

CROATIA

Act on Protection Against Ionising Radiation*

adopted on 5 March 1999

I. GENERAL PROVISIONS

Article 1

This Act determines the principles governing protection and safety precautions against ionising radiation, handling of emergency situations, treatment of radioactive waste and control over the application of safety precautions against ionising radiation, with a view to ensuring safety and reducing risks to the lives and health of the public as well as protecting the environment for present and future generations.

Article 2

For the purposes of this Act:

1. "Ionising radiation" means electromagnetic, particle or any other radiation whose passage through matter causes, directly or indirectly, the emergence of pairs of positively or negatively electrically charged ions.
2. "Radiation exposure" means exposure to ionising radiation. It can be external or internal, depending on whether the source of ionising radiation is outside or inside the human body.
3. "Ionising radiation source" means every device, plant or material which produces or emits ionising radiation.
4. "Radioactive materials" means those materials which contain *inter alia* atoms with unstable nuclei which, in the course of their disintegration, produce ionising radiation.
5. "Activity of a radioactive material" means the amount of radioactive disintegrations per time unit.

* Unofficial translation carried out by Evelin Toth Mucciacciaro, translator, in co-operation with the Secretariat of the NEA.

6. “Radioactive waste” means a waste substance resulting from the performance of an activity involving ionising radiation sources or in the course of the nuclear fuel cycle, regardless of its physical form and chemical characteristics, which contains radioactive materials whose activity, concentration or radiation is above the level determined by the Minister of Health based on international recommendations.
7. “Activities involving ionising radiation sources” means production, transportation and use of radioactive materials and other activities related to ionising radiation which the Minister of Health determines pursuant to this Act.
8. “Transportation of ionising radiation sources” means their procurement, transmission, transportation and carriage, processing, import, export, lease, succession and cession.
9. “Nuclear fuel cycle” means all activities related to the production of nuclear energy including prospecting for raw materials and the production of nuclear fuel, the use of nuclear fuel in a nuclear reactor, the termination of work and decommissioning of a nuclear reactor, the storage of radioactive waste originating from nuclear plants and all research work related to these activities.
10. “Interventions” means systematic measures, planned in advance, which reduce the existing level of exposure to ionising radiation or the possibility of being exposed to ionising radiation as a consequence of emergency situations.
11. “Intervention levels” means the levels of expected exposure to radiation which could occur as a consequence of an emergency situation or chronic exposure of the public to ionising radiation in the environment, where special safety precautions are taken.
12. “Emergency situation” means a situation related to activities involving ionising radiation or the safety of nuclear plants caused by circumstances which are no longer under control, resulting in exposure to increased levels of radiation of employees working with ionising radiation sources, of the public or in the radioactive pollution of the environment.
13. “Nuclear plant” means a nuclear reactor, nuclear power plant, nuclear heating plant, research nuclear reactor, uranium or thorium mine, plant for the gradual enrichment of uranium, plant for the manufacture of fuel elements, plant for the processing and disposal of contaminated nuclear fuel and the buildings with plants and equipment intended for the storage, processing and disposal of materials deriving from the nuclear fuel cycle and plant for the treatment and disposal of radioactive waste.
14. “Sievert (Sv)” means a unit of the international system of units of measurement which is used for protection against ionising radiation to express the public’s exposure to ionising radiation sources.

Article 3

The Act does not apply to natural ionising radiation originating from outer space, the Earth’s crust and the human body, if unchanged by the activity of man.

Article 4

Pursuant to this Act, ionising radiation sources are:

- X-ray machines and other electrical machinery which produces ionising radiation;
- radioactive materials and machinery and plants containing such materials;
- radioactive waste;
- nuclear plants and all materials and objects from the nuclear fuel cycle regardless of their purpose, shape, or physical or chemical state, which can cause exposure to radiation of an individual or radioactive contamination of the environment above the limits determined pursuant to this Act;
- radioactive materials which can be found in the environment due to nuclear explosions, emergency situations or due to any other reason which is a consequence of man's activity;
- all activities or interventions related to ionising radiation sources.

II. PRINCIPLES OF PROTECTION AGAINST IONISING RADIATION

Article 5

Safety precautions against ionising radiation must ensure the implementation of the principles of justification, optimisation and limitation of exposure to radiation.

