

**Act
143
of May 21st 2013,**

amending and supplementing Act No. 541/2004 Coll., on the peaceful use of nuclear energy (the Atomic Act) and on the amendments and supplements to some acts as amended by later acts, and amending and supplementing Act No. 238/2006 Coll., on the National Nuclear Fund for decommissioning of nuclear facilities and for management of spent fuel and radioactive waste (the Nuclear Fund Act) and on the amendments and supplements to some acts as amended by later acts

The National Council of the Slovak Republic has adopted this Act:

Article I

Act No. 541/2004 Coll., on the peaceful use of nuclear energy (the Atomic Act) and on the amendments and supplements to some acts as amended by Act No. 238/2006 Coll., Act No. 21/2007 Coll., Act No. 94/2007 Coll., Act No. 335/2007 Coll., Act No. 408/2008 Coll., Act No. 120/2010 Coll., Act No. 145/2010 Coll., and Act No. 350/2011 Coll., shall be amended and supplemented as follows:

1. Article 1, paragraph 1, letter d) shall read:
"d) the conditions for the responsible and safe management of radioactive waste and spent nuclear fuel, in order to avoid an undue burden on future generations and to ensure the safety of workers^{1aaa}) and the public, whilst also fulfilling conditions pursuant to special regulations,^{1aa}".

A footnote to reference 1aaa shall read:
"^{1aaa}) Article 2, paragraph 2, letter u), of Act No. 355/2007 Coll."
2. At the end of Article 2, letter a), the following words shall be added: "or who is regarded as not having been convicted for such criminal acts,".
3. The comma at the end of point two of Article 2, letter h), shall be replaced by a semi-colon and the following words shall be added: "the shipment of radioactive waste is not deemed to be its management,".
4. The comma at the end of point three of Article 2, letter h), shall be replaced by a semi-colon and the following words shall be added: "the shipment of spent fuel is not deemed to be its management,".
5. Article 2, letter q), shall read:
"q) Repository shall mean a nuclear facility, pursuant to point three or point four of letter f), which serves for the disposal of radioactive waste or spent nuclear fuel, the main purpose of which is to store radioactive waste or spent nuclear fuel, allowing for its isolation, monitoring and protection of the environment,".
6. Article 2, letter s), shall read:

"s) Spent fuel shall mean nuclear fuel which has been irradiated in an active zone of a nuclear reactor and has been permanently removed from it; spent fuel may be considered as a usable resource which may be reprocessed or destined for disposal regarded as radioactive waste,".

7. In point three of Article 2, letter u), and Article 21, paragraph 15, the word "creation" shall be replaced by the word "production".
8. The letter y) shall be added to Article 2, which shall read:
"y) Reprocessing of spent fuel means a process or operation, the purpose of which is to extract fissile materials and fertile materials from spent fuel for further use."
9. In Article 3, paragraph 1, the words "legally binding acts" shall be replaced by the words "legal acts" and the following words shall be added at the end: "and legal acts of the European Atomic Energy Community; for the purposes of this Act, the European Atomic Energy Community is also deemed to be the European Union."
10. Article 3, paragraph 9, shall read:
"(9) The disposal of radioactive waste or spent fuel may only be carried out, on the basis of a licence issued by the Authority, by a legal entity which has been founded, established or authorised by the Ministry of the Economy of the Slovak Republic (hereinafter referred to as the "Ministry of the Economy"). The legal entity referred to in the first sentence must be a holder of a licence for the operation of a repository and the Slovak Republic must hold a 100% stake in the entity. At the same time, this entity may not be the holder of a licence for the operation of a nuclear facility under point one of Article 2, letter f)."
11. At the end of point five of Article 4, paragraph 1, letter i), the following words shall be added: "including the management of radioactive waste and spent fuel,".
12. After the words "letter l)" in Article 4, paragraph 1, letter m), the following words shall be inserted: "and q), shall take into account their conclusions when drafting generally binding legal regulations".
13. After the words "nuclear safety" in Article 4, paragraph 1, letter o), the following words shall be inserted: "including the management of radioactive waste and spent fuel".
14. The letters p) and q) shall be added to Article 4, paragraph 1, which shall read:
"p) shall collaborate with the National Nuclear Fund when providing an explanation or information for the European Commission regarding reviews of the National Programme,
q) shall present a report in collaboration with the Ministry of the Economy, the National Nuclear Fund and licence holders to the European Commission on the implementation of the legally binding act of the European Union shown at Annex No. 4, point five, for the first time no later than on 23 August 2015, and then every three years, and shall use the assessment procedure set out in the international contract by which the Slovak Republic is bound;^{3a)} the relevant ministries and other central bodies of state administration are required to provide the necessary cooperation upon the Authority's request for the drafting of said report."
15. In Article 4, paragraph 2, letter e), point six shall read:

- "6. a draft National Policy on management of spent fuel and radioactive waste and a draft National Programme for implementing the National Policy on management of spent fuel and radioactive waste, together with a draft Financial Plan for their provision, and shall issue an expert opinion regarding these drafts,".
16. After the word "technology" in the second sentence of Article 5, paragraph 5, the words "and when implementing feedback from international experience from incidents at nuclear facilities abroad" shall be inserted.
 17. In article 8, paragraph 2 shall be deleted. The existing paragraphs 3 to 10 shall now be renamed 2 to 9.
 18. Article 8, paragraph 5, shall read:
"d) within one year, in the case of building permits, siting and closure of a repository or in the case of a licence related to the expiry of a licence issued with restrictions pursuant to paragraph 1, letter d)."
 19. In Article 8, paragraph 6, the words "paragraph 6" shall be replaced by the words "paragraph 5".
 20. In Article 8, paragraph 7, the words "paragraph 9" shall be replaced by the words "paragraph 8".
 21. After the word "facilities" in Article 10, paragraph 1, letter l), the words "and on the management of radioactive waste and spent fuel" shall be inserted.
 22. The letters u) to w) shall be added to Article 10, paragraph 1, which shall read:
"u) ensure, at the presence of the Authority or persons appointed by the Authority, the consistency check of the assembled control systems, constructions and components or their parts with the design documentation, with the quality assurance system requirements, quality requirements and compatibility check of their accompanied technical documentation with the general binding acts, during the construction, reconstruction or during the maintenance of the nuclear installation; also to prepare and keep records on the performed controls;
v) inform the Authority about the performance of controls pursuant the letter u) at least 10 days before their performance, and, in unforeseeable cases at least 24 hours prior to their performance;
w) ensure that the controls under letter u) and the controls of works provided by the suppliers are performed by the persons with the professional competency pursuant to the Article 24 or with the minimum of five years professional experience in the relevant area of peaceful use of nuclear energy pursuant to the first or second point of the Article 2 letter u), received by performing of working activities on the similar nuclear installation."
 23. Article 10, paragraph 2, shall read:
"(2) If the Authority has restricted consent or a licence pursuant to Article 8, paragraph 1, letter d), the licence holder, pursuant to Article 5, paragraph 3, letters b) to e), is required, in advance and before the licence expires, taking into account the deadlines set out in Article 8, paragraphs 5 and 6, to submit an application and relevant documentation to the Authority for the issuance of a licence to continue with its activities."
 24. Article 10 after paragraph 2 shall be added by new paragraph 3, which shall read:

“(3) For the purpose of assurance of nuclear safety and to avoid unreasonable accumulation of radioactive waste and spent fuel, the licence holder, during the commissioning and the operation of nuclear installation, is obliged to submit its radioactive waste at the latest 12 months after their production and as regards the spent fuel without any delay after fulfilment of the requirements for its safe shipment and storage, to the legal entity as settled in Article 3 paragraph 9 for their further management.”

The existing paragraphs 3 to 7 shall now be renamed 4 to 8.

25. In Article 21, paragraph 1 shall be read:
“(1) The originator of the radioactive waste is responsible for assurance of safe management of radioactive waste in compliance with the National Programme prior to their acceptance to the repository and the licence holder for management of radioactive waste is responsible for the safety of the radioactive waste management facilities. The licence holder pursuant to the Art. 5 para. 3 letters b) to d) is responsible for the safety aspects of nuclear installation including the radioactive waste managed therein. If the licence holder pursuant to the second sentence is managing the radioactive waste in the nuclear installation and if such radioactive waste is originating in the nuclear installation where another person is the licence holder thereof, then, for each step of management of radioactive waste, there must be clearly set liability for the respective radioactive waste between those licence holders as managed in the relevant nuclear installation.”
26. In Article 21, paragraph 4, the word "Creation" shall be replaced by the word "Production".
27. At the end of Article 21, paragraph 5, the following sentences shall be added:
"In the Slovak Republic it is only possible to dispose of radioactive waste which has been produced on its own territory, unless otherwise stipulated by the international treaty²⁹⁾ by which the Slovak Republic is bound. Such international contract must take into account the safety standards of the International Atomic Energy Agency."
- The footnote to reference 29 shall read:
"²⁹⁾ Article 7, paragraph 4, of the Constitution of the Slovak Republic as amended by Constitutional Act No. 90/2001 Coll."
28. After paragraph 11 of Article 21, the new paragraphs 12 and 13 shall be inserted, which shall read:
"(12) If radioactive waste or spent fuel produced in the Slovak Republic is shipped for conditioning or reprocessing to a member state or third country, the ultimate responsibility for the safe and responsible disposal of such materials, including waste which arises as a by-product, is still borne by the Slovak Republic, unless otherwise stipulated by the international treaty²⁹⁾, by which the Slovak Republic is bound.
(13) The disposal of radioactive waste in another member state or third country, which has been produced in the Slovak Republic, is only possible on the basis of an

