



● *Poland* ●

ATOMIC ENERGY ACT No. 70

of 10th APRIL 1986*

Recognising the need in all sectors to develop nuclear energy for peaceful purposes in the process of Poland's economic development, and with a view to protecting the life, health and property of its citizens, as well as the environment, against the hazards involved in developing this form of energy, it is provided as follows:

Part 1

General provisions

Section 1

1. This Act regulates the activities related to the development of nuclear power for the socio-economic needs of Poland, defines the obligations of the organisational units [jednostki organizacyjne] carrying on these activities, the competent bodies in this sphere and their tasks, the principles of third party liability for nuclear damage and liability for breaches of rules on nuclear safety and radiation protection.

2. Activities related to the development of nuclear power for Poland's socio-economic needs include in particular:

1) the manufacture, conversion, application, storage and transport of nuclear materials and sources of ionizing radiation, as well as trade in such materials and sources;

2) site selection, the preparation of plans, the construction, start-up, operation and decommissioning of nuclear installations;

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- 3) the safe conditioning and storage of radioactive waste;
- 4) the protection of the health of workers employed in nuclear installations on work involving nuclear materials, sources of ionizing radiation and radioactive waste, as well as the training of such workers.

Section 2

The development of nuclear power for Poland's socio-economic needs must be accompanied by the measures required to guarantee safety and the protection of human life, health and property, and of the environment.

Section 3

The following terms shall, for the purposes of this Act, be defined as follows:

- 1) nuclear materials: materials containing fissile nuclides or nuclides which could become fissile following nuclear reactions, and in particular isotopes of uranium, plutonium and thorium;
- 2) nuclear installations: installations or devices in which nuclear materials are manufactured, applied, converted, stored or transported in sufficient quantities to allow a self-sustained fission reaction;
- 3) ionizing radiation: radiation consisting of directly or indirectly ionizing particles, or of both categories, but excluding ultraviolet radiation photons;
- 4) radioactive sources: radioactive substances so prepared as to allow use to be made of the ionizing radiation they emit;
- 5) sources of ionizing radiation: radioactive sources or devices emitting ionizing radiation;
- 6) radioactive waste: objects or solid, liquid or gaseous materials containing radioactive substances, or contaminated by such substances beyond the statutory threshold and whose subsequent use serves no purpose or is impossible;
- 7) nuclear safety: the state in which, during the normal operation of a nuclear installation and on the appearance of any disturbances, the limits of exposure to ionizing radiation laid down by law for persons working in nuclear installations and for other persons, will not be exceeded;
- 8) radiation protection: the prevention of the exposure of persons and the environment to ionizing radiation and, should this prove

impossible, the restriction as far as possible of the consequences of such exposure;

- 9) nuclear damage: damage caused to persons or property, or to the environment, by the radioactive, toxic, explosive or other effects of nuclear materials and their fission products;
- 10) operator: for the purposes of third party liability, the organisational unit carrying on the activities referred to in Section 4;
- 11) dose limit (dose equivalent limit); maximum dose of ionizing radiation prescribed for particular groups of persons, which may not be exceeded except as otherwise provided in this Act;
- 12) physical protection: all organisational and technical measures taken to ensure the effective protection of nuclear materials from diversion, sabotage, theft or other harmful acts.

Section 4

1. A licence from the competent nuclear safety and radiation protection authority is required for carrying on activities related to the development of nuclear power, namely:

- 1) the production, conversion, storage, transport or use of, and trade in nuclear materials and radioactive sources and waste;
- 2) the construction, start-up, operation or decommissioning of nuclear installations;
- 3) the construction and operation of radioactive waste repositories;
- 4) the manufacture and use of devices incorporating radioactive sources;
- 5) the manufacture and use of devices emitting ionizing radiation;
- 6) the manufacture of dosimetry equipment, and equipment and devices for protection against ionizing radiation;
- 7) the opening of laboratories and other premises in which sources of ionizing radiation are to be used;
- 8) the manufacture of everyday articles emitting ionizing radiation;
- 9) the operation of devices, installations and processes of importance from the nuclear safety and radiation protection viewpoint.

2. The licensing body may at any time withdraw or modify a licence if the nuclear safety and radiation protection requirements or conditions have not been met.

