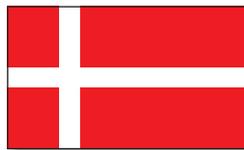


# **N**uclear Legislation in **OECD and NEA Countries**

Regulatory and Institutional  
Framework for Nuclear Activities



**Denmark**

## ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The OECD is a unique forum where the governments of 30 democracies work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

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\* \* \*

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## NUCLEAR ENERGY AGENCY

The OECD Nuclear Energy Agency (NEA) was established on 1<sup>st</sup> February 1958 under the name of the OEEC European Nuclear Energy Agency. It received its present designation on 20<sup>th</sup> April 1972, when Japan became its first non-European full member. NEA membership today consists of 28 OECD member countries: Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Mexico, the Netherlands, Norway, Portugal, the Republic of Korea, the Slovak Republic, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The Commission of the European Communities also takes part in the work of the Agency.

The mission of the NEA is:

- to assist its member countries in maintaining and further developing, through international co-operation, the scientific, technological and legal bases required for a safe, environmentally friendly and economical use of nuclear energy for peaceful purposes, as well as
- to provide authoritative assessments and to forge common understandings on key issues as input to government decisions on nuclear energy policy and to broader OECD policy analyses in areas such as energy and sustainable development.

Specific areas of competence of the NEA include safety and regulation of nuclear activities, radioactive waste management, radiological protection, nuclear science, economic and technical analyses of the nuclear fuel cycle, nuclear law and liability, and public information. The NEA Data Bank provides nuclear data and computer program services for participating countries.

In these and related tasks, the NEA works in close collaboration with the International Atomic Energy Agency in Vienna, with which it has a Co-operation Agreement, as well as with other international organisations in the nuclear field.

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## **DENMARK**

This chapter was last revised in 1999 and is correct as of that date.

The NEA Secretariat is currently revising this chapter in close consultation with the national authorities and plans to issue a new version in the near future.

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## **I. GENERAL REGULATORY REGIME**

### **1. Introduction**

At present Denmark has no nuclear power programme (although it has two small research reactors). In 1985, a Resolution of the Danish Parliament determined that nuclear power was not to be generated in Denmark and that the sites that had been reserved for the construction of nuclear power plants were to be released. As a result of that, by means of a specific decision, it was agreed that future Danish public energy planning should be based on the assumption that no new nuclear power plants would be built.

Nevertheless, there exists in Denmark legislation and rules governing activities involving nuclear and radioactive materials. The principal instruments are the 1953 Radioactive Substances Act and the 1962 Nuclear Installations Act. An Act on Nuclear Installations [Act No. 244 of 1976] was adopted in 1976 but has not yet entered into force, with the exception of Section 11 and the first paragraph of Section 12. This legislation will only come into force if the 1985 Resolution is reversed and a decision is made to implement a nuclear power programme. It would also be necessary that the Danish Parliament approve a new Act enforcing the provisions of the 1976 Act.

The first part of this study briefly reviews some of these provisions while the following part will consider the institutional framework within which they are applied.

### **2. Mining Regime**

There is no special legislation in Denmark on nuclear ores. Under the general Danish mining law [Act No. 213 of 1981], ores found in the subsoil are state property, therefore the state alone is entitled to prospect for and use such ores.

The government grants concessions to prospect for and extract ores for not more than fifty years. The Danish Geological Survey Bureau must be informed of the discovery of ores and controls prospecting and extraction operations.

As regards Greenland, prospecting, exploration for and exploitation of minerals, including uranium, is covered by the Act on Mineral Resources in Greenland [Act No. 166 of 1965]. This Act is administered by the Mineral Resources Administration for Greenland (MTG) under the Danish Ministry for the Environment and Energy.

### **3. Radioactive Substances, Nuclear Fuel and Equipment**

No radioactive substance whether in a natural state, in the form of a mixture or incorporated into machines or instruments can be manufactured, possessed or imported without a licence from the Board of Health (formerly referred to as the National Health Service) [Radioactive Substances Act No. 94 of 1953, Section 1].

