

# CZECH REPUBLIC

## Act No. 18/1997 on the Peaceful Uses of Nuclear Energy and Ionising Radiation and on Amendments and Additions to Related Acts adopted on 24 January 1997\*

### Part I

#### PEACEFUL UTILISATION OF NUCLEAR ENERGY AND IONISING RADIATION

##### SECTION ONE

##### INTRODUCTORY PROVISIONS

###### *Article 1*

###### **Scope**

This Act regulates:

- a) the method of utilising nuclear energy and ionising radiation, and conditions for the performance of practices related to nuclear energy utilisation and radiation practices;
- b) the system for protection of people and the environment from undesirable effects of ionising radiation;
- c) obligations during preparation for and implementation of intervention intended to reduce exposures to natural sources and exposures due to radiation accidents;
- d) specific requirements for civil liability in the case of nuclear damage;
- e) conditions for safe management of radioactive waste;
- f) performance of state administration and supervision within nuclear energy utilisation, within radiation practices and over nuclear items.

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\* This is an unofficial translation kindly provided by the Czech authorities. Only the Czech text as published in the Czech official journal has the force of law.

## *Article 2*

### **Basic Terms**

For the purposes of this Act,

- a) activities related to nuclear energy utilisation means:
1. the siting, construction, commissioning, operation, reconstruction and decommissioning of nuclear installations;
  2. designing nuclear installations;
  3. designing, manufacturing, repairs and verification of nuclear installation systems or their components, including materials used for their production;
  4. designing, manufacturing, repairs and verification of packaging assemblies for the transport, storage or disposal of nuclear materials;
  5. handling of nuclear materials and of selected items and, in the case of their use in the nuclear field, also of items of dual use;
  6. research and development into the activities mentioned in points 1 to 5;
  7. professional training of personnel, specialised from the nuclear safety viewpoint for the activities stated under point 1;
  8. transport of nuclear materials;
- b) radiation practice means any human activity introducing sources of exposure or exposure pathways or extends exposure to additional people or modifies the network of exposure pathways from existing sources, so as to increase the exposure or the likelihood of exposure of people or the number of people exposed, particularly the production, import, operation and other handling of ionising radiation sources, including radioactive waste or release of radionuclides into the environment. Exposure means exposure of people and the environment to ionising radiation;
- c) ionising radiation source means:
1. a radionuclide source which is a substance or an object containing radionuclides or contaminated by radionuclides to a level exceeding the values set out in implementing regulations;
  2. an equipment containing a radionuclide source;
  3. an equipment, the operation of which generates radionuclides;
  4. an equipment, the operation of which generates ionising radiation with an energy exceeding 5 keV.

In relation to the risk to human health and the environment due to ionising radiation, ionising radiation sources are categorised as: insignificant sources, handling of which is not associated with any possibility of radiation accident or with generation of radioactive waste; minor sources, management of which is not associated with any possibility of radiation accident, although radioactive waste may be generated; simple sources, during management of which a possibility of radiation accident exists, although radiation accidents with acute health effects are excluded; significant sources, during management of which consideration must be given to the possibility of radiation accidents which may also be associated with acute health effects, although there is no danger of radiation emergencies; and very significant sources, for which consideration must be given to the possibility of a radiation emergency. The criteria for source categorisation shall be set out in an implementing regulation;

- d) nuclear safety means the condition and ability of a nuclear installation and its servicing personnel to prevent the uncontrolled development of a fission chain reaction or an inadmissible release of radioactive substances or ionising radiation into the environment, and to reduce the consequences of accidents;
- e) radiation protection means a system of technical and organisational measures to reduce exposure of people and the environment;
- f) physical protection means a system of technical and organisational measures preventing unauthorised activities with nuclear installations, nuclear materials and selected items;
- g) emergency preparedness means an ability to recognise the occurrence of a radiation accident and, upon its occurrence, to carry out measures specified in emergency plans;
- h) nuclear installation means:
  - 1. constructions and operating units containing a nuclear reactor utilising a fission chain reaction;
  - 2. facilities for the production, processing, storage and disposal of nuclear materials;
  - 3. repositories of radioactive waste, with the exception of repositories containing only natural radionuclides;
  - 4. facilities for the storage of radioactive waste with an activity exceeding the values set out in an implementing regulation;
- i) *classified equipment* means nuclear-safety-related components or systems of nuclear installations assigned to safety classes according to their significance for nuclear installation operation safety, according to the safety function of the system to which they belong, or according to the relevance of their possible breakdown. The criteria for classified equipments to be assigned and categorised into safety classes shall be set out in an implementing regulation;

