

**Law 1860 of 31 December 1962**  
**Peaceful Use of Nuclear Energy<sup>1</sup>**

*In force as of: 25 May 2018*

The Chamber of Deputies and the Senate of the Republic have approved;

THE PRESIDENT OF THE REPUBLIC

PROMULGATES

the following law:

**SECTION I. DEFINITIONS**

**Art. 1.**

For the application of this law, the definitions of special fissile materials, enriched uranium, source materials and ores are valid as set forth in Art. 197 of the Treaty establishing the European Atomic Energy Community, ratified and enacted by Law 1203 of 14 October 1957.

Also for the application of this law for the purposes of legislation on third party liability and in compliance with the conventions on third party liability in the field of nuclear energy ratified and enacted, together with the relevant additional measures, by Law 109 of 12 February 1974, the following definitions also apply:

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

b) “nuclear installations” means nuclear reactors other than those comprised in any means of transport; factories for the manufacture or processing of nuclear substances; factories for the separation of isotopes of nuclear fuel; factories for the reprocessing of irradiated nuclear fuel; facilities for the storage of nuclear substances other than storage incidental to the carriage of such substances; and such other installations in which there are nuclear fuel or radioactive products or waste as determined by decision of the Steering Committee of the Nuclear Energy Agency established under the aegis of the Organisation for Economic Co-operation and Development (OECD), and in the manner set forth in the final paragraph of this article. A nuclear installation may comprise numerous installations provided the operator is the same and they constitute an organic whole, namely one unit in the spatial sense.

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1. This document is an unofficial English translation of the original Italian text.

c) "nuclear fuel" means fissile material in the form of uranium metal, alloy, or chemical compound (including natural uranium), plutonium metal, alloy, or chemical compound, and such other fissionable material as determined by decision of the Steering Committee of the aforesaid OECD Nuclear Energy Agency, and in the manner set forth in the final paragraph of this article;

d) "radioactive products or waste" means any radioactive material produced in or made radioactive by exposure to the radiation incidental to the process of producing or utilising nuclear fuel, but does not include:

1) nuclear fuel;

2) radioisotopes outside a nuclear installation which have reached the final stage of fabrication so as to be usable for any industrial, commercial, agricultural, medical and scientific purposes;

e) "nuclear substances" means nuclear fuel (other than natural uranium and other than depleted uranium) and radioactive products or waste;

f) "operator" of a nuclear installation means the person holding the licence issued by the Minister of Industry, Trade and Craft to operate the nuclear installation. In the phase preceding the issue of the operating licence, the person that holds the authorisation or permit for the construction of the nuclear installation is equivalent to the "operator" for the purposes of this law and for the purposes of third party liability connected with carrying out tests and operations with nuclear or irradiated fuel.

The decisions of the Steering Committee of the OECD Nuclear Energy Agency on the exclusion of nuclear installations, nuclear fuels or nuclear materials from the scope of the international conventions ratified by Law 109 of 12 February 1974, are adopted in Italy by decree of the Minister of Industry, Trade and Craft, after consultation with the National Nuclear Energy Committee.

## **SECTION II. ON ORES AND NUCLEAR INSTALLATIONS**

### **Art. 2.**

Permits for the ores defined in the fourth paragraph of Article 197 of the Treaty Establishing the European Atomic Energy Community, approved by Law 1203 of 14 October 1957, are granted according to the rules established by Royal Decree 1443 of 29 July 1927, after consultation with the Consiglio superiore delle miniere [High Council for Mining].

A representative of the National Nuclear Energy Committee, appointed by Presidential Decree, on the proposal of the Minister of Industry and Trade, in consultation with the National Nuclear Energy Committee, is a member of the High Council of Mining.

### **Art. 3.**

Anyone in possession of special fissile materials or other natural source materials, in any quantity, must report it within sixty days of the enactment of this law to the Ministry of Industry and Trade.

Anyone who, after the enactment of this law, comes into possession of the aforementioned materials must report it to the Ministry of Industry and Trade within five days. The National Nuclear Energy Committee will perform the necessary controls on the materials held.