Implementing legislation which is adopted pursuant to this Act shall ensure that the Act is implemented in accordance with international agreements and implementing regulations binding the Republic of Croatia and in accordance with the internationally-accepted expert recommendations.

Article 6

The principle of justification, in relation to activities involving ionising radiation, is achieved if the overall benefit to an individual and society, resulting from such activities, is greater than the damage caused by exposure to ionising radiation.

The application of ionising radiation sources in medicine is justified if it produces the highest possible diagnostic or therapeutic effect with the minimal possible exposure to radiation of a patient, taking into consideration medical and technological factors.

The principle of justification in relation to interventions is achieved insofar as each intervention brings about positive effects taking into consideration social, economic and health factors.

Article 7

The principle of optimisation of protection against ionising radiation in relation to activities is achieved by the application of safety precautions pursuant to which the exposure of workers and other persons to ionising radiation from all such activities and ionising radiation sources is reduced to as low a level as is reasonably possible, within the prescribed limits, taking into consideration technical, organisational, economic, health and social factors.

The principle of optimisation in relation to interventions is achieved in such a way that the implementation, volume and duration of each intervention must achieve the most positive effect which is reasonably possible.

Article 8

The principle of limitation of exposure to radiation for activities is implemented by taking safety precautions specified by the Act to ensure that the exposure of persons to ionising radiation is lower than the established limits of exposure to radiation.

III. SAFETY PRECAUTIONS AGAINST IONISING RADIATION

Article 9

Safety precautions against ionising radiation are the following:

1. systematic examination and detection of the presence, type and extent of ionising radiation and radioactive sources in the environment;
2. establishment of the limits of external and internal exposure of the public to ionising radiation;
3. establishment of conditions governing the siting, construction and operation of facilities where ionising radiation sources are used;
4. establishment of conditions governing ionising radiation sources and activities involving ionising radiation;
5. establishment of conditions governing the implementation of interventions in the case of an emergency situation;
6. provision of equipment and devices used for protection against ionising radiation;
7. limitation of the production, trade or use of products or raw materials contaminated by radioactive materials;
8. safe-keeping, treatment, management, storage and final disposal of radioactive waste;
9. implementation of safety measures in relation to the release of radioactive materials into the environment;

10. education and advanced training of personnel in the field of protection against ionising radiation;
11. examination and permanent control of the health of personnel in the field of protection against ionising radiation;
12. individual measures and mutual protection of the public against ionising radiation;
13. control and provision of personnel, technical and financial requirements for the application of safety precautions against ionising radiation;
14. keeping records of ionising radiation sources and exposure of personnel working with ionising radiation sources, and exposure of patients and other members of the public to such radiation.

Article 10

Systematic monitoring of ionising radiation, of the type and activity of radioactive materials in the air, the soil, the sea, rivers, lakes, underground water, heavy and liquid precipitation, drinking water, food-stuffs and objects for general use as well as in housing and in the workplace is mandatory.

Such systematic monitoring referred to in Paragraph 1 of this Article can be performed by legal entities which fulfil the conditions set out in Article 31 of the Act.

Provisions governing the conditions, manner, places and timing of the systematic monitoring of ionising radiation referred to in Paragraph 1 of this Article shall be adopted by the Minister of Health.

Article 11

The occupational exposure of persons working with ionising radiation sources must not exceed 100 mSv over a period of five consecutive years, or an average of 20 mSv per year, on condition that exposure to radiation does not exceed 50 mSv in any one given year over the course of a five-year period.

Taking into consideration the upper limits of exposure to radiation, eye lenses must not be exposed to radiation higher than 150 mSv per year, while the skin, forearms, hands and feet must not be exposed to radiation higher than 500 mSv per year.

Article 12

In exceptional circumstances and within defined time limits, the Minister of Health may approve exposure of employees mentioned in Article 11 of the Act to a higher level of ionising radiation, if special conditions are fulfilled, *i.e.* for the implementation of measures of intervention in an emergency situation.

An implementing regulation determining those special conditions referred to in Paragraph 1 of this Article shall be adopted by the Minister of Health.

Article 13

The limitation of exposure to radiation determined by the Act shall not apply to radiation exposure of patients for medical purposes.

Regulations governing the method and conditions of protection of patients from medically unjustified radiation, in diagnostic or therapeutic procedures using ionising radiation sources, shall be adopted by the Minister of Health.