- j) nuclear item means:
1. nuclear materials which are:
    - aa) source materials represented by uranium containing a mixture of isotopes occurring in nature, uranium depleted in the  $^{235}\text{U}$  isotope or thorium and each of these items in the form of metal, alloy, chemical compound or concentrate, as well as materials containing one or more of these items in a concentration or amount exceeding values set out in an implementing regulation;
    - bb) special fission materials represented by  $^{239}\text{Pu}$ ,  $^{233}\text{U}$ , uranium enriched in the isotope  $^{235}\text{U}$  or  $^{233}\text{U}$  and materials containing one or more of these radionuclides, except initial materials exceeding in concentration or amount values set out in an implementing regulation;
    - cc) other materials, should an implementing regulation so determine;
  2. classified items which are materials, equipment or technologies designed and manufactured to be used in the nuclear field, a list of which shall be provided in an implementing regulation;
  3. dual-use items, which are materials, equipments and technologies not designed and manufactured to be used in the nuclear field but which may be utilised there, a list of which shall be provided in an implementing regulation;
- k) *radiation accident* means an event resulting in an inadmissible release of radioactive substances or ionising radiation, or an inadmissible exposure of people;
- l) *radiation emergency* means a radiation accident requiring measures to be taken to protect the public and the environment;
- m) *emergency plan* means a set of planned measures to deal with a radiation accident or radiation emergency and to limit their consequences. An emergency plan designed for a nuclear installation premises or a workplace with ionising radiation source is called an on-site emergency plan. An emergency plan for transport of nuclear materials or ionising radiation sources is called emergency rule. An emergency plan for a region in a vicinity of a nuclear installation or a workplace with ionising radiation source where, based on results of analyses of potential effects of a radiation emergency, emergency planning requirements are in force (hereinafter referred to as an “emergency planning zone”), is called an off-site emergency plan;
- n) *decommissioning* means activities aimed at releasing nuclear installations or workplaces with an ionising radiation source, following the termination of their operation, for their utilisation for other purposes, or at exempting them from the effect of this Act;
- o) *radioactive waste* means waste substances, objects or equipments for which no further use is foreseen by their owner, with a radionuclide content or surface radionuclide contamination exceeding values permitting their discharge into the environment; these values shall be set out in an implementing regulation;

- p) *radioactive waste and spent fuel storage* means a temporary emplacement of radioactive waste or spent or irradiated nuclear fuel for a period restricted in advance into areas, facilities or installations designed for this purpose;
- q) *radioactive waste disposal* means a permanent emplacement of radioactive waste into areas, facilities or installations without the intention of its retrieval;
- r) *radioactive waste repository* means an area, facility or structure at the surface or underground used for the disposal of radioactive waste;
- s) *workplace with ionising radiation source* means areas where ionising radiation sources are utilised or in any other manner intentionally and purposefully handled;
- t) *limits and conditions for the safe operation of a nuclear installation* means a set of unambiguously defined conditions for which it is proven that operation of a nuclear installation is safe. This set shall comprise data on admissible parameters, requirements for the operability of the installation, protective system settings, requirements for personnel activity and organisational measures to meet all the defined conditions for design operational modes.

### **Article 3**

#### **Competence of the State Office for Nuclear Safety**

- (1) State administration and supervision of the utilisation of nuclear energy and ionising radiation and in the field of radiation protection shall be performed by the State Office for Nuclear Safety<sup>1</sup> (hereafter referred to as “the Office”).
- (2) The Office:
  - a) shall carry out state supervision of nuclear safety, nuclear items, physical protection, radiation protection and emergency preparedness on the premises of nuclear installations or workplaces with an ionising radiation source and shall inspect the adherence to the fulfilment of the obligations arising out of this Act;
  - b) shall issue licences to perform practices governed by this Act and shall issue type-approvals for packaging assemblies for transport and storage of nuclear materials and radionuclide sources given in an implementing regulation, for ionising radiation sources and for other products;
  - c) shall issue authorisations for activities performed by classified workers;
  - d) shall approve documentation, programmes, lists, limits, conditions, methods of physical protection assurance, emergency rules and, subject to discussion with the relevant District

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1. Article 1 (4) of Act of the Czech National Council No. 21/1993 Coll., amending Act of the Czech National Council No. 2/1969 Coll., on the Establishment of Ministries and Other Central Authorities of State Administration of the Czech Socialist Republic, in the wording of subsequent regulations, and by which further measures in the system of central authorities of state administration of the Czech Republic are executed.