Similarly, anyone in possession of radioactive materials in such quantities that the total radioactivity at the time of the report exceeds the total radioactivity or

weight values determined in accordance with Art. 1 of Presidential Decree 185 of 13 February 1964, and set by decree of the Minister of Industry and Trade, issued pursuant to Art. 30 of the same Decree 185 of 13 February 1964, must also report this to the Ministry of Industry and Trade within five days. If university institutions possess radioactive materials for the sole purpose of teaching or scientific research, the competent administrator is also required to report this to the Ministry of Public Education.

The foregoing is without prejudice to the provisions on the protection of the health of the population set forth in Section IX of Presidential Decree 185 of 13 February 1964.

The reports must be updated as of 31 December each year.

**Art. 4.**

Trade within the territory of the Italian Republic of ores, source materials and radioactive materials, provided the European Atomic Energy Community has not exercised the right of option under Article 57 of the Treaty, is subject, without prejudice to the regulations on supply of textile materials provided for in the Euratom Treaty, to authorisation by the Ministry of Industry and Trade.

The authorisation is deemed to be granted thirty days after the date of the submission of the application if the competent administration has not made a pronouncement within that period.

For the import and export of ores, source materials and radioactive materials, the authorisation, when required by regulations in force on economic and currency bans, is given by the Ministry of Foreign Trade, with the assent of the Ministry of Industry and Trade.

The State has the right of option for source materials. Said right must be exercised within thirty days of the application for authorisation.

**Art. 5.**

The transport of special fissile materials in any quantity and of radioactive materials with a total radioactivity or weight that exceeds the amounts determined in accordance with Art. 1 of Presidential Decree 185 of 13 February 1964, must be carried out by land, air or waterborne carriers authorised by decree of the Minister of Industry and Trade, in conjunction, respectively, with the Minister of Transport and Civil Aviation and with the Minister of Merchant Shipping.

Single, occasional transport of radioactive materials with a total radioactivity or weight that does not exceed the amounts determined by decree of the Minister of Industry and Trade, issued according to the manner set forth in Art. 30 of Presidential Decree 185 of 13 February 1964, can be carried out without authorisation. In such cases, before the transport is carried out, it must be communicated to the prefect and to the provincial doctor of the Provinces in which the transport begins and ends, by means of a specific report preceding the start of the transport by at least 48 hours.

Individual transports of special fissile materials in any quantity and of radioactive materials with a total radioactivity or weight that exceeds the limit set in the previous paragraph must be carried out by land, air and waterborne carriers authorised for this purpose by decree of the Minister of Industry and Trade, in conjunction with the relevant minister.

The provisions of the previous paragraphs do not exempt the carrier from compliance with the current transport regulations.

The regulations regarding the transport of special fissile materials and radioactive materials are issued by Presidential Decree, after consulting the Council of Ministers, upon the proposal of the competent ministers, in conjunction with the Minister of Industry and Trade, having heard the opinion of the National Nuclear Energy Committee, in accordance with the basic rules set by the European Atomic Energy Community.

Until the regulatory provisions relating to the transport of the special fissile materials and radioactive materials referred to in the previous paragraph are issued, the transport of these materials must be carried out in compliance with the provisions of the Ministry of Transport and Civil Aviation for land and air transport and by the Ministry of Merchant Shipping for waterborne transport, in compliance with the applicable health protection regulations contained in Presidential Decree 185 of 13 February 1964.

**Art. 6.**

The operation of installations for the production and utilisation of nuclear energy for industrial purposes and installations for the treatment and utilisation of ores, source materials, special fissile materials, enriched uranium and radioactive materials, with the exclusion of installations intended to produce electricity, are authorised by decree of the Minister of Industry and Trade, after having consulted the National Nuclear Energy Committee.

The applicant must demonstrate possession of adequate technical and economic resources. The applicant must submit the design of the installation, indicating in particular the chosen location, the methods for the dispersion and elimination of radioactive waste, the cost and the time necessary for construction, the manner in which the financial guarantee set forth in Article 19 is to be provided.

The authorising decree must indicate the manner in which the financial guarantee for third party liability is to be provided, and the operating procedures deemed necessary for the protection of public health and any other provision deemed appropriate for the operation of the installation.