international treaty between the Slovak Republic and that other member state or third country, which shall enter into force no later than at the time of shipment of the radioactive waste concerned, and, which takes into account with the recommendations of the European Atomic Energy Community, and, only with accordance with the provisions of Articles 16 to 16l. If radioactive waste is disposed of in a third country, the Authority shall inform the European Commission regarding the conclusion of an international contract on such radioactive waste disposal prior to the performance of the shipment, and

- a) the third country, where the radioactive waste is due to be disposed of, must be a contracting party of an international contract by which the Slovak Republic is bound by,^{3a)} or, it shall have concluded an agreement with the European Atomic Energy Community covering the management of spent fuel or radioactive waste,
- b) the objectives of the programmes of a third country where radioactive waste is due to be disposed of, concerning the management of radioactive waste, must be equivalent to the requirements under this Act in terms of high safety levels,
- c) a repository in a third country where radioactive waste is due to be disposed of shall be in operation before shipment is carried out and the repository operator shall have a licence for the acceptance of the shipped radioactive waste."

The existing paragraphs 12 and 13 shall now be renamed 14 and 15.

29. In Article 21, paragraph 14, the words "paragraphs 1 to 11" shall be replaced by the words "paragraphs 1 to 11 and 13".
30. At the end of Article 22, paragraph 1, the following words shall be added: "including the final construction or other works necessary for setting the repository into a long-term safe state."
31. In Article 25, paragraph 6, letters c) and d), the words "ensuring quality" shall be replaced by the word "quality".
32. In Article 26, paragraph 8, the words "or Railway Police" shall be deleted.
33. In Article 26, paragraph 9, the words "or Railway Police" shall be deleted.
34. After the words "schedule of shipments" in Article 28, paragraph 15, the words "for spent fuel" shall be inserted and, at the end, the words "for radioactive materials" shall be deleted.
35. In Article 28, paragraph 20, the dot shall be semicolon and the following words shall be added: "the Authority submits proposals of measures or recommendation for further progress to the Ministry of Interior of the Slovak Republic and to district offices at the seats of regions in the off-site emergency zone".
36. In Article 29 paragraph 6 letters a) and b) shall be read:
"a) a nuclear installations with the nuclear reactor or nuclear reactors for the energy purposes, during their commissioning and operation, up to 300.000.000 Euros,
b) other nuclear installations during their commissioning and operation, shipments of the radioactive materials, and, all nuclear installation in the decommissioning stage, up to 185.000.000 Euros."

37. In Article 34a, paragraph 4, letter a), the amount of "Euro 383.38 " shall be replaced by the amount of " Euro 766.76 ".
38. Article 34a, paragraph 5, shall read:
"(5) The annual contribution for the construction of a nuclear installation [Article 5, paragraph 3, letter a)] according to the type of nuclear installation is
a) for a nuclear installation pursuant to Article 2, letter f), point one, 1.5 times the amount of the contribution pursuant to paragraph 4, letter a); nominal installed heat output is understood to be the projected nominal installed heat output,
b) for a nuclear installation pursuant to Article 2, letter f), point three and point four, apart from a nuclear installation pursuant to paragraph 4, letter e), at the amount pursuant to paragraph 4, letters b) to d); the state at the end of the previous year is understood to be the projected state as of 31 December of the year in which twelve months have passed since the nuclear installation began to operate."
39. In Article 34a, paragraph 6, letter a) shall read:
"a) 107 346.40 EUR for the decommissioning stage of a nuclear installation of nuclear power plant A1 in Jaslovské Bohunice,".
40. After letter a) in Article 34a, paragraph 6, the letter b) shall be inserted, which shall read:
"b) 527 147.50 EUR for the decommissioning stage of a nuclear installation of nuclear power plant V1 in Jaslovské Bohunice,".
The existing letters b) to d) shall now be renamed c) to e).
41. In Article 35, the words "Article 8, paragraph 6" shall be replaced by the words "Article 8, paragraph 5".
42. After Article 37bb shall be inserted Article 37bc that shall be read including the title:

“ § 37bc

Transitional provisions for regulations effective from 1 August 2013

A licence for operation of nuclear installation with the time restriction, issued on the present act basis, and, which have to expire after 1 August 2013 upon the present act basis, is considered to be a licence for operation of nuclear installation without any time limitation.”