3. The Council of Ministers [Rada Ministrow] may pass regulations defining:

- 1) the conditions for granting the licences referred to in paragraph 1;
- 2) the activities related to the development of nuclear power, other than those listed in paragraph 1, which require a licence.

4. The Chairman of the National Atomic Energy Agency [Agencja Panstowa Atomistyki], hereinafter referred to as the "Chairman of the Agency", shall define in detail the nuclear safety and radiation protection requirements and conditions.

Section 5

Nuclear materials and radioactive sources shall be registered and monitored; nuclear materials shall also be subject to physical protection.

Section 6

1. The import into, export out of and transit through the Polish People's Republic of nuclear materials, radioactive sources and devices incorporating such sources shall be carried out in accordance with the conditions laid down by the Chairman of the Agency, in agreement with the Minister for Communications [Minister Komunikacji] and the Minister for Foreign Trade [Minister Handlu Zagranicznego].

2. A licence of the type referred to in Section 4 shall be required for the import and export of nuclear materials, radioactive sources and devices incorporating such sources, as well as for the import of everyday articles emitting ionizing radiation.

Section 7

1. Any activity involving exposure to ionizing radiation shall be conducted in such a manner that the number of persons exposed is as low as possible and that the doses of radiation received by such persons are as low as possible and do not exceed the dose limits.

2. Dose limits shall be established:

- 1) for persons employed in conditions in which they are exposed to ionizing radiation;
- 2) for persons living in or visiting the neighbourhood of sources of ionizing radiation, and for persons exposed to the effects of such radiation due to radioactive contamination of the environment;
- 3) for persons exposed to the effects of ionizing radiation following use of everyday articles emitting such radiation.

3. The establishment of a dose limit shall not affect the obligation to limit actual doses of ionizing radiation to as low a level as possible.

Section 8

1. Dose limits shall cover the total radiation from sources of ionizing radiation inside and outside the body.

2. Dose limits shall not cover radiation of cosmic origin or from natural radioactive elements present in the environment in their natural state or in living organisms in normal physiological conditions.

Section 9

1. In cases of obvious need, for the prevention of accidents or to restrict or eliminate their consequences, the head of the establishment, or a person appointed by him, may order a male worker to perform tasks which could involve his receiving an annual radiation dose in excess of the annual dose limit, but which may not exceed five times the annual dose limit; the worker concerned may not refuse to carry out such an order.

2. However, as in other cases, any exposure of a worker as described in paragraph 1, above, must be so restricted that the cumulative dose over any period of 6 consecutive years, including the year of increased exposure, does not exceed six times the annual dose limit.

3. The exposure of a worker during a given year to a dose in excess of two times the annual dose limit shall be permissible only if the worker concerned has never before, during a twelve-month period, received a dose in excess of twice the annual dose limit.

Section 10

1. If necessary to save human life, a person taking part in a rescue operation may be authorised by the person directing the operation to expose himself to ionizing radiation without a maximum dose limit, if that person has volunteered and was first informed of the radiation hazard involved and of the consequences it could have for his life or health.

2. The provisions of Article 127, paragraph 2 of the Civil Code shall apply mutatis mutandis to liability for any damage suffered by the person referred to in paragraph 1, above.

Section 11

The dose limits shall not apply to persons exposed to the effects of ionizing radiation for medical purposes.

Section 12

1. Decisions taken by administrative bodies may not adversely affect nuclear safety or radiation protection requirements.
2. Any decision in breach of the provisions of paragraph 1, above, shall be null and void.

Section 13

1. The Minister for Health and Welfare [Minister Zdrowia i Opieki Społecznej] shall enact regulations laying down the conditions for the safe application of ionizing radiation for medical purposes.
2. The Chairman of the Agency shall, in agreement with the Minister for Health and Welfare, establish the dose limits for ionizing radiation and the derived indicators defining the risk, including the permissible emission of ionizing radiation by everyday articles.

Part 2

Nuclear installations

Section 14

1. Nuclear installations shall include, in particular:
 - 1) nuclear power plants producing electricity or heat or both;
 - 2) establishments using nuclear reactors as a source of thermal energy or radiation for technological purposes;
 - 3) establishments for producing, converting and storing nuclear materials;
 - 4) nuclear reactors used for research and experimentation.
2. Installations or establishments are classified as nuclear installations on the basis of a decision by the Chairman of the Agency.