Modifications to installations are subject to prior approval by the Ministry of Industry and Trade, having consulted the National Nuclear Energy Committee and, limited to modifications relating to temporary storage of radioactive waste within the perimeter of the installations, after having consulted the Ministry of the Environment and Protection of the Territory and the Sea and the Ministry of Health.

**Art. 7.**

The construction of industrial or scientific installations for the use of nuclear energy is subject to supervision by the National Nuclear Energy Committee, in order to certify their technical compliance with the design for which the authorisation was granted.

Industrial or scientific installations for the use of nuclear energy must undergo testing before being put into operation, which is carried out by the National Nuclear Energy Committee in accordance with Article 2(3) of Law 933 of 11 August 1960.

**Art. 8.**

After the inspection has been carried out, the nuclear installation is permitted to begin operation by means of a decree of the Minister of Industry and Trade, having consulted the National Nuclear Energy Committee.

The decree may set out special requirements that the operator is required to observe.

**Art. 9.**

The technical operation of nuclear installations must be entrusted to persons recognised as suitable for this task.

The regulations on the requirements for obtaining recognition of the suitability to manage and operate nuclear installations, and those for granting the associated licences, are issued by Presidential Decree, on proposal of the Minister of Industry and Trade, in conjunction with the Minister of Public Education and the Minister of Labour and Social Welfare, with the assent of the National Nuclear Energy Committee.

In the same way, the regulations on the requirements for recognition of suitability and the licences to operate nuclear installations to be installed on ships are issued by Presidential Decree, on proposal of the Minister of Merchant Shipping, in conjunction with the ministers of Industry and Trade, Public Education, Labour and Social Welfare, with the assent of the National Nuclear Energy Committee.

**Art. 10.**

*((ARTICLE REPEALED BY LEGISLATIVE DECREE 31 OF 15 FEBRUARY 2010))*

**Art. 11.**

Special authorisations for nuclear installations for exclusively educational purposes may be granted to scientific, university and academic institutions by means of a decree of the Minister of Industry and Trade, in conjunction with the Minister of Public Education, having consulted the National Nuclear Energy Committee.

The provisions of Articles 6, 7 and 8 shall apply to these installations.

**Art. 12.**

For nuclear installations to be installed on ships, the measures of the Minister of Industry and Trade are adopted in conjunction with the Minister of Merchant Shipping, having consulted the National Nuclear Energy Committee.

The technical and administrative standards on navigation with nuclear equipment are issued by Presidential Decree, on proposal of the Minister of Merchant Shipping, in conjunction with the ministers of Defence and of Industry and Trade, having consulted the National Nuclear Energy Committee.

**Art. 13.**

In addition to the requirements set out in Articles 91, 96 and 102 of the Presidential Decree 185 of 13 February 1964, the use of radioactive isotopes, when the amount of radioactivity intended to be used is equal to or higher than the total quantity of radioactivity or weight to be determined by decree of the Minister of Industry and Trade, issued in the manner set forth in Art. 30 of Presidential Decree 185 of 13 February 1964, is subject to ministerial authorisation from the Minister of Industry and Trade, in conjunction with the Minister of Labour and Social Welfare when used for industrial purposes, or by the Minister of Industry and Trade, in conjunction with the Ministers of Labour and Social Welfare and of Agriculture and Forests, when used for agricultural purposes, with the Ministers of Labour and Social Welfare and of Public Education, when used for educational purposes, and with the Ministers of Labour and Social Welfare and of Health, when used for diagnostic, therapeutic and experimental clinical-health uses.

Universities and other public scientific institutions using radioisotopes exclusively for scientific research purposes are exempt from authorisation.

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The rules on granting the authorisation for the use of radioisotopes are issued by decree of the Minister of Industry and Trade, in conjunction with the relevant ministers.

**Art. 14.**

By Presidential Decree, on proposal of the President of the Council of Ministers, in conjunction with the relevant ministers and with the Minister of Industry and Trade, having consulted the National Nuclear Energy Committee, within a year of the enactment of this law, the rules will be issued on the safety of the installations and for the protection of the population and workers against the dangers deriving from ionising radiation, due both to the operation of the plants or to operations howsoever connected with nuclear material, as well as the use of radioactive isotopes, in accordance with the basic directives issued by the European Atomic Energy Community, with the technical standards contained in the International Atomic Energy Agency on the handling of radioactive isotopes and with the principles adopted by the other competent international organisations, in order to ensure public and private safety with the greatest possible efficacy.