Article 14

Radiation of persons who do not work with ionising radiation sources shall not exceed 1 mSv per year.

Taking into consideration the upper limit of exposure to radiation, eye lenses of persons not working with ionising radiation sources must not be exposed to radiation above 15 mSv per year, while the skin of such persons must not be exposed to radiation above 50 mSv per year.

Article 15

Persons working with ionising radiation sources must undergo special vocational training focusing on the application of safety precautions against ionising radiation either during their regular education or by attending a supplementary education programme organised by the Croatian Agency for Radiation Protection (hereinafter referred to as "CARP").

Provisions governing conditions and the manner in which the necessary vocational training should be made available for persons working with ionising radiation sources shall be adopted by the Minister of Health.

Article 16

Persons working with ionising radiation sources have to meet special health conditions.

All trainees, pupils and students, before starting their training in respect of work with ionising radiation sources, and all employees, before beginning to work with such sources, must undergo a preliminary health examination to determine whether they are physically fit to work with ionising radiation sources.

After the preliminary health examination, the physical health of employees working with ionising radiation sources shall compulsorily be checked up every 12 months as part of a regular health examination.

Should a person working with ionising radiation sources be exposed to radiation exceeding the limits determined by Article 11 of this Act or should a person between the ages of 16 and 18, undergoing training or education in respect of work with ionising radiation sources, be exposed to radiation exceeding the limits determined by Article 19 of this Act, or where a medical doctor, specialised in occupational medicine, deems necessary for any other health reason, that person shall be subject to a special health examination.

The health examination shall include: general medical examination with patient history, ophthalmological, gynaecological, dermatological and psychological examinations, haematological analysis, analysis of chromosome aberrations and urine analysis.

Implementing regulations to be adopted by the Minister of Health in accordance with the general principles of occupational medicine, scientific knowledge and the best global practices, shall establish health conditions and standards, the content, method and time limits for retaining data on health examinations of persons working with ionising radiation sources.

Article 17

Control over the health of persons mentioned in Article 16 of the Act shall be exercised by the Croatian Institute for Occupational Medicine and health institutions having departments for occupational medicine, or by private practices authorised by the Minister of Health.

Expert monitoring of the work of doctors' surgeries specialised in occupational medicine and authorised to examine employees working with ionising radiation sources shall be performed by the health inspectorate of the Ministry of Health.

Should the procedure of expert monitoring, referred to in Paragraph 2 of this Article, aimed at establishing important facts or circumstances, require special expertise, the monitoring shall be performed by the Croatian Institute for Occupational Medicine.

Article 18

Work with ionising radiation sources shall not be performed by:

1. persons under the age of 18;
2. pregnant women;
3. women during the period of breast-feeding, if working with unsealed ionising radiation sources.

In the event of an emergency situation, the above-mentioned persons shall not be involved in interventions.

Article 19

Persons between the ages of 16 and 18, who are being trained or educated for work with ionising radiation sources, must not be exposed in the course of that training or education to radiation exceeding the following limits:

1. up to 6 mSv per year;
2. eye lenses: up to 50 mSv per year;
3. skin, forearms, hands and feet: up to 150 mSv per year.

Article 20

Facilities, equipment and plants which contain ionising radiation sources or where activities related to such sources are performed, ionising radiation sources themselves, safety equipment and personal protection devices of persons working with such sources, must meet the requirements providing for protection of the public and the environment against ionising radiation and contamination from radioactive materials.

Provisions implementing the requirements referred to in Paragraph 1 of this Article shall be adopted by the Minister of Health:

1. for project engineering, construction and supply of the facilities, equipment and plants where ionising radiation sources are situated, produced or used;
2. for technical requirements which ionising radiation sources must meet for certain activities taking into account the type of the source, its features, intended use, place of use and dangers from ionising radiation caused by the activity;
3. to establish and maintain the quality assurance programme in accordance with the quality requirements determined for the activity using the ionising radiation source;
4. for safety and personal protection equipment which, by its number and quality, has to ensure that the exposure to radiation of employees and other persons be as low as is reasonably achievable, taking into consideration technical, economic, health and other conditions;
5. for other necessary technical and organisational measures contributing to the advancement of safety and protection against ionising radiation.

Provisions referred to in Paragraph 2, Items 1 and 2 of this Article shall be adopted by the Minister of Health, having taken into account the views of the Minister of Construction.