Exceptions to the licensing rule are however provided by a Decree of the Minister of the Interior for certain nuclear substances and for most natural radioelements and chemical compounds [Decree No. 546 of 1981].

Permanent licences to hold and produce radioactive substances may be granted by the Board of Health to scientific institutes and university laboratories provided that these substances are intended solely for the purposes of teaching or research in such institutes [Section 2].

Licences issued to hospitals using radioactive substances for diagnostic purposes are granted on the basis of a list containing authorised radioactive materials which are available to users. These licences must also take into account the maximum level of activity authorised in the hospital department concerned, which depends on the type of treatment being applied and on the laboratory's facilities [Regulation No. 435 of 1974].

The Board of Health is authorised to issue further general regulations and to lay down special rules for each case of licensing with regard to storage, warning signs, qualifications of the user responsible, premises, transport, treatment of waste and reporting of incidents [Sections 2 and 3].

The licence is issued to the person responsible provided that he possesses the qualifications required; it remains valid so long as this person retains his post and until the relevant authority decides otherwise. The licence authorises its holder to perform laboratory experiments, to use the radioactive substances in proven diagnostic methods and also for element research in accordance with the above-mentioned list of radioactive substances for medical purposes. The holder of the licence may also use these substances in new diagnostic and research methods provided prior notification of such use is sent to the Board of Health [Regulation No. 356 of 1978].

Apart from the standard licence, it is possible to obtain a special licence permitting the use of the radioactive drugs which are on the above-mentioned list.

An Executive Order of 1972 issued by the Ministry of Education under Sections 8 and 38(3) of the 1962 Nuclear Installations Act [Act No. 170 of 1962] provides that a licence is required for the possession of nuclear materials, defined as uranium, plutonium and thorium, unprocessed – apart from ores – or processed, in metallic form, alloy or chemical compound [Order No. 315 of 1972, Section 1].

This licence is issued by the Energy Agency which replaced the Atomic Energy Commission in this respect.

Anyone in possession of nuclear materials must:

- keep records of their possession of such materials and insofar as nuclear facilities are concerned, maintain records of operational conditions;
- submit reports on the results from the above-mentioned records;

- give advance notice to the Ministry of the Interior of imports of nuclear materials; and
- co-operate in the implementation of the control referred to in Section 4 of the 1972 Executive Order.

The Order provides that persons specified in the licence will be authorised to have access to undertakings etc., holding nuclear materials and be entitled to take the necessary control measures, including examination of records, stocks and facilities, measurements and sampling [Section 4].

#### **4. Nuclear Installations**

##### ***a) Licensing and inspection, including nuclear safety***

At present, licensing matters concerning existing nuclear installations (Risø National Laboratory) are governed by the Nuclear Installations Act [No. 170 of 1962]. However, as any possible future nuclear installation in Denmark will be subject to the provisions of the Act of 1976 (which, if it were to come into force, would repeal the 1962 Act), the licensing procedure laid down in that Act is described in the following.

The licensing procedure involves three permits – site approval, construction permit and operating permit – all granted by the Minister of the Interior subject to such conditions as are deemed necessary with regard to safety or other vital public interests [Section 2]. These conditions may, at any time, be replaced by other conditions, or a permit can be withdrawn.

Applications must be accompanied by the appropriate documentation regarding nuclear safety and environmental aspects [Section 4(3)].

The nuclear safety aspects of an application for any permit are examined by the Emergency Management Agency (formerly referred to as the Civil Defence and Emergency Planning Agency; this new denomination is a result of the Danish Emergency Preparedness Act of 23 December 1992) and the Board of Health. The agencies submit recommendations to the Minister of the Interior [Section 4(1)].

The Emergency Management Agency is assisted by the Inspectorate of Nuclear Installations which is under its authority. Recommendations to the Minister submitted by the Agency must be accompanied by statements prepared by the Nuclear Installations Inspectorate [Section 12(2)].