Section 15

1. The investor shall be responsible for guaranteeing compliance with the nuclear safety and radiation protection requirements affecting a nuclear installation at the planning stage and during construction, start-up and experimental operation, while this responsibility shall be borne by the operator during the normal operating stage and decommissioning.

2. In addition to the investor's obligations, other persons involved in the investment process shall, in accordance with their duties, be responsible for ensuring compliance with nuclear safety and radiation protection requirements.

3. At the stages of site selection, the preparation of plans, construction, start-up and operation of a nuclear installation, the technical and organisational measures must be taken which, in the light of scientific and technological progress, are needed to ensure that, in all phases of operation and in case of breakdown or damage, neither those operating the installation nor other persons or the environment are exposed to risk.

Section 16

The body competent to take decisions concerning site selection under planning legislation must, in agreement with the Chairman of the Agency, take nuclear safety and radiation protection requirements into account before giving any indications as to possible sites and before taking any decision in respect of the site of a nuclear installation.

Section 17

1. Licences relating to nuclear safety and radiation protection for the construction, start-up, operation and decommissioning of a nuclear installation shall be granted by the Chairman of the Agency, on the request of the investor or operator. Such a licence is a precondition for obtaining a permit to construct, use and dismantle buildings, under building legislation.

2. Licences referred to in paragraph 1, above, may be granted after verification that the nuclear safety and radiation protection requirements and conditions have been met.

Section 18

1. A protection zone, subject to land-use restrictions, shall be established around nuclear installations with a view to reducing the risk from radiation.

2. The Chairman of the Agency, in agreement with the Minister for Construction [Minister Budownictwa], the Minister for Town and Country Planning [Minister Gospodarki Przestrzennej i Komunalnej] and the Minister for the Protection of the Environment and Natural Resources [Minister Ochrony Srodowiska i Zasobow Naturalnych], shall establish the detailed rules governing the creation and administration of the protection zone around nuclear installations.

Section 19

Should nuclear safety be endangered by the operation of any installation, the Chairman of the Agency shall order a reduction in the output

of the installation or order that it be withdrawn from service. The return to full capacity or the bringing back on line of the installation requires the authorisation of the Chairman of the Agency.

Part 3

Nuclear materials

Section 20

1. Licences to manufacture, convert, store, make use of and trade in nuclear materials shall be granted by the Chairman of the Agency on the request of the Director of the competent organisational unit.
2. It shall be the responsibility of the Director of an organisational unit, to which a licence referred to in paragraph 1 above has been granted, to ensure that nuclear materials are used in compliance with nuclear safety and radiation protection requirements.

Section 21

1. Any organisational unit to which a licence referred to in Section 20, paragraph 1, has been granted, shall be obliged to register and monitor its nuclear materials and ensure their physical protection.
2. The Chairman of the Agency, in agreement with the Minister responsible for the Administration of Materials and Fuels [Minister Gospodarki Materialowej i Paliwowej], the Minister of the Interior [Minister Spraw Wewnętrznych], the Minister for Foreign Affairs [Minister Spraw Zagranicznych] and the Minister for Communications, shall establish the rules governing the registration, surveillance and physical protection of nuclear materials.

Part 4

Sources of ionizing radiation

Section 22

1. Licences to carry on activities connected with a source of ionizing radiation referred to in Section 4, paragraph 1 (1) and (4) to (9), shall be granted by the Chairman of the Agency or a person appointed by him, on the request of the Director of the competent organisational unit, subject to the provisions of paragraph 2, below.

2. Licences to manufacture, purchase, install and use X-ray apparatus of a capacity equal to or less than 300 keV, shall be granted by the local State Public Health Inspector.

3. The Minister for Health and Welfare shall lay down the conditions which X-ray centres have to meet and the rules governing work involving the use of X-ray equipment.

Section 23

The Director of an organisational unit to which a licence for the activities referred to in Section 22 has been granted, shall be responsible for ensuring radiation protection in the carrying on of activities connected with a source of ionizing radiation.

Section 24

1. An organisational unit carrying on activities connected with radioactive sources shall be required to register and monitor these sources.

2. Devices incorporating radioactive sources and emitting ionizing radiation, whether manufactured in Poland or purchased abroad, shall be subject to a radiation protection control before being brought into service.