For the armed forces of the Republic of Croatia, the requirements referred to in Paragraph 1 of this Article are prescribed by the Minister of Defence, along with the prior consent of the Minister of Health.

Article 21

Employees working with ionising radiation sources are required to implement all the usual prescribed measures of protection of themselves and others against ionising radiation, to use safety equipment and devices for measuring personal exposure to radiation and to take all the necessary safety precautions against ionising radiation.

Article 22

The measurement of personal exposure to radiation of employees working with ionising radiation sources shall be implemented systematically by using film or thermoluminescent dosimeters within determined time periods, according to the methodology established by the Minister of Health in an

implementing regulation, and shall be implemented by legal entities which fulfil the requirements pursuant to Article 31 of the Act.

The results of measurements of personal exposure to radiation of employees working with ionising radiation sources shall compulsorily be reported to the CARP and the employer, who is required to inform the employee.

Article 23

In order to be allowed to work with ionising radiation sources, legal entities or physical persons are required to obtain the consent of the Minister of Health.

The consent referred to in Paragraph 1 of this Article shall be obtained by legal entities and physical persons prior to the registration of the activity.

Article 24

The licence to perform an activity involving ionising radiation sources is granted by the Minister of Health.

The licence referred to in Paragraph 1 of this Article is granted or refused through issue of a decision which is not subject to appeal. However, an administrative lawsuit may be filed against the decision.

For the armed forces of the Republic of Croatia, the licence referred to in Paragraph 1 of this Article is granted by the Minister of Defence with prior consent of the Minister of Health.

Article 25

The requirements for issue of a licence to legal entities or physical persons to perform activities involving ionising radiation sources are the following:

1. consent of the Minister of Health;
2. a certificate of the court registry or a written certificate of any other corresponding registry which proves the legal status of a person;
3. registration of a legal entity or a physical person and of the ionising radiation source in the registry of the CARP, as well as the registration of the employees who will work with the ionising radiation sources;
4. facilities where ionising radiation sources are placed or used should comply with technical, safety and other conditions to ensure protection of the public and the environment against ionising radiation, and to ensure protection against contamination of the environment by radioactive materials, according to the previously-obtained opinion of an authorised legal entity;
5. ionising radiation sources, or devices or plants where ionising radiation sources are used for performing activities shall comply with the requirements determined by the Act and

implementing regulations adopted pursuant to this Act, according to the previously-obtained opinion of an authorised legal entity;

6. safety equipment and personal protection equipment shall, by its number and quantity, comply with the prescribed requirements, according to the previously-obtained opinion of an authorised legal entity;
7. employees must have an adequate educational background and fulfil the prescribed health conditions;
8. appointment of a person responsible for protection against ionising radiation;
9. measurement of employees' personal exposure to radiation should be implemented by an authorised legal entity;
10. a document on the application of safety precautions against ionising radiation, accompanied by a safety and quality protection programme with respect to ionising radiation sources and activities, the plan of measures for the prevention and elimination of the possible consequences of emergency situations and, also, the plan of measures for the disposal of radioactive waste generated in the course of activities with ionising radiation sources.

Article 26

A legal entity or physical person who holds a licence for performing activities with ionising radiation sources must designate a person responsible for protection against ionising radiation.

The person responsible for protection against ionising radiation must hold a degree of at least two years duration of a relevant occupationally-orientated education programme prescribed by the regulations of a legal entity or physical person who holds a licence to perform activities with ionising radiation sources.

In health, scientific, research and educational institutions, the person responsible for protection against ionising radiation is required to hold a university degree.

The person responsible for protection against ionising radiation shall:

- carry out the internal monitoring of the application of safety precautions against ionising radiation;
- supervise the use of the safety equipment and devices for measuring an employee's personal exposure to radiation;
- supervise security and the implementation of the health monitoring of the employees;
- ensure that the employees have professional qualifications for working with ionising radiation sources;
- ensure that the direct monitoring of ionising radiation sources is done within the prescribed time limits;

- initiate and organise safety precautions in the event of an emergency situation;
- participate in inspections and deliver an opinion on the report of the inspector;
- ensure the proper keeping of all records which a person who holds a licence for performing activities with ionising radiation sources is obliged to keep.