For nuclear reactors, public hearings are held with respect to site applications. The hearings are arranged by the Minister of the Interior in co-operation with the regional and municipal authorities concerned before the recommendations of the Emergency Management Agency are submitted to the Minister. During these hearings, information is provided on the essential assessments of safety and environmental protection matters which are made in connection with each application [Sections 3 and 14(7)].

For nuclear reactors, reprocessing or waste storage facilities the regional and municipal authorities concerned have to deliver their opinion on the site application.

Applications for site approval for nuclear reactors, reprocessing or waste storage facilities must be approved by parliamentary decision upon proposal of the Minister of the Interior before the Minister can issue a site approval. For other types of nuclear installations, the Minister of the Interior must consult the relevant parliamentary Committee. The final decision on a site approval is made by the Minister of the Interior; in the case of nuclear reactors, reprocessing or waste storage facilities, following consultation with the Minister for the Environment and Energy [Section 3(1)].

Construction and operating permits are granted by the Minister of the Interior after consultation with the relevant parliamentary committee. Concerning the conditions attached to the permit, the Emergency Management Agency, upon recommendation from the Nuclear Installations Inspectorate, and the Board of Health, may specify supplementary conditions for the construction – and operation – of the installation [Sections 3(2) and 5(2)].

For each nuclear reactor a Special Advisory Safety Council is set up. This Council is composed of representatives from the plant personnel and management, the Directorate of Labour Inspection, the Emergency Management Agency and the municipal authorities as well as elected representatives of the population concerned.

This Council must, either upon request or at its own initiative, provide advice to the operator of the reactor and the authorities responsible for ensuring nuclear safety.

At the international level, Denmark ratified the 1994 Convention on Nuclear Safety on 13 November 1998.

**b) *Emergency response***

Denmark expressed its consent to be bound to the 1986 Convention on Early Notification of a Nuclear Accident on 26 September 1986.

**5. Trade in Nuclear Materials and Equipment**

Denmark's import and export policies reflect the fact that Denmark is a Party to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons. An Executive Order of 1972 issued by the Ministry of Education under Sections 8 and 38(3) of the 1962 Nuclear Installations Act [No. 170 of 1962] provides that nuclear materials shall not be exported from Denmark without the authorisation of the Energy Agency.

**6. Radiation Protection**

The main purpose of Danish legislation governing nuclear activities is to ensure protection against radiation hazards; however there exist provisions which apply more particularly to radiation protection in the Order on the Safe Use of Radioactive Substances [Order No. 574 of 1975]. Other relevant provisions in connection with the protection of the public are the Regulations on Protective Measures against Accidents in Nuclear Plants [Regulation No. 278 of 1963] and various Orders, detailed below, concerning the installation and operation of X-ray apparatus.

The Order on the Safe Use of Radioactive Substances provides for safety measures to be taken in connection with the import, production, use, storage, transport and disposal of radioactive materials used for medical, industrial, agricultural, scientific and other purposes. The provisions of the Order specify that the protection measures must comply with the recommendations of the International Commission on Radiological Protection (ICRP) whose maximum permissible doses must not be exceeded. Radiation doses must at all times be kept as low as possible and every effort must be made to limit the number of persons exposed to ionising radiation. The Board of Health is authorised to lay down special safety rules for each individual case [Order No. 574 of 1975, Section 1].

With respect to nuclear installations, the Minister of the Interior not only determines the maximum release of radiation to the general public permitted during normal operation of the plant, but also lays down maximum radiation doses for persons which should, if possible, not be exceeded in the case of an accident [Regulation No. 278 of 1963, Section 1(1) and (2)].

At the request of the Emergency Management Agency, an emergency plan to be approved by the Minister of the Interior must be established for every nuclear plant and every Danish port to which nuclear vessels are admitted. This plan establishes the safety measures to be implemented when the population is exposed to radiation as a result of a nuclear incident [Regulation No. 278 of 1963, Section 7].

Such measures include, for example [Regulation No. 278 of 1963, Section 8(1)]:

- measurement of radioactivity;
- warning systems;
- evacuation and billeting.