The same decree will establish the manner and timing of the controls described in the previous paragraph as well as the penalties to be imposed for infringements of the protective rules in relation to the various offences, for which the penalties may be imposed, either separately or jointly, of a fine of not more than 10 million lire and imprisonment for not more than one year.

These regulations must indicate the organisations responsible for their implementation and their powers, and provide for the establishment of an inter-ministerial co-ordination and consultation body under the aegis of the Minister of Industry and Trade.

**SECTION III. ON THIRD PARTY LIABILITY ARISING FROM THE PEACEFUL USE OF NUCLEAR ENERGY.**

**Art. 15.**

The operator of a nuclear installation is liable, under this law, for any damage to persons or property caused by a nuclear incident occurring in the nuclear installation or connected to it.

Damage caused directly by nuclear fuel or radioactive products or waste that has been stored, abandoned, stolen or lost is considered to be connected to the nuclear installation.

The operator's liability does not include damage:

1) to the nuclear installation itself and to the items on the site of the installation and which are or ought to be used in connection with it;

2) in the case envisaged in Art. 16, below, to the means of transport on which the nuclear material is located at the time of the nuclear incident, if it is proven that the damage is caused by a nuclear incident involving either nuclear fuels, radioactive products or waste held in the nuclear installation, or nuclear materials originating from the nuclear installation, except as otherwise provided by the aforementioned Art. 16.

In the event that the damage is caused jointly by a nuclear incident and an incident other than a nuclear incident, the damage caused by this second incident is considered as damage caused by the nuclear incident to the extent to which it cannot be separated with certainty from the damage caused by the nuclear incident. If the damage is caused jointly by a nuclear incident and by the emission of ionising

radiation, no provision of this law limits or reduces in any way the liability of anyone as regards the aforementioned emission of ionising radiation.

The operator of a nuclear installation is also liable for the damage caused by ionising radiation emitted by any radioactive source located in the nuclear installation.

The operator of a nuclear installation is not liable for the damage caused by a nuclear incident if said incident is due directly to acts of armed conflict, hostility, civil war, insurrection or exceptional natural disasters.

#### **Art. 16.**

In the case of transport of nuclear materials, including storage in a warehouse during transport, the operator of a nuclear installation is liable for any damage, in accordance with this law, if it is proven that the damage is caused by a nuclear incident occurring outside the aforementioned installation and that involved nuclear material transported from the aforementioned installation, provided that the incident takes place:

a) before the liability for the nuclear incident caused by the nuclear material has been assumed, by written agreement, by the operator of another nuclear installation; or, failing that, before the operator of another nuclear installation has taken delivery of the nuclear material;

b) if the nuclear material is intended for a reactor that forms part of a means of transport, before the person authorised to operate said reactor has taken delivery of the nuclear material;

c) if the nuclear material has been sent to a person who is located in the territory of a state in which the conventions on third party liability in the field of nuclear energy, ratified and enacted by Law 109 of 12 February 1974, do not apply, before the said material has been unloaded from the means of transport on which it arrived in the territory of the state in question.

The operator of a nuclear installation is liable for any damage, in accordance with this law, if it is proven that the damage is caused by a nuclear incident occurring outside the aforementioned installation and that involved nuclear material intended for said installation, provided that the incident takes place:

a) after the liability for the nuclear incident caused by the nuclear material has been transferred to said operator, by written agreement, by the operator of another nuclear installation; or, failing that, after the operator of another nuclear installation has taken delivery of the nuclear material;

b) after the operator has taken delivery of nuclear material from the person who operates a reactor that forms part of a means of transport;

c) if the nuclear material has been sent, with the written consent of the operator, to a person who is located in the territory of a state in which the conventions on third party liability in the field of nuclear energy, ratified and enacted by Law 109 of 12 February 1974, do not apply, after the said material has been loaded onto the means of transport on which it is due to leave the territory of the state in question.