Section 25

The Chairman of the Agency shall determine the rules applicable to the registration and control of radioactive sources, as well as the rules governing the control of devices incorporating radioactive sources and emitting ionizing radiation, together with the organisational unit competent to ensure such control.

Part 5

Radioactive waste

Section 26

1. Radioactive waste from the manufacture, conversion, temporary or longer-term storage or use of nuclear materials and radioactive sources and from the operation and decommissioning of nuclear installations must, subject to the provisions of paragraph 2, below, be conditioned in such a way as to prevent their constituting a risk to persons or the environment.

2. Waste which the Nuclear Inspectorate recognises as not constituting a radiation risk, shall not be classified as radioactive waste.

3. Radioactive waste shall be registered at the place where it is produced and stored on a short or longer-term basis.

4. The Chairman of the Agency shall determine the rules governing the radioactive classification of waste, its characterisation and registration, and the conditions for its treatment and short or longer-term storage.

Section 27

1. Nuclear safety and radiation protection licences for the construction and operation of radioactive waste repositories shall be granted by the Chairman of the Agency. Such licences are a precondition for obtaining a permit to construct and use buildings under building legislation.

2. The Director of an organisational unit to which a licence to operate a radioactive waste repository has been granted shall be responsible for ensuring that waste is stored in compliance with nuclear safety and radiation protection requirements.

Section 28

The Director of the organisational unit concerned shall be responsible for ensuring that the on-site management of radioactive waste and its preparation for transport and storage off-site comply with nuclear safety and radiation protection requirements.

Part 6

Transport of nuclear materials and radioactive sources and waste

Section 29

1. Nuclear materials have to be prepared for transport and must be transported in such a way as to prevent any possibility of a self-sustained fission reaction.

2. Licences to transport nuclear materials and radioactive sources and waste shall be granted by the Chairman of the Agency or a person appointed by him.

Section 30

1. Insofar as they are not regulated by separate provisions, the conditions for the safe transport of nuclear materials and radioactive sources and waste shall be determined by the Minister competent for the mode of transport in question, in agreement with the Minister of the Interior and the Chairman of the Agency.

2. Account should be taken, when preparing the transport of nuclear materials and radioactive sources and waste as well as during such transport, of the risks constituted by the physical and chemical properties of such materials, sources and waste, and the mandatory requirements and conditions for the transport of hazardous materials should be respected.

3. The radiation to which persons involved in the transport operation, including those responsible for loading and unloading the nuclear materials and radioactive sources and waste transported, are exposed, shall be monitored and must not exceed the dose limits referred to in Section 7, paragraph 2 (2). These requirements shall not apply to persons recruited as persons occupationally exposed to ionizing radiation.

Section 31

1. The provisions of Sections 29 and 30 shall not apply to transport within the site of organisational units which produce, store or use nuclear materials or radioactive sources and waste.

2. The transport requirements and conditions referred to in paragraph 1, above, shall be specified by the Chairman of the Agency in the licence granted pursuant to Section 17, paragraph 1, Section 20, paragraph 1 and Section 22, paragraph 1.

Part 7

Training and protection of workers

Section 32

1. A worker may be permitted to work with nuclear materials, sources of ionizing radiation or radioactive waste provided he has an adequate knowledge, given his post, of nuclear safety and radiation protection requirements and provided he possesses the necessary skills.

2. Any such worker may be appointed provided the competent public health service finds that there are no special reasons why he should not occupy a post likely to involve exposure to ionizing radiation.

3. Such special reasons, together with the type and frequency of the medical examinations to be given workers assigned to such posts, shall be defined in separate regulations.

4. Organisational units in which nuclear materials or a source of ionizing radiation are used or in which radioactive waste is produced or converted, shall be obliged to draw up a training programme, give workers instruction on nuclear safety and radiation protection before allowing them to commence work, and periodically provide appropriate training.

5. Training programmes drawn up by the organisational units referred to in paragraph 4, above, shall be submitted to the Chairman of the Agency for approval.

Section 33

1. In organisational units in which nuclear materials or sources of ionizing radiation are used, or in which radioactive waste is converted or stored, as also in nuclear installations, only persons possessing the required skills and who have obtained relevant qualifications after examination, may be assigned to a post which has real importance in respect of ensuring nuclear safety and radiation protection.