The implementation of any of these measures shall be decided by the Emergency Management Agency after consultation with an expert committee appointed by the Minister of the Interior and with the police authority concerned. It is provided that this committee, which may be directed by the Minister of the Interior to take over preparation of the emergency plan referred to above, should consist of representatives of the Emergency Management Agency, although it has the power to call in other experts [Section 9].

Various Orders have been passed dealing with safety measures in relation to people exposed to ionising radiation in the course of their employment or in the course of medical treatment. Many of these Orders implement Council Directives 80/836/Euratom and 84/466/Euratom which deal respectively with health protection of the general public and workers against the dangers of ionising radiation and radiation protection standards governing persons undergoing medical examination and treatment. The Order concerning Medical Surveillance of Work with Ionising Radiation [No. 821 of 1990] requires that those who work in conditions that are likely to expose them to ionising radiation in doses exceeding 15 millisieverts (mSv) per year must undergo a medical examination before commencing that work. They are also subject to an annual medical examination as long as they engage in such work, and to a special examination in the event of any incident (such as improper handling or an accident involving radiation). The worker is obliged to give the medical practitioner relevant information to enable an effective examination to occur. Medical records of the examinations must be forwarded to the State Labour Inspectorate and be kept for at least thirty years after the people concerned have ceased such work. The Order contains criminal sanctions for non-compliance with these provisions.

Other Orders specify dose limits for ionising radiation for both workers and the general public [No. 823 of 1997], pursuant to Council Directive 96/29/Euratom of 13 May 1996, and requirements for dose monitoring of workers exposed to ionising radiation [No. 821 of 1990]. Orders relating to radiation protection in the context of medical treatment include the Order on X-ray Diagnostic Equipment for Medical Use [No. 217 of 1977] and the Order on the Use of Unsealed Radioactive Sources in Hospitals, Laboratories, etc. [No. 307 of 1984]. This Order establishes a licensing system for the purchase and use of unsealed radioactive sources and requirements for their storage and disposal. The licensing authority is the Board of Health. Other Orders made in implementation of the Euratom directives referred to above include: the Order on the Use of Electron Accelerators for Treatment of Patients [No. 319 of 1991]; the Order on Smoke Detectors and Consumer Articles containing Radioactive Materials [No. 154 of 1990]; and the Order on Industrial Gamma Radiography Treatment [No. 308 of 1984]. In 1995, the Board of Health issued seven Orders concerning the medical application of ionising radiation [Nos. 18-24 of 1995]. These Orders, all of which amended existing Orders of the Board of Health, were made to take into account Council Directive 93/42/EEC of 14 June 1993 regarding EC labelling of medical devices. The Board of Health also issued Order No. 918 of 4 December 1995 on the use in Denmark of sealed radioactive sources in industry, hospitals, laboratories etc.

## **7. Radioactive Waste Management**

There is no legislation in Denmark dealing specifically with the management of radioactive waste. Denmark is a Party to both the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (the London Convention, ratified by Denmark on 3 November 1976) and the 1974 Convention on the Protection of the Marine Environment of the Baltic Sea (the Helsinki Convention) and as such prohibits the dumping of any radioactive waste at sea.

Denmark accepted the 1997 Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management on 3 September 1999.

## **8. Non-Proliferation and Physical Protection**

The Nuclear Installations Act [No. 170 of 1962] specifies that a licence to operate (or construct) an installation may be refused for reasons of security or other reasons of public policy. The Act further specifies that the Minister of the Interior may make the necessary regulations in the event of international conventions providing for inspections to guarantee that nuclear installations are used solely for peaceful purposes and specifies that these regulations may include directives allowing inspectors to enter installations to make the necessary checks [Sections 4 and 8].