The person responsible for protection against ionising radiation is obliged, without delay, to inform the health inspector of the Ministry of Health about violations of provisions on radiation protection, especially if the employees' lives or health are being threatened.

Should the violation of provisions on protection against ionising radiation result in a threat to nature and the environment, the person responsible for ionising radiation protection shall, without delay, inform the inspector for the protection of nature or the inspector for environmental protection.

Article 27

A legal entity or physical person who holds a licence to perform activities with ionising radiation sources is obliged, with regard to persons exposed to ionising radiation at work, to ensure the measuring of employees' personal exposure to radiation pursuant to Article 22 of the Act, to equip them with personal protection equipment, to monitor the proper operation of that equipment, to ensure the testing of ionising radiation, to monitor the radioactive contamination of persons, objects, the environment, facilities, and the air in facilities where such activities are performed or where ionising radiation sources are kept, and to control the proper operation of safety equipment and devices for measuring employees' exposure to radiation.

The method and the time limits of implementation of direct monitoring of ionising radiation sources, the method of measuring employees' personal exposure and the exposure of patients to ionising radiation, obligatory contents of the report on monitoring and measurements, method and time limits with regard to the maintaining of the necessary records as well as the procedure of reporting the data to the competent bodies shall be prescribed by the Minister of Health.

Article 28

A legal entity or physical person holding a licence to perform activities involving ionising radiation shall be responsible for and shall bear all expenses resulting from the application of safety precautions against ionising radiation.

Article 29

A legal entity or physical person holding a licence to perform activities involving ionising radiation sources, and whose activity leads to radioactive contamination of the environment, the facilities, the area, objects or persons with radioactive materials exceeding the limits provided for in Article 12 of the Act or the limits otherwise established in accordance with this Act, shall be liable for the damage caused and is obliged to ensure, without delay, the removal of such radioactive contamination, *i.e.* to take all measures which are absolutely necessary in order to reduce the damage to the public and the environment or to remove any further risks, dangers or damages.

A legal entity or physical person referred to in Paragraph 1 of this Article shall, without delay, inform the Ministry of Health and the CARP about any risks or dangers resulting from radioactive contamination caused by its activity.

If a legal entity or physical person holding a licence to perform activities involving ionising radiation sources does not take all measures which are absolutely necessary as referred to in Item 1 of this Article, the public health inspector shall order the implementation of measures to reduce damage to the public and the environment at the expense of the above-mentioned person.

Article 30

The following shall be considered expert activities for protection against ionising radiation:

1. examination of the activity of radioactive materials in the air, the soil, the sea, rivers, lakes, underground water, drinking water, heavy and liquid precipitation, foodstuffs and objects for public use;
2. measuring the degree of exposure to ionising radiation of personnel working with ionising radiation sources, patients exposed to ionising radiation during diagnostic procedures or medical treatment, other members of the public and the environment;
3. delivering an opinion in the procedure of determining whether the requirements have been fulfilled in respect of an activity related to ionising radiation sources;
4. periodical examination of ionising radiation sources within the prescribed periods of time and the assessment of their effects on personnel, the public and the environment;
5. measuring the level of radiation and the degree of radioactive contamination in facilities where radioactive materials are used, which may be released into the environment;
6. disposal of radioactive waste;
7. control of the proper operation of equipment for the measurement of ionising radiation and for personal protection.

Article 31

Expert activities for protection against ionising radiation referred to in Article 30 of the Act can be performed by legal entities licensed by the Minister of Health, following consultation of the CARP.

The authorisation referred to in Paragraph 1 of this Article is granted by the Minister of Health to those legal entities which fulfil the prescribed requirements in relation to personnel, facilities and equipment.

Provisions establishing the requirements referred to in Paragraph 2 of this Article shall be adopted by the Minister of Health.

The list of legal entities which are allowed to perform expert activities of protection against ionising radiation provided for in Article 30 of the Act is published in the Official Gazette.

Article 32

Ionising radiation sources and activities involving such sources are not considered to be harmful to public health if they fulfil the following requirements:

1. the total level of radiation per hour at the distance of 0.1 m from any place on the surface of the ionising radiation source shall not, under any working conditions, exceed the limit of 1 microSievert;
2. the most energy from ionising radiation produced by an electrical device at any moment during its use shall not exceed the values determined by the implementing regulation referred to in Paragraph 2 of this Article;
3. the highest activity or concentration of activity of radioactive materials contained by an ionising radiation source at any moment during its use shall not exceed the values determined by the implementing regulation referred to in Paragraph 2 of this Article.