2. The Chairman of the Agency shall be responsible for deciding:

- 1) to stop persons without the necessary qualifications from occupying a given post;
- 2) to give a further examination to a worker whose knowledge, skills or performance in relation to a post requiring specific qualifications fail to guarantee that the nuclear safety and radiation protection requirements will be respected.

3. The Chairman of the Agency:

- 1) shall define the types of post referred to in paragraph 1, above, the conditions and method for granting the qualifications conferring entitlement to work with nuclear materials, sources of ionizing radiation or radioactive waste, except for X-ray apparatus with a capacity less than or equal to 300 keV, and also the method of checking the knowledge and skills of persons performing such work;
- 2) shall convene the Examination Board, the composition of which shall be established by him.

4. The Minister for Health and Welfare shall establish the general content and principles of the training programme for persons responsible for ensuring protection against ionizing radiation in X-ray centres.

Section 34

Organisational units employing workers in conditions likely to involve exposure to ionizing radiation, shall be obliged:

- 1) to ensure that such workers are kept under medical surveillance and are provided with the necessary means of individual protection and dosimetry equipment;
- 2) to record the individual doses received by such workers and systematically take dosimetry readings in the workplace.

Section 35

The Chairman of the Agency shall determine the standards which dosimetry equipment used for radiation protection must meet, together with the requirements relating to the recording of dosimetry readings.

Part 8

Third party liability for nuclear damage

Section 36

1. The operator of a nuclear installation shall be solely liable for nuclear damage.
2. When more than one person operates a nuclear installation, they shall be jointly and severally liable.
3. The operator of a nuclear installation shall have a right of recourse against any person intentionally causing nuclear damage if the damage results from intentional fault on his part.

Section 37

1. In the event of nuclear damage occurring during the transport of a nuclear package, the operator sending the package shall retain sole third party liability until the package is handed over to the consignee.
2. When nuclear damage occurs during international transport, third party liability shall lie solely with the operator sending the nuclear package or the operator to whom the package was delivered. The moment at which liability passes shall be determined by agreement between the consignor and the consignee. Should the agreement not provide explicitly for this circumstance, the consignor shall retain liability until the nuclear package is handed over to the authorised person at the frontier of the State in which the package is to be delivered.
3. The person liable for nuclear damage shall have a right of recourse against those persons providing transport services if the damage results from intentional fault on their part.

Section 38

The operator of a nuclear installation shall not be liable for nuclear damage if the damage results from acts of war or exclusively from an intentional fault on the part of the victim.

Section 39

1. Liability for all the consequences of an event leading to nuclear damage shall lie with the person obliged to pay compensation.
2. Compensation of nuclear damage shall include:
 - 1) for the victim, losses suffered as a consequence of personal injury or damage to health, or as a result of the destruction or deterioration of property, or, for other persons, losses suffered as a result of the death of the victim;
 - 2) earnings the victim could have made had he not suffered the damage;
 - 3) the essential expenses which have been or will be incurred following the accident, in order to prevent persons and the environment from being exposed to ionizing radiation.
3. The compensation of nuclear damage shall also cover compensation for damage to common property following damage to the environment. When such damage has occurred, the Treasury [Skarb Panstwa] shall be entitled to request compensation. Any compensation obtained shall be paid into the Environmental Protection Fund [Fundusz Ochrony Srodowiska].

Section 40

1. The operator of a nuclear installation shall be required to take out third party liability insurance against nuclear damage.
2. The Minister of Finance [Minister Finansow] shall establish the amount of security covering the third party liability of nuclear installation operators.
3. Should the nuclear damage suffered by any person exceed the compensation amount provided for by contract, the victim may request payment from the Treasury of the excess amount.
4. The Council of Ministers [Rada Ministrow] shall determine the method of compensating that part of nuclear damage to property and the environment in excess of the compensation amount provided for by contract.

Section 41

1. There shall be no prescriptive period for the right to compensation of nuclear damage suffered by persons, while the right to compensation of nuclear damage to property or the environment shall be subject to a prescriptive period of ten years from the date on which the accident occurred.
2. The right of recourse, referred to in Section 36, paragraph 3 and Section 37, paragraph 3, shall be subject to a prescriptive period of two years commencing on the date on which compensation was paid.