The operator liable under this law must provide the carrier with a certificate issued by or on behalf of the insurer or another person who has provided the financial guarantee set forth under Art. 19 of this law, below. The certificate must comply with the template, to be set by decree of the Minister of Industry, Trade and Craft in conjunction with the Minister of Transport and, in any case, must indicate the name and address of the operator, as well as the amount, the type and the

duration of the guarantee. This information cannot be disputed by the person by whom or on whose behalf the certificate was issued and the obligations deriving from the insurance or other financial guarantee continue to apply even if the damage is already covered by other insurance or financial guarantee. The certificate must also indicate the nuclear material and route covered by the guarantee and carry a statement of the Ministry of Industry, Trade and Craft attesting that the person indicated in the certificate is an operator under this law.

The insurance or financial guarantee given for transport of nuclear substances must also cover all damage deriving from the nuclear incident to the rail carrier, provided the liability of the operator with respect to other damage is not reduced to an amount lower than 3 150 million lire.

A carrier may, with the consent of the operator of a nuclear installation located in national territory, be authorised by the Ministry of Industry, Trade and Craft to assume the third party liability set forth by this law in place of the operator. In this case, for all intents and purposes of this law, the carrier is considered as an operator of a nuclear installation located within the national territory as regards nuclear incidents that take place during the transportation of nuclear material.

**Art. 17.**

If nuclear fuel, radioactive products or waste involved in a nuclear incident have subsequently been held in more than one nuclear installation and are located in a nuclear installation at the time the damage is caused, none of the operators of the nuclear installations in which they were previously held is liable for the damage.

However, if damage is caused by a nuclear incident occurring in a nuclear installation and involving only nuclear material that is parked in the plant in question during transport, the operator of the installation shall not be liable unless another operator or another person is liable under Art. 16.

If nuclear fuel, radioactive products or waste involved in a nuclear incident have been held in more than one nuclear installation and are not located in a nuclear installation at the time the damage is caused, the operator of the last nuclear installation in which it was held before the damage was caused, or the operator who subsequently took delivery of it.

If more than one operator is liable for the damage under this law, then the said operators are jointly liable. However, when the liability derives from a nuclear incident involving nuclear material in transport, either in one and the same means of transport, or, in the event of storage during transport, in one and the same nuclear installation, the maximum amount of damages to which the aforesaid operators are held is the highest amount set in relation to one of said operators under Art. 19. The operator of a nuclear installation will under no circumstances be required to pay a sum greater than that set in its regard under Art. 19, for the liability arising from a nuclear incident.

**Art. 18.**

The right to compensation for damage caused by a nuclear incident may only be enforced against an operator that is liable under this law, or against the insurer or any other person who has given a financial guarantee to the operator pursuant to Art. 21.

No other person is required to pay compensation for damages caused by a nuclear incident other than as provided by this Article.

The provisions of this law do not exclude the liability:

1) of any natural person who maliciously caused damage due to a nuclear incident for which the operator is not liable by virtue of Art. 15, third and last paragraphs, of this law;

2) of the person authorised to operate a reactor forming part of a means of transport, for damage caused by a nuclear incident, when an operator is not liable for this damage by virtue of Art. 16, first paragraph, point b), and Art. 16, second paragraph, point b).

The operator only has right of recourse:

- a) against the natural person who maliciously caused the damage;
- b) if and to the extent that recourse is provided for in the contract.

Insurance institutions for accidents at work or occupational health insurance, as well as insurance institutions for voluntary insurance for damage to persons or property caused by nuclear incidents, have no right to claim from the operator of the nuclear installation and the persons jointly liable with said operator under the first paragraph of this article for a refund of the amount paid for social insurance or optional insurance for damage caused by a nuclear incident.

#### **Art. 19.**

The maximum limit of the compensation due from the operator of a nuclear installation for damage caused by a nuclear incident is set at 7 500 million lire.

If as a result of a nuclear incident the third party liability guarantee can be considered diminished, the operator shall reconstitute it to the extent and within the terms set by the Minister of Industry, Trade and Craft. Failing this, the authorisation is automatically revoked.

If a nuclear incident results in recoverable damage under this law of a quantum that exceeds the amount of the financial guarantee of the operator, the State shall pay for the excess part of the damages up to 43 750 million lire.