Denmark has ratified both the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, on 3 January 1969, and the 1979 Convention on the Physical Protection of Nuclear Material, on 6 September 1991. It also ratified the 1996 Comprehensive Nuclear Test Ban Treaty on 21 December 1998. The Nuclear Installations Act [No. 170 of 1962] gives the Emergency Management Agency and the Nuclear Installations Inspectorate a right of access, without grant of any judicial warrant, to nuclear installations for the exercise of inspections in connection with the implementation of international agreements to ensure that nuclear installations are used exclusively for peaceful purposes [Section 7].

## **9. Transport**

The legal basis for regulations concerning the transport of radioactive materials in Denmark is the Radioactive Substances Act [No. 94 of 1953]. Under the Act, the Minister of the Interior is authorised to issue Orders concerning the necessary precautionary measures relating, amongst other things, to the transport of radioactive materials. Accordingly, the Order on the Transport of Radioactive Materials [No. 731 of 1989], which implements the transport requirements of Council Directive 80/836/Euratom on health protection of the general public and workers against the dangers of ionising radiation has been issued and lays down rules for transport by road, rail, air and sea. The provisions are based on the IAEA Regulations on the Safe Transport of Radioactive Materials (1985 edition).

The Order nominates the Board of Health as the authority responsible for the transport of radioactive materials. It provides that the consignor of the radioactive substances must hold a licence for their use under the 1953 Act. The consignor is responsible for the packaging of the substances and must designate an appropriately qualified person to supervise and implement the safety controls required during the transport operation. The carrier must ensure that staff are aware of the relevant regulations (for example, those dealing with loading and storage); that safety devices are functioning properly; and that the substances carried are protected against theft and damage. The carrier must be approved by the Board of Health, which can impose conditions on the transport operation. The Board has access to consignments, documentation and the means of transport at all times. Any decision of the Board relating to a particular consignment may be appealed to the Ministry for the Interior.

The Order also requires that an approval certificate be obtained for the transport of certain types of radioactive material. This certificate is issued by the Board of Health in the case of land transport, the National Aviation Department for air transport, and the Maritime Navigation Department for sea transport.

The Order lays down procedures to be followed in the case of an accident. The Board of Health and other authorities concerned must be informed immediately. The personnel in charge of the transport must restrict access to the affected area, keep it under surveillance and monitor radiation levels. The authorities must also be informed immediately in the event of any loss or theft in the course of transport.

## **10. Nuclear Third Party Liability**

Denmark is a Party to the following international instruments on nuclear third party liability:

- the 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy and the 1963 Brussels Convention Supplementary to the Paris Convention, both of which were ratified on 4 September 1974, as amended by the two 1982 Protocols;
- the 1971 Brussels Convention On Civil Liability in the Field of Maritime Carriage of Nuclear Material, also ratified on 4 September 1974;
- the 1988 Joint Protocol relating to the Application of the Paris Convention and the Vienna Convention, ratified on 26 May 1989.

The national legislation which implements Denmark's obligations under these treaties is the Act on Compensation for Nuclear Damage [No. 332 of 1974].

The aggregate liability of the operator of a nuclear installation situated in Danish territory is limited to Special Drawing Rights (SDRs) 60 million for any one nuclear incident [Section 21(1)].

The Act provides that the operator of a nuclear installation situated in Denmark must take out insurance to cover his liability and must, in addition, obtain the approval of the Minister of Justice in relation to such insurance [Section 26(1) and (2)].

If, nevertheless, the operator's insurance is inadequate and he is, therefore, unable to pay the compensation for which he is liable, the state will provide financial assistance up to the liability of the operator in question.

The state will also intervene up to the limit provided for in the Brussels Supplementary Convention, to compensate any claim in excess of the amount of the insurance or financial security provided by the operator, subject to compliance with the provisions of the Act. The maximum coverage involving state funds now stands at the figure of SDRs 300 million.

## **II. INSTITUTIONAL FRAMEWORK**

In Denmark, several Ministers, in particular the Minister of the Interior, share power with respect to nuclear activities and the Board of Health and the Emergency Management Agency also have extensive responsibilities in this field. Assistance is provided to these authorities by various advisory councils and technical and research institutes.