3. As between public entities [jednostki gospodarki uspołecznionej], the right to compensation of nuclear damage to property or the environment shall be subject to a prescriptive period of ten years commencing from the date on which the accident occurred.

Section 42

In areas not covered by the provisions of Sections 36 to 41, the provisions of the Civil Code shall apply to liability for nuclear damage.

Section 43

The provisions of Sections 36 to 42 shall not prejudice the provisions on benefits for employment accidents or occupational diseases.

Part 9

National Atomic Energy Agency

Section 44

1. The National Atomic Energy Agency, hereinafter referred to as the "Agency", shall be the government body responsible for matters relating to the development of nuclear power.
2. The Agency shall be answerable to the Chairman of the Council of Ministers.
3. The Chairman of the Council of Ministers may open or close local Agency offices and determine their territorial jurisdiction and principal place of business.

Section 45

1. The Agency, headed by a Chairman, shall fulfill the functions of a central government body responsible for matters related to the development of nuclear power.
2. The Chairman of the Council of Ministers shall appoint and terminate the appointment of the Chairman of the Agency.
3. The Chairman of the Council of Ministers, on the proposal of the Chairman of the Agency, shall appoint and terminate the appointment of the Vice-Chairmen of the Agency.

Section 46

The activities of the Agency shall include matters concerning:

- 1) the co-ordination and control of activities relating to the safe development of nuclear power;
- 2) research on nuclear power and its applications in the national economy;
- 3) the manufacture of nuclear equipment and devices, and the manufacture of and trade in radioactive sources;
- 4) the conditioning and storage of radioactive waste;
- 5) the registration, control and physical protection of nuclear materials;
- 6) information of the public of government activities in the field of the development of nuclear power;
- 7) co-operation with foreign countries in relation to the use of nuclear power for peaceful purposes.

Section 47

The Chairman of the Agency shall be responsible for:

- 1) representing the Agency and directing its work;
- 2) defining the thrust of the activities referred to in section 46, in accordance with Poland's socio-economic needs;
- 3) directing State surveillance of nuclear safety and radiation protection;
- 4) granting licences in matters falling within the jurisdiction of State surveillance of nuclear safety and radiation protection;
- 5) granting licences and taking decisions as provided for under this Act;
- 6) granting licences to persons operating nuclear installations, using sources of ionizing radiation or engaged in converting or storing radioactive waste;
- 7) monitoring and controlling all activities involving or which could involve the exposure of persons or the environment to ionizing radiation;

- 8) initiating, providing for and programming all-embracing activities for the development and promotion of nuclear power for peaceful purposes;
- 9) analysing and evaluating the activities of the organisational units under surveillance and co-ordinating their activities;
- 10) formulating staff policy and providing assistance for the training of managerial staff in matters relating to nuclear power;
- 11) working in collaboration with higher and central government bodies on matters related to the development of nuclear power;
- 12) monitoring the activities of State enterprises and other organisational units in areas defined in separate regulations;
- 13) taking, on the basis and in implementation of legislation, measures in cases falling within the jurisdiction of the Agency and the Chairman thereof, which must be published in the Official Gazette of the Polish People's Republic ["Monitor Polski"].

Section 48

1. The Agency shall have a Board of Management [Zarząd Agencji], hereinafter referred to as "the Management Committee", composed of the Vice-Chairmen of the Agency, the Principal Nuclear Inspector, representatives of the Minister of Mines and Energy [Minister Górnictwa i Energetyki], the Minister for Science and Higher Education [Minister Nauki i Szkolnictwa Wzwyżego], the Minister of Defence [Minister Obrony Narodowej], the Minister of the Interior, the Minister for Foreign Affairs, the Minister for Health and Welfare, the Minister for the Protection of the Environment and Natural Resources, the Minister responsible for Materials and Fuels Management, and a representative of the Polish Academy of Sciences [Polska Akademia Nauk].

2. The work of the Management Committee shall be directed by the Chairman of the Agency.

3. The Management Committee shall take decisions on matters relating to the Agency's activities, and shall in particular:

- 1) outline the policy for the development of nuclear power for Poland's the socio-economic needs, and how it should be implemented;
- 2) decide on programmes and plans of action, and examine the annual activity reports relating thereto;
- 3) define the principles for co-operation with foreign countries;
- 4) examine any other questions submitted by the Chairman of the Agency or by the Council of Atomic Affairs [Rada Spraw Atomistyki].