43. Point five shall be added to Annex No. 4, which shall read:
"5. Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (OJ L 199, 2. 8. 2011)."

Article II

Act No. 238/2006 Coll., on the National Nuclear Fund for decommissioning of nuclear installations and for management of spent fuel and radioactive waste (the Nuclear Fund Act) and on the amendments and supplements to some acts as amended by Act No. 528/2006 Coll.,

Act No. 94/2007 Coll., Act No. 408/2008 Coll., Act No. 143/2010 Coll., Act No. 550/2011 Coll. and Act No. 391/2012 Coll., shall be amended and supplemented as follows.

1. Paragraph 6 shall be added in Article 1 which shall be read:
“(6) For the purposes of this Act, the European Atomic Energy Community is also deemed to be the European Union.”
2. In Article 3, paragraph 2, the letters c) and d) shall be deleted.
The footnotes to references 6, 7, 9 and 10 shall be deleted.
The existing letters e) to m) shall now be renamed c) to k).
3. Article 3, paragraph 4, letter d), shall read:
"d) is unimpeachable; for the purposes of this Act, a person is deemed to be unimpeachable who has not been lawfully convicted of committing a crime intentionally, or a property crime through neglect, or who is regarded not to have been convicted of such crime, unimpeachableness shall be proven by a criminal record check no more than three months old."
4. Article 3a shall be inserted after Article 3 and shall read:

"Article 3a
National Policy and National Programme

- (1) Together with the legal entity referred to in the special regulation^{13a)} and holders of consent or a licence^{13b)} issued by the Authority, the Board of Administrators shall draw up the following:
 - a) a draft National Policy on management of spent fuel and radioactive waste (hereinafter referred to as the "National Policy") and
 - b) a draft National Programme on the implementation of the policy on management of spent fuel and radioactive waste (hereinafter referred to as the "National Programme").
- (2) The National Policy is based upon the following principles:
 - a) The Slovak Republic bears the ultimate responsibility for management spent fuel and radioactive waste which is produced on its territory,
 - b) the ultimate responsibility for the safe and responsible disposal of radioactive waste or spent fuel, which is shipped from the Slovak Republic for conditioning or reprocessing to a member state of the European Union or a third country, including any waste as a by-product, is borne by the Slovak Republic, unless otherwise stipulated by an international treaty^{13c)} by which the Slovak Republic is bound,
 - c) the generation of radioactive waste, both in terms of activity and volume, shall be kept to the minimum which is reasonably practicable, by means of appropriate design measures and of operating and decommissioning practices, including the recycling and reuse of materials,
 - d) the consideration of interdependencies between all steps in spent fuel and radioactive waste generation and management shall be taken into account,,
 - e) the management of spent fuel and radioactive waste must be safe, including in the long term with passive safety features,
 - f) the implementation of measures shall follow a graded approach,

- g) the costs for the management of spent fuel and radioactive waste shall be borne by their originator,
 - h) an evidence based and documented decision-making process shall be applied with regard to all stages of the management of spent fuel and radioactive waste.
- (3) The National Programme shall document and determine details and measures for ensuring a sustainable and long-term National Policy.
- (4) The National Programme shall include:
- a) the overall objectives of the National Policy of the Slovak Republic in respect of back-end cycle of the peaceful use of nuclear energy, management of spent fuel and radioactive waste,
 - b) the significant milestones and clear timeframes with respect to the general objectives of the National Policy,
 - c) an inventory of all spent fuel and radioactive waste and estimates for future quantities, including radioactive waste generated during the decommissioning of nuclear facilities; in the inventory, the amount of radioactive waste and spent fuel and their location shall be clearly indicated, in accordance with the relevant radioactive waste classification,
 - d) the concepts, plans and technical solutions for spent fuel and radioactive waste management from generation to disposal,
 - e) the concepts or plans for the post-closure period of a repository's lifetime, including the period during which appropriate controls are retained and the means to be employed to preserve knowledge of that installation in the longer term,
 - f) research, development and demonstration activities that are needed in order to implement solutions for the management of spent fuel and radioactive waste,
 - g) the responsibility for the implementation of the National Programme and the key performance indicators to monitor progress towards implementation,
 - h) an assessment of the National Programme costs and the underlying basis and hypotheses for that assessment, which must include a profile over time,
 - i) the financing scheme for the implementation of the National Programme,
 - j) a transparency policy on informing the public about spent fuel and radioactive waste management,
 - k) agreements concluded with member states of the European Union or third countries on the spent fuel or radioactive waste management, including on the use of repositories.
- (5) The National Programme shall further contain:
- a) a subject plan and schedule of activities involved in the back-end cycle of the peaceful use of nuclear energy, in the extent corresponding at the minimum to the requirements on the content of a conceptual decommissioning plan,^{13d)}
 - b) a technical and technological practices of activities involved in the back-end cycle of the peaceful use of nuclear energy,
 - c) a draft financing guarantee plan segmented into the annual, medium-term and long-term periods of implementation including proportionality between individual sub-accounts pursuant to Article 8,
 - d) the anticipated impacts of contributions pursuant to Article 7, paragraph 1, letter a), and, of charges pursuant to Article 7, paragraph 1, letter b), on the