If a nuclear incident results in recoverable damage under this law of a quantum that exceeds the amount of the financial guarantee of the operator and that to be paid by the State as specified above, the excess part of the damages up to 75 000 million lire shall be paid by the contracting parties of the conventions on third party liability in the field of nuclear energy ratified and enacted by Law 109 of 12 February 1974, under the conditions and according to the manner set forth in the said conventions.

#### **Art. 20.**

The interest and expenses awarded by a court in a compensation claim under this law are not part of the compensation due under this law and must be paid in addition to the amount of the aforementioned compensation.

If the damage is found to be the fault of the operator, the State has the right of recourse against the operator for sums paid as compensation under this law.

In enforcing the recourse, the amount owed to the State takes precedence over the amount due to the insurers and any other person who has provided the financial guarantee.

#### **Art. 21.**

For transport in transit within national territory, the transport cannot be authorised unless proof is given of the existence of a valid financial guarantee for an amount equal to that indicated in the preceding Article 19.

**Art. 22.**

The operator of a nuclear installation must take out and maintain insurance for an amount equal to that set forth in Article 19, above, or provide a different financial guarantee of equivalent amount.

The general conditions of the insurance policy must be approved by decree of the Minister of Industry, Trade and Craft, in conjunction with the Minister of Transport.

If a different financial guarantee is to be used, this must be certified as suitable by decree of the Minister of Industry, Trade and Craft, in conjunction with the Minister of Treasury, after having consulted the Office of the Attorney General.

The insurance or financial guarantee given for the transport of nuclear material may under no circumstances be suspended or lapse before the transport has been concluded and another person who is liable under law has taken delivery of the material.

The insurance or financial guarantee given for a nuclear installation can under no circumstances be suspended or lapse without written notice of at least three months given, by means of a court officer, to the Minister of Industry, Trade and Craft.

Amounts due under this law as compensation for damage arising from nuclear incidents cannot be seized or attached.

**Art. 23.**

Actions for compensation for damage to property and persons resulting from nuclear incidents are limited to three years from the day on which the damaged party became aware, or should reasonably have become aware, of the damage and the identity of the liable operator.

Actions cannot be brought more than ten years after the nuclear incident.

In the event of damage caused by a nuclear incident deriving from stolen, lost or abandoned nuclear materials and which have not been recovered, the aforementioned term is calculated from the date of the nuclear incident but cannot under any circumstances be greater than 20 years from the date of the theft, loss or abandonment.

**Art. 24.**

The Italian judicial authorities have exclusive jurisdiction to hear the actions envisaged by this law if the nuclear incident occurred in Italy. They also have exclusive jurisdiction when the nuclear incident occurred outside the territories of the States to which the conventions ratified by Law 109 of 12 February 1974 apply, or when it is not possible to determine with certainty the place where the nuclear incident occurred and the nuclear installation whose operator is liable under this law is located in Italian territory.

**Art. 25.**

Actions for compensation for damages resulting from nuclear incidents must be brought before the Court under whose jurisdiction the nuclear installation is located.

The summons must also be notified to the Ministry of Treasury, which retains the right to intervene in the proceedings.

In the case of multiple claims and when it is expected that the amount of compensation may exceed the financial guarantees referred to in Articles 19 and 20,

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the President of the Court shall order insolvency proceedings to take place and appoint a judge to oversee said proceedings.

If it is found that the said financial guarantees are insufficient, the Court shall proportionally reduce the amount for each injured party.

#### **SECTION IV. ON PATENTS**

##### **Art. 26.**

The Central Patent Office shall inform the National Nuclear Energy Committee of all applications for patents or recognised industrial models specifically nuclear in nature or directly related or essential to the development of nuclear energy as referred to in Article 15 of Law 933 of 11 August 1960.

##### **Art. 27.**

The Minister of Industry and Trade may, for specific reasons of public interest, grant the National Nuclear Energy Committee non-exclusive licences for the use of patents or utility models.

On the advice of the National Nuclear Energy Committee, the minister may also grant such non-exclusive licences to the user of nuclear installations, when they are essential for the development of nuclear energy in the country.

The same decrees establish whether and to what extent the usage fee is due, taking into account any public funding granted for the related research. The party concerned may take legal action over the fee set, or if the licence is not granted, within thirty days of notification of the decree.