Section 49

1. The Agency shall be assisted by the Council for Atomic Affairs, hereinafter referred to as "the Council", which shall act as an advisory body, responsible for giving its opinion on questions relating to the Agency's activities referred to in Section 46.
2. The Chairman of the Council of Ministers, on the proposal of the Chairman of the Agency, shall appoint and terminate the appointment of the Chairman of the Council of Atomic Affairs.
3. The Chairman of the Agency shall appoint and terminate the appointment of the members of the Council.

Section 50

1. The Council of Ministers shall specify in detail, by way of regulation, the sphere of activity of the Agency and its Chairman.
2. The Statute of the Agency, adopted by the Council of Ministers, shall specify how the Agency is to be organised, and define the precise activities of the Management Committee and the powers of the local offices.
3. The composition together with the sphere and type of activities of the Council shall be defined in the Statute approved by the Chairman of the Council of Ministers.

Part 10

Government surveillance of nuclear safety and radiation protection

Section 51

1. Government surveillance of nuclear safety and radiation protection, hereinafter referred to as "nuclear surveillance", shall consist of monitoring and controlling all activities related to the development of nuclear power for Poland's socio-economic needs and which involve or may involve the exposure of persons or the environment to ionizing radiation.
2. Nuclear surveillance tasks shall consist in particular of:
 - 1) making analyses and evaluations of the development of nuclear power for national socio-economic needs, from the nuclear safety and radiation protection viewpoints;
 - 2) carrying out inspections in nuclear installations and organisational units in which nuclear materials, sources of ionizing radiation or radioactive waste are held;

- 3) deciding on questions related to nuclear safety and radiation protection;
- 4) imposing immediately applicable measures on the basis of the principles and procedures laid down in the Act;
- 5) establishing the necessary requirements to guarantee nuclear safety and radiation protection.

Section 52

1. Nuclear surveillance tasks shall be performed by the Chairman of the Agency, the Principal Inspector and the other inspectors responsible for nuclear surveillance.
2. The Chairman of the Agency shall appoint and terminate the appointment of the Principal Inspector and the other inspectors responsible for nuclear surveillance.
3. The Principal Inspector, answerable to the Chairman of the Agency, shall direct the work of the inspectors responsible for nuclear surveillance.

Section 53

1. The Chairman of the Agency may entrust performance of the tasks mentioned in Section 51, paragraph 2 (2), to officials of organisational units subject to nuclear surveillance.
2. Such officials shall enjoy the rights of inspectors responsible for nuclear surveillance conferred under this Act and in provisions adopted in pursuance thereof.

Section 54

1. In performance of their tasks, the inspectors responsible for nuclear surveillance shall be entitled:
 - 1) to visit, at any hour of the day or night, nuclear installations, means of transport and organisational units in which nuclear materials, sources of ionizing radiation or radioactive waste are used, produced, stored or transported;
 - 2) to examine documents dealing with nuclear safety and radiation protection in the nuclear installation or organisational unit subject to control;
 - 3) to verify that the activities referred to in Section 4, paragraph 1, comply with the nuclear safety and radiation protection provisions as well as the conditions laid down in the relevant licences;

- 4) to undertake, as necessary, independent technical and dosimetry measures.

2. Inspectors responsible for nuclear surveillance shall carry out nuclear safety and radiation protection controls on the authority of their service card, while the persons referred to in Section 53, paragraph 1 shall do so on the basis of an individual authorisation issued by the Chairman of the Agency or the Principal Inspector responsible for nuclear surveillance.

3. The Director of the nuclear installation or organisational unit being inspected shall supply all necessary resources and meet the conditions necessary for the inspection, and make available all documents.

4. The employees of the unit being inspected shall give the inspectors responsible for nuclear surveillance oral or written explanations concerning questions related to the subject of the inspection.

Section 55

1. Should an inspection reveal a direct threat to nuclear safety or radiation protection, the Chairman of the Agency, the Principal Inspector and the inspectors responsible for nuclear surveillance shall impose emergency measures designed to eliminate the danger.