### **1. Regulatory and Supervisory Authorities**

#### ***a) Minister for the Interior***

Pursuant to a Royal Decree on reorganisation of the competent authorities concerned with nuclear installations, which came into effect in 1988, the administration of the 1962 Nuclear Installations Act [No. 170 of 1962] was transferred from the Minister for the Environment to the Minister of the Interior. By virtue of this change, the tasks of the previous Atomic Energy Commission as a nuclear safety authority were assigned to the Emergency Management Agency (formerly referred to as the Civil Defence and Emergency Planning Agency), which, together with the Board of Health, form the bodies responsible for nuclear safety.

As was seen in Part I, Section 4 "Nuclear Installations" *supra*, the Minister of the Interior would also be the licensing authority for all three permits required under the 1976 Act governing the safety and environmental conditions applicable to nuclear installations. Furthermore, he is responsible for the granting of approvals, licences and exemptions which are necessary for the siting and operation of a

nuclear reactor and are laid down in a number of other Acts dealing with land-use planning and environmental protection.

The Minister also has general legislative competence with respect to the safe use of radioactive substances and materials and may lay down regulations for the inspection of nuclear installations provided for by international agreements [Act No. 94 of 1953]. If the Act governing the Safety and Environmental Conditions Applicable to Nuclear Installations [No. 244 of 1976] were to be brought into force, the Minister would also have administrative responsibilities regarding the arrangement of public hearings with respect to site applications for nuclear reactors and setting up of emergency plans for all nuclear plants. The Minister would also have regulatory powers in relation to installations for the storage and processing of spent fuel and radioactive waste [Section 3]. Finally, the Minister has powers with respect to regulating the transport of radioactive materials [Order No. 574 of 1975].

**b) *Minister for the Environment and Energy***

Immediately after the oil crisis in 1973-1974, the Danish Government decided to give the Minister for Trade and Industry (now the Minister for the Environment and Energy) responsibility for all matters concerning energy policy. Specifically, the 1976 Act on Energy Policy Measures [No. 194 of 1976] requires the Minister to prepare statements on energy policy including assessments of energy requirements and possibilities of energy supply, objectives and programmes for a rational supply and utilisation of different forms of energy, and programmes for energy research and development.

**c) *Minister for Justice***

As was seen in the Part I, Section 10 “Nuclear Third Party Liability” *supra*, the Minister of Justice has the power, in certain cases, to fix the maximum amount of liability of the operator of a nuclear installation. In all cases, he must give his approval with regard to the insurance taken out by an operator to cover his liability [Act No. 332 of 1974].

**d) *Minister for Public Works***

This Minister is the regulatory authority for the transport of radioactive materials by rail.

**e) *Minister for Foreign Affairs***

The general responsibility for Danish participation in international co-operation in the nuclear field lies with the Minister for Foreign Affairs.

**f) *Board of Health***

Because of the variety and the importance of responsibilities allocated to it, the Board of Health (formerly the National Health Service) may be considered as the principal government agency competent in the field of radiation protection. This is demonstrated not only by the general powers conferred by its constituent instrument, *i.e.* the Act on Public Health Central Administration [No. 182 of 1932] which designates it as the main supervisory authority for public health in Denmark, but also by the special functions assigned to it by a number of legislative and regulatory texts containing

specific provisions on radiation protection, nuclear installations and the transport of radioactive materials.

Thus, as seen above, the Board has both licensing and regulatory powers in relation to the manufacture, possession or import of radioactive materials and equipment as well as powers of inspection with regard to medical equipment [Act No. 94 of 1953].

In relation to nuclear installations, the Board would, if the 1976 Act [No. 244 of 1976] were brought into force, determine the maximum release of radiation permitted during operation and would have important duties in ensuring that nuclear installations are operated under safe conditions.

The Board of Health has authority to lay down specific rules for the transport of radioactive materials and is responsible for supervising observance of the regulations applicable for all modes of transport.