#### **SECTION V. CRIMINAL PROVISIONS**

##### **Art. 28.**

Failure to report the materials referred to in Article 3 is punished by a fine of 3 000 000 lire to 15 000 000 lire; in the event of failure to report special fissile materials, imprisonment of one to two years is also imposed.<sup>2</sup>

##### **Art. 29.**

Anyone who trades in or transports the ores referred to in Article 197 of the Treaty establishing the European Atomic Energy Community approved by Law 1203 of 14 October 1957, without the authorisation of the Minister of Industry and Trade, is punished by a fine of 1 500 000 lire to 3 000 000 lire.

Anyone who trades in or transports without authorisation source materials, radiative materials or special fissile materials is punished by one to two years imprisonment and a fine of 6 million to 30 million lire.

The buyer is subject to the same penalties.

Anyone who fails to make the report required by the second paragraph of Art. 5 of this Law is punished by a fine of 300 000 lire to 1 500 000 lire.

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2. The Constitutional Court, in judgment 265 of 21-27 November 1974 (in the *Official Gazette* Special Section 1a 04/12/1974, No. 317) declared "the constitutional illegitimacy of Art. 28 of Law 1860 of 31 December 1962, on the peaceful use of nuclear energy."

**Art. 30.**

Anyone who operates a nuclear installation without having obtained the authorisation to do so required by this law is punished by imprisonment from two to three years and a fine of 15 to 30 million lire, without prejudice to the penalties applicable for the offences set forth in the Criminal Code.

The same penalty applies in the event that the operator of the nuclear installation continues to operate the installation when said operator's authorisation has been suspended.

**Art. 31.**

Anyone using radioactive isotopes without the authorisation set forth in Article 13 is punished by a fine of 1 500 000 lire to 6 000 000 lire.

**Art. 32.**

In the cases set out in the preceding articles, the confiscation is always ordered of the special fissile materials, source materials, ores and radioactive materials.

**SECTION VI. FINAL AND TRANSITIONAL PROVISIONS****Art. 33.**

All provisions of this law, with the exception of Article 6, also apply to nuclear installations intended in any way for the generation of electricity.

**Art. 34.**

No changes are made as regards regulations on accident prevention, occupational hygiene, soil and residential area hygiene, unhealthy industries, as or as regards the safety of the installations subject to the supervision of the National Association for Combustion Control, limited to equipment currently under its supervision, even if incorporated or in any case forming part of nuclear installations.

Similarly, no changes are made as regards maritime domain, territorial waters and public waters.

**Art. 35.**

Within one year of the enactment of this law, the Government of the Republic shall reorganise and expand the number of persons working at the Ministry of Industry and Trade in order to adjust it in respect of the powers conferred on said Ministry, with an overall increase of no more than forty units.

The relevant orders shall be issued by Presidential Decree, on proposal of the President of the Council of Ministers, in conjunction with the Minister of Industry and Trade and the Minister of Treasury.

The same decree will also provide for the consequent additional funding of the Ministry of Industry and Trade.

**Art. 36.**

The expenses to carry out the tasks in the nuclear energy industry assigned by this law to the Ministry of Industry and Trade are to be met by the sum of 100 million lire which is to be added to the budget of the Ministry of Industry and Trade in the financial year 1962-63 and in the subsequent years.

The above cost is to be met by a corresponding reduction in the funds allocated to the budget of the Ministry of Treasury for the said financial year used to meet costs deriving from current legislative measures.

The Minister of Treasury is authorised, by his own decree, to make the appropriate budget changes.

This law, bearing the State seal, will be added to the *Official Journal of Laws and Decrees of the Italian Republic*. All persons subject to it must comply with it and enforce it as the law of the State.

Rome, 31 December 1962

SEJNI

FANFANI - COLOMBO - TAVIANI - PICCIONI - BOSCO -  
LA MALFA - TREMELLONI - TRABUCCHI - ANDREOTTI -  
GUI - SULLO - RUMOR - MATTARELLA - RUSSO -  
BERTINELLI - PRETI - MACRELLI - BO - JERVOLINO

Approved by the Minister of Justice: BOSCO