2. When emergency measures have been imposed by the inspector responsible for nuclear surveillance, the Director of the unit inspected may request the Principal Inspector responsible for nuclear surveillance to annul or modify these measures, and if they were imposed by the Principal Inspector, he can make the same request to the Chairman of the Agency.

3. The introduction of a request referred in paragraph 2, above, shall not suspend implementation of the emergency measures.

Section 56

In the case referred in Section 12, paragraph 2:

- 1) an action to declare a decision null and void may also be brought by the Chairman of the Agency;
- 2) the competent body in such a case brought by the Chairman of the Agency, shall suspend implementation of the decision.

Section 57

1. The Chairman of the Agency may require that any breaches of nuclear safety and radiation protection provisions or any shortcomings in respect of the requirements and conditions laid down in licences granted in implementation of the provisions of this Act, be rectified within a given period.

2. Should irregularities other than those defined in paragraph 1, above, be found, the Chairman of the Agency may ask the Director of the unit inspected or the Director of the unit to which the latter is answerable, to ensure that these irregularities are corrected.

3. The Chairman of the Agency may, if necessary, file claims against those persons guilty of the irregularities in question.

4. The Director of the unit against whom such a claim is filed shall be required, within a period of thirty days from the date on which he receives it, to inform the Chairman of the Agency of the period within which and the manner in which the claim will be satisfied.

Section 58

The procedure to be followed in cases of nuclear surveillance shall be governed by the provisions of the Code of Administrative Procedure.

Section 59

Any decision involving nuclear safety and radiation protection may be contested before the Upper Administrative Tribunal [Naczelny Sad Administracyjny].

Section 60

Persons exercising nuclear surveillance duties shall enjoy, in the performance of their tasks, the protection afforded civil servants.

Section 61

The Council of Ministers shall adopt regulations defining the organisation, detailed tasks and implementation procedures for nuclear surveillance.

Part 11

Liability for breaches of nuclear safety and radiation protection

Section 62

1. Any person who:

- 1) without the necessary licence or in breach of the conditions imposed therein, undertakes an activity referred to in Section 4, or

proceeds with an import or export referred to in Section 6, paragraph 2, or employs workers who do not possess the required qualifications or the skills or competence specified in nuclear safety and radiation protection regulations;

- 2) while responsible for nuclear safety and radiation protection, allows a worker or other person to suffer exposure in breach of the provisions of Sections 7 or 9;
- 3) fails to fulfill his obligations in respect of dosimetry readings or the registration of nuclear materials, sources of ionizing radiation or radioactive waste;
- 4) makes the performance of nuclear safety or radiation protection control tasks impossible or difficult or, in breach of his duty, fails to supply information or supplies false information, or conceals the truth in relation to nuclear safety or radiation protection matters;
- 5) fails to implement nuclear surveillance decisions in spite of administrative enforcement procedures having been applied against him;
- 6) has lost or abandoned without taking appropriate safety measures, nuclear materials which had been entrusted to him, or a source of ionizing radiation or radioactive waste;
- 7) fails to fulfill his nuclear safety or radiation protection obligations during the transport of nuclear materials, sources of ionizing radiation or radioactive waste or during the preparation of such materials, sources or waste for transport or storage,

shall be liable to a prison sentence, a restriction of his freedom or a fine.

2. Any person who:

- 1) while employed in a nuclear installation, fails to inform his immediate superior or the Nuclear Inspectorate of an event or state of affairs capable of constituting a danger from the nuclear safety or radiation protection viewpoint;
- 2) in spite of his obligation to do so, fails to inform the Nuclear Inspectorate of the moment when an activity requiring surveillance is to be undertaken,

shall be liable to a fine.

Part 12

Special and final provisions

Section 63

The Ministers of Defence and of the Interior, as appropriate, and in agreement with the Chairman of the National Atomic Energy Agency, shall determine the principles and methods of application of the provisions of this Act in the organisational units for which they are responsible.

Section 64

Until enactment of the provisions of this Act, the provisions enacted in implementation of the Act referred to in Section 65 shall remain in force provided they are not contrary to the provisions of this Act, during a maximum period of six months, starting from the date on which this Act shall enter into force.

Section 65

The Act dated 27th February 1982 creating the National Atomic Energy Agency (Legal Gazette No. 7, Act No. 64) is hereby repealed.

Section 66

This Act shall enter into force on 1st July 1986.