- prices of electricity, the prices of other goods and services, and on the economic and social development of the country during the respective years of the implementation of the National Programme,
- e) the anticipated impacts of contributions pursuant to Article 7, paragraph 1, letter a), and, of charges pursuant to Article 7, paragraph 1, letter b), on the competitiveness of electricity producers in nuclear installations on the electricity market in the Slovak Republic, internal electricity market in the European Union and on relevant foreign electricity markets,
 - f) the impact of the proposed National Programme on the equilibrium, safety and operational reliability of the energy scheme in the Slovak Republic and European Union,
 - g) a draft financing guarantee plan for costs of the administration of the Nuclear Fund for the entire period of the National Programme,
 - h) opinions of state administration bodies in the area of public health in terms of radiation protection and health protection at work on the proposed National Programme pursuant to the special regulation^{13c)} and an opinion of the Ministry of the Environment of the Slovak Republic (hereinafter referred to as the "Ministry of the Environment") in terms of the impact of the implementation of the National Programme on the environment.^{13f)}
- (6) The Board of Administrators shall submit for discussion to the Ministry a draft National Policy and draft National Programme, drawn up pursuant to paragraphs 2 to 4 and, and every six years also their updated drafts together with an opinion from the Authority.^{12g)} The Ministry shall present the draft National Policy and draft National Programme to the Government for approval. The Ministry shall send the National Policy and National Programme, following approval by the government, to the European Commission, for the first time no later than 23 August 2015. It shall provide the Commission, in cooperation with the Authority and Nuclear Fund, with the necessary explanations within a deadline of six months since the European Commission requested them, and shall provide information on any amendment made to the National Policy or National Programme.
- (7) The Board of Administrators shall draw up a report, together with the legal entity pursuant to the special regulation^{13a)} and with the holders of consent or a licence^{13b)}, on the implementation of the National Programme once a year for the previous year and shall present said report to the Ministry for approval together with an opinion of the Authority."

Footnotes to references 13a to 13g shall read:

^{13a)} Article 3, paragraph 9, of Act No. 541/2004 Coll. as amended by later regulations,

^{13b)} Article 5, paragraph 3 and Article 8, paragraph 3, of Act No. 541/2004 Coll. as amended by Act No. 21/2007 Coll.

^{13c)} Article 7, paragraph 4, of the Constitution of the Slovak Republic as amended by Constitutional Act No. 90/2001 Coll.

- 13d) Article 20, paragraph 2, and Annex No. 1, point C, letter m), of Act No. 541/2004 Coll. as amended by Act No. 350/2011 Coll.
- 13e) Act No 355/2007 Coll. as amended by later regulations.
- 13f) Act No. 24/2006 Coll. on environmental impact assessment and on the amendments and supplements to some acts as amended by later regulations.
- 13g) Article 4, paragraph 2, letter e), point six, of Act No. 541/2004 Coll., as amended by later regulations.”
5. Article 13b shall be inserted after Article 13a, and shall read:

"Article 13b

This Act shall assume the legally binding acts of the European Union shown in the Annex."

6. In the whole wording of the Act, the word “strategy” shall be replaced with the words “National Programme” except from Article 4 paragraph 2 letter d.
7. The Act is supplemented by an Annex which, including the title, shall read:

"Annex to Act No. 238/2006 Coll.

List of transposed legally binding acts
of the European Union

Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (OJ L 199, 2. 8. 2011)."

Article III

This Act shall enter into force on 1 August 2013, apart from Article I, indents 36 to 40, which shall enter into force on 1 January 2014.