The requirements described under Items 1, 2 and 3 of Paragraph 1 of this Article shall be prescribed by the Minister of Health.

The activities involving ionising radiation sources referred to in Paragraph 1 of this Article are exempt from monitoring and are not subject to the provisions of Articles 23-25 of the Act.

Upon completion of the utilisation of ionising radiation sources referred to in Paragraph 1 of the Act, the user shall provide for their disposal in keeping with the requirements prescribed in Article 35 of the Act.

Article 33

The transportation of radioactive materials may be carried out by legal entities and physical persons authorised by the Minister of Health, upon fulfilment of the requirements set out in Article 25 of this Act and in the Act on Transportation of Hazardous Materials.

IV. EMERGENCY SITUATIONS

Article 34

In accordance with the international legal provisions and recommendations, and in accordance with the previously-obtained opinions of the Minister of Economy, Minister of Defence, Minister of the Interior, Minister of Science and Technology, Minister of Agriculture and Forestry, Director of the State Administration for the Protection of Nature and the Environment and Director of the State Administration for Water Management, the Minister of Health proposes and the Government of the Republic of Croatia adopts a national plan and programme of safety precaution measures against ionising radiation in the case of an emergency situation.

The plan and the programme referred to in Paragraph 1 of this Article, based on intervention levels and deduced intervention levels referred to in Article 12 of the Act, shall establish measures to protect lives and health of the public, the environment, domestic animals and agriculture, set out methods for

the implementation of such measures, determine which bodies are competent to implement these measures, establish the procedure for informing the public and the method and frequency of periodical verification of the efficiency of parts of the plan or the plan as a whole.

V. RADIOACTIVE WASTE

Article 35

The Minister of Health shall establish requirements and the method of treatment and disposal of radioactive waste produced by the activities of legal entities or physical persons holding a licence to perform activities involving ionising radiation, and also other legal entities or physical persons in accordance with international legal provisions and recommendations.

Article 36

All import, processing, storage and disposal of radioactive waste originating from outside the Republic of Croatia shall be prohibited.

VI. CROATIAN AGENCY FOR RADIATION PROTECTION (CARP)

Article 37

The Croatian Agency for Protection Against Radiation, as an institution in the field of health protection performing expert activities related to radiation protection, shall be obliged to submit to the Minister of Health a yearly written report on the application of safety precaution measures against ionising radiation within his competence deriving from the Act on Health Protection and the competence determined by this Act.

Article 38

Besides the competencies deriving from the Act on Health Protection, the CARP performs the following tasks:

1. formulates standards and methods of monitoring the conditions of ionising radiation protection;
2. supports scientific, expert, statistical and other research work, examines and estimates the overall impact of ionising radiation;
3. encourages the establishment of commissions and working bodies in order to develop expert opinions and the assessment of the situation in the field of radiation protection;
4. provides expert advice as to the curricula and plans for the regular and additional training of personnel working with ionising radiation sources;

5. submits its opinions to the Minister of Health regarding legal entities applying for a licence to perform specific tasks of radiation protection and monitors their work;
6. issues opinions and recommendations to the Minister of Health, which are necessary in the procedure of issuing licences to perform activities involving ionising radiation sources;
7. co-operates with international and national organisations and institutions dealing with radiation protection and follows the international regulations, recommendations and agreements in this field;
8. also performs other tasks assigned to it.

Article 39

The CARP and the Croatian Institute for Occupational Medicine jointly develop policy regarding the monitoring of the effects of ionising radiation on the health conditions of personnel working with ionising radiation sources.

VII. COMMISSION FOR RADIATION PROTECTION

Article 40

In order to be able to assess the conditions of ionising radiation protection in Croatia, to take a stand and propose measures under ordinary circumstances and in emergency situations, the Government of the Republic of Croatia shall nominate members for the Commission for Radiation Protection (hereinafter referred to as “the Commission”).