#### *State Institute of Radiation Hygiene*

The State Institute of Radiation Hygiene, which forms part of the Board of Health, in fact carries out all the latter's tasks, as described above, with regard to radiation protection [Act No. 94 of 1953].

The Institute is run by a director and is divided into three departments covering X-rays, radiation medicine and other types of radiation respectively. The staff of the Institute are government officials [Act No. 170 of 1962].

#### **g) *Emergency Management Agency***

As a result of the Danish Emergency Preparedness Act of 23 December 1992, the former Civil Defence and the Emergency Planning Agency are now incorporated in the Emergency Management Agency. This Act also established a new organisation, the National Rescue Preparedness Service, which takes over the functions of the former National Fire Service and the Civil Defence.

As seen in Part I, Section 6 "Radiation Protection" *supra*, the Emergency Management Agency has a duty to decide on the prescribed emergency safety measures to be taken when the population has been exposed to radiation as a result of a nuclear incident. Like the Board of Health, the Agency also has extensive duties with respect to the safe operation of nuclear installations, including the power to impose supplementary conditions on construction and operating permits (see Part I, Section 4 "Nuclear Installations" *supra*). The Agency is in charge of studying all questions related to nuclear safety and will establish collaboration with other national and international authorities competent in this field. It may also request the help of the Risø National Laboratory and other national and international institutions [Act No. 244 of 1976].

#### **h) *Nuclear Installations Inspectorate***

In 1988, the Nuclear Installations Inspectorate, which had formerly operated as an independent institution under the National Environmental Protection Agency, was transferred to the Emergency Management Agency.

As its name implies, this Inspectorate is concerned with supervising the safe operation of nuclear installations and, as was seen in Part I, Section 4 “Nuclear Installations” *supra*, has been given corresponding powers. It shares this task with the Board of Health and the Emergency Management Agency, but the Inspectorate is more concerned with the technical aspects of safety [Act No. 244 of 1976].

## **2. Advisory Bodies**

### **a) Energy Agency**

The Danish Energy Agency was established as a directorate under the Ministry of Energy (now the Ministry for the Environment and Energy) by the Act of 1976 on Energy Policy Measures [No. 194 of 1976] to assist the Ministry and other public authorities. It surveys and evaluates energy production, supply, consumption and research activities in Denmark and abroad.

The Energy Agency retains, amongst other things, administrative powers with regard to administration of laws and regulations concerning energy, collection of energy data and international collaboration concerning energy.

The mandate of the Energy Agency is outlined in Notice No. 236 of 10 May 1976, as supplemented by Notice No. 20 of 17 May 1978, both issued by the Ministry of Trade and Industry whose responsibilities with respect to energy, as mentioned above, have been transferred to the Ministry for the Environment and Energy.

### **b) Council for Energy Planning and Research**

The Council for Energy Planning and Research was set up under the 1976 Act on Energy Policy Measures [No. 194 of 1976] to advise the Minister for the Environment and Energy in the preparation of reports on energy policy.

The Council consists of a chairperson and eleven other members who are appointed by the Minister. It is provided that the Council shall be composed of four scientists competent in the field of energy and seven members nominated respectively by the Economic Board of the Danish Labour Movement, the Industrial Council, the Association of Danish Electricity Producers, the Joint Representation of the Oil Industry, the Association of Danish Gas Producers and the Danish Association for District Heating.

The Minister, who lays down the working procedure of the Council and decides upon the organisation of its secretariat, can assign to the Council representatives from other ministries concerned.

## **3. Public and Semi-Public Agencies**

### ***Risø National Laboratory***

Risø National Laboratory (established by Act No. 1076 of 1995) conducts basic and applied scientific research to provide the Danish public with the potential for technological developments.

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The research is directed towards areas that will contribute to the competitiveness of Danish industry, and to a reduction of environmental burdens in industry, energy and agriculture.

Risø Laboratory has a special responsibility for maintaining the necessary scientific knowledge base to advise the Danish authorities on nuclear matters.

This institution is under the auspices of the Ministry of Research and is directed by a board composed of up to ten members appointed by that Minister.