energy and the co-ordination of activities of agencies operating in this field.

The Committee, chaired by the Minister of Industry, Commerce and Crafts, or his representative, shall be appointed by Decree of the Minister and shall consist of not more than ten members, designated by public and private operators in the nuclear sector, on the request of the Minister.

The term of office of the members of the Committee shall be five years.

TITLE II

NATIONAL INSTITUTE OF NUCLEAR PHYSICS

Section 25

The National Institute of Nuclear Physics (INFN)*, at present governed by the Ministerial Decree of 26th July 1967, shall be a public law agency with its own budget.

The Minister of Industry, Commerce and Crafts, in agreement with the Minister of Education, shall decide what ENEA assets shall be transferred to INFN to enable it to fulfil the duties assigned it, and ENEA is hereby authorized to transfer to the INFN the assets so determined.

* INFN = Istituto Nazionale di Fisica Nucleare.

Section 26

The Interministerial Committee for Economic Planning shall be responsible for the adoption of pluriannual programmes prepared by the INFN and transmitted to it by the Minister of Education.

Section 27

Legislative provisions relating to the financing of pluriannual INFN programmes approved by the CIPE in accordance with the preceding Section of this Act, shall be proposed by the Minister of Education in agreement with the Ministry of the Treasury.

Any appropriation under the financing enactments not utilised during the financial year for which they were made shall be carried forward to supplement the resources available in subsequent financial years within the limits of the pluriannual plan to which they refer.

This Act, bearing the State seal, shall be entered in the official record of the Acts and Decrees of the Italian Republic. All those concerned shall comply and ensure compliance therewith as the law of the State.