Article 41

The Commission shall be composed of nine members, as follows:

1. Minister of Health;
2. Assistant to the Minister of Science and Technology who is responsible for technology;
3. Assistant to the Minister of Economy who is responsible for energy;
4. Assistant to the Minister of the Interior who is responsible for civil defence;
5. Director of the State Administration for the Protection of Nature and the Environment;
6. Director of the State Agency for Standardisation and Measurements;
7. Director of the CARP;
8. One member proposed by the Minister of Defence;

9. One distinguished expert in the field of radiation protection proposed by the Minister of Health.

The Chairman of the Commission shall be the Minister of Health.

The Commission shall adopt its rules of procedure.

Article 42

The Commission shall deliver its proposals and opinions to the Government of the Republic of Croatia concerning radiation protection and the monitoring of the implementation of proposed measures.

The Commission shall report to the Government of the Republic of Croatia, as circumstances require, at least once a year, on the following issues:

- the state of the ionising radiation protection situation, the application of safety precautions and the assessment of the radiation exposure of critical groups of the public as well as the public as a whole in the Republic of Croatia;
- the development strategy and organisation of radiation protection in the Republic of Croatia;
- legislative proposals for the regulation of radiation protection;
- international co-operation in the field of radiation protection, especially concerning accession to the international agreements in the field;
- other issues concerning radiation protection in the Republic of Croatia.

VIII. CONTROL

Article 43

The administrative control over the implementation of provisions of this Act and regulations enacted pursuant to this Act shall be exercised by the Ministry of Health.

Inspections under the provisions of this Act and its implementing regulations shall be carried out by the health inspectorate of the Ministry of Health.

Within the armed forces of the Republic of Croatia, inspections relating to the implementation of this Act and its implementing regulations shall be carried out by the health inspectorate of the armed forces of the Republic of Croatia with the co-operation of the health inspectorate of the Ministry of Health.

Article 44

Should it be established, in the course of inspection or supervision or based on a report of the CARP, the Croatian Institute for Occupational Medicine or the authorised legal entities, that this Act or one of its implementing regulations is being breached, the state health inspector shall:

1. temporarily or permanently prohibit the use, trade or transportation of ionising radiation sources and the performance of other activities related to ionising radiation sources;
2. prohibit work by personnel who do not fulfil the health conditions required for work with ionising radiation sources;
3. prohibit work with ionising radiation sources for personnel who do not have the required qualifications, and instruct them to undergo additional training;
4. prohibit the treatment of radioactive waste, if it does not comply with the regulations.

In the cases stated in Items 1 and 4 of Paragraph 1 of this Article, the health inspector of the Ministry of Health shall adopt a decision on how to proceed with and dispose of the ionising radiation sources at the expense of the licensee.

IX. PENALTY CLAUSES

Article 45

A legal entity or physical person who, in order to acquire material benefits, imports, processes, stores or disposes of radioactive waste on the territory of the Republic of Croatia shall be liable to the payment of a fine of an amount from Croatian kuna (HRK) 900 000 to 1 000 000, in respect of radioactive waste not originating in the Republic of Croatia (Article 36).

The person responsible within the legal entity shall also be liable for the offences listed in Paragraph 1 of this Article and shall be fined from HRK 50 000 to 200 000.

Article 46

A legal entity or physical person shall be liable to pay a fine from HRK 100 000 to 500 000 for the following offences:

1. if performing activities with ionising radiation sources without a licence (Article 24);
2. if its activity causes the contamination of the environment, the facilities and persons with radioactive materials and it does not provide for the removal of radioactive contamination (Article 29, Paragraph 1);
3. if it disposes of radioactive waste contrary to the prescribed conditions (Article 35);
4. if it does not observe the decision of the public health inspector which orders the implementation of a certain action or a measure (Article 44).

The person responsible within the legal entity shall be liable to pay a fine from HRK 50 000 to 100 000 for the offences listed in Paragraph 1 of this Article.

Article 47

A legal entity or physical person shall be liable to pay a fine from HRK 20 000 to 100 000 for the following offences:

1. if it carries out medical applications of ionising radiation sources in breach of the conditions prescribed by the Minister of Health (Article 13, Paragraph 2);
2. if, for work involving ionising radiation sources, it hires a person who does not have the prescribed qualifications or if it fails to instruct such a person to undergo additional training (Article 15);
3. if, for work involving ionising radiation, it hires a person without prior medical examination or a person who does not fulfil the prescribed health conditions required for work with ionising radiation sources, or if it fails to send such persons who are exposed to radiation at work to a regular medical examination within the prescribed time period (Article 16);
4. if, for work involving ionising radiation, it hires persons under the age of 18, pregnant women or breast-feeding women to work with unsealed ionising radiation sources (Article 18);
5. if, during training for work with ionising radiation sources, it exposes a person under the age of 18 to radiation in breach of the conditions prescribed by the Act (Article 19);
6. if it uses ionising radiation sources in breach of the conditions prescribed by the Minister of Health (Article 20);
7. if it fails to designate a person responsible for radiation protection who has the required qualification (Article 26);
8. if it does not provide its personnel with the relevant safety equipment and means and devices for measuring personal radiation, and if it does not implement all other safety precautions against ionising radiation designed to reduce the radiation to the lowest possible level, and in any event below the prescribed level, if it does not ensure the examination of ionising radiation sources within the prescribed time limits and if it does not do it in the prescribed manner and if it does not maintain proper records on these examinations (Article 27).

For offences listed in Paragraph 1 of this Article the person responsible within the legal entity shall be considered liable to pay a fine ranging from HRK 5 000 to 30 000.

Article 48

An authorised legal entity referred to in Article 31 of the Act shall be liable to pay a fine from HRK 5 000 to 20 000 for the offence of not keeping records or failing to submit reports and data in the manner determined by the Act and its implementing regulations (Article 27, Paragraph 2).

For the offences listed under Paragraph 1 of this Article, the person responsible within the legal entity shall also be liable to a fine from HRK 2 500 to 10 000.

Article 49

The health inspector of the Ministry of Health responsible for the supervision of personnel working with ionising radiation sources shall be liable to pay a fine of HRK 10 000 for the following offences: if a person works without having taken a medical examination (Article 16), if (s)he does not use the available safety equipment during the work or if (s)he does not carry the device for measuring the personal radiation (Article 21).

X. TRANSITIONAL AND FINAL PROVISIONS

Article 50

The implementing regulations which are foreseen under the Act shall be adopted by the Minister of Health within a period of six months from its entry into force.

Pursuant to Paragraph 1 of this Article, the Minister of Health is authorised to establish offences and fines for those offences.

Upon proposal of the Minister of Health, the Government of the Republic of Croatia shall adopt a national plan and programme of safety precautions in the case of an emergency situation within a period of one year from the entry into force of this Act.

Article 51

As from the date of the entry into force of this Act, the provisions of the Act on Safety Precautions Against Ionising Radiation and the Safety of Nuclear Facilities and Plants (Official Gazette, No. 18/81) shall no longer be in force except for the provisions of Article 2, Paragraph 1 of Article 3, Paragraphs 4, 6 and 7 of Article 4, Article 6, Paragraph 2 of Article 7, Articles 21-30, Paragraph 2 of Article 31 and Article 32 to the extent that it refers to nuclear safety and the provisions of the Act on Protection Against Ionising Radiation and on the Safe Use of Nuclear Energy** (Official Gazette, No 53/91, 26/93 and 29/94) except for the provisions of Article 5, Paragraph 2 of Article 6, Articles 28-59 and Article 66 to the extent that it refers to nuclear safety.

Until the entry into force of the regulations to be adopted pursuant to Article 50 of this Act, the regulations enacted pursuant to the Act referred to in Paragraph 1 of this Article shall remain in effect, to the extent that such provisions are not contrary to this Act.

** The text of this Act was reproduced in the Supplement to *Nuclear Law Bulletin* No. 36 (December 1985).

Article 52

Legal entities authorised to carry out the expert work of protection against ionising radiation referred to in Article 30 of this Act shall continue their work on condition that, within three months from the entry into force of the regulation provided for under Article 31, Paragraph 3 of this Act, they co-ordinate their activities and their business operations with the provisions of the Act.

The legal entities referred to in Paragraph 1 of this Article which do not co-ordinate their activities and business operations by the expiry of the deadline stated in Paragraph 1 of this Article shall no longer be authorised to carry out expert activities of protection against ionising radiation as stated in Article 30 of this Act; a decision to this effect shall be issued by the Minister of Health.

Article 53

The five-year period referred to in Article 11, Paragraph 1 of this Act shall commence as of 1 January 2000.

Article 54

This Act shall come into force on the eighth day after the day of its publication in the Official Gazette and it shall start to be implemented upon expiry of a six-month period from the day of its entry into force.

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