Council of compatibility with off-site emergency plans, on-site emergency plans and their modifications;

- e) shall establish conditions, requirements, limits, constraints and values for exemption from the effect of this Act;
- f) shall establish emergency planning zones and shall define areas of a workplace with an ionising radiation source where specific preventive and safety measures for handling of ionising radiation sources are required (hereafter referred to as the “controlled area”);
- g) in accordance with an implementing regulation, shall establish requirements to ensure emergency preparedness of licensees, and shall inspect their fulfilment;
- h) shall monitor and assess the exposure status and regulate exposure of people;
- i) shall provide information to municipalities and District Councils concerning radioactive waste management within their territory of administration;
- j) shall co-ordinate the activity of the National Radiation Monitoring Network, the functions and organisation of which shall be set out in an implementing regulation, shall provide for the functioning of its head-office, and shall provide for the activities of an Emergency Response Centre and for an international exchange of information on the radiation situation;
- k) shall establish State and Professional examination commissions for verification of special professional competence of classified workers, and shall issue statutes for these commissions and specify activities directly affecting nuclear safety and activities especially important from the radiation protection viewpoint;
- l) shall maintain a State system of accounting for and control of nuclear materials and establish requirements for accounting for and methods for control of nuclear materials;
- m) shall maintain a national system for registration of licensees, registrants, imported and exported selected items, ionising radiation sources, and a record exposure of the public and exposure of persons coming into contact with ionising radiation sources at their work (hereinafter referred to as “exposed workers”);
- n) shall ensure, by means of the National Radiation Monitoring Network and based on assessment of the radiation situation, the availability of background information necessary to take decisions aimed at reducing or averting exposure in the case of a radiation emergency;
- o) shall approve a classification of nuclear installations or their components and nuclear materials into appropriate categories, from the physical protection aspect;
- p) shall ensure international co-operation within its sphere of competence and, in particular, shall be an intermediary for technical co-operation with the International Atomic Energy Agency;
- q) shall take decisions ensuring management of nuclear items or radioactive waste if their owner or generator proceeds in contravention of this Act and fails to remedy conditions that have arisen;

- r) shall be obliged to provide the public with adequate information concerning the results of its activities, unless they are subject to State, professional or commercial secrecy, and once a year to publish a report on its activities and submit it to the Government of the Czech Republic and to the public.

## SECTION TWO

### GENERAL CONDITIONS FOR PERFORMANCE OF PRACTICES RELATED TO NUCLEAR ENERGY UTILISATION, RADIATION PRACTICES AND INTERVENTIONS TO REDUCE EXPOSURE

#### *Article 4*

- (1) Nuclear energy may be utilised in accordance with international commitments of the Czech Republic<sup>2</sup> solely for peaceful purposes.
- (2) Whoever utilises nuclear energy or performs radiation practices or interventions to reduce natural exposure or exposure due to radiation accidents must ensure that his or her action is justified by the benefits outweighing the risks arising or liable to arise from these activities.
- (3) Whoever performs practices related to nuclear energy utilisation or radiation practices shall proceed in such a manner that nuclear safety and radiation protection are ensured as a matter of priority.
- (4) Whoever utilises nuclear energy or performs radiation practices or interventions to reduce natural exposure or exposure due to radiation accidents must maintain a level of nuclear safety, radiation protection, physical protection and emergency preparedness such that the risk to human life and health and to the environment shall be kept as low as reasonably achievable, economic and social factors being taken into account. An implementing regulation shall establish the technical and organisational requirements and guidance levels of exposure, which are considered to be sufficient to demonstrate a reasonably achievable level, or an alternative procedure to demonstrate this level.
- (5) Intervention measures intended to avert or reduce the exposure during a radiation accident shall always be performed if the expected exposure of people approaches levels at which it causes acute damage to health, or when such measures are expected to provide more benefit than harm. An implementing regulation shall set guidance levels and details on rules for adoption of measures.
- (6) Whoever performs radiation practices shall reduce exposure of people so that the total exposure caused by a possible combination of exposure from all radiation practices does not exceed the specified limits. The Office shall establish the exposure limits in an implementing regulation. The Office is authorised to set constraints to ensure that limits are not exceeded taking into account exposure from other radiation practices. However:

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2. Decree No. 61/1974 Coll. of the Foreign Minister, on the Non-Proliferation Treaty. Decree No. 62/1974 Coll. of the Foreign Minister, on the Treaty on Prohibition of Siting of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and the Subsoil thereof.

- a) exposure of patients to ionising radiation, as a part of medical diagnosis or treatment performed on them (hereinafter referred to as “medical exposure”), shall not be subject to the limits. The Office is authorised to set exposure guidance levels corresponding to reasonably achievable levels of radiation protection;
- b) exposure to natural sources shall not be included in exposure limits, except exposure to those natural sources that are utilised intentionally and consciously and except those natural sources that occur at workplaces with an ionising radiation source set out in an implementing regulation, where exposure from these sources cannot be ignored;
- c) exposure of persons participating in interventions in the event of a radiation accident shall not exceed ten times the limit laid down for exposed workers, unless it is a matter of saving human lives or preventing the development of a radiation accident potentially causing extensive economic and social consequences. These persons must demonstrably be acquainted with the risks relating to such intervention.

(7) Any person performing or providing for practices related to nuclear energy utilisation or radiation practices, except practices as in Article 2, (a), point 6), must have an implemented quality assurance system, to the extent and in the manner set out in an implementing regulation, aimed at achieving the required quality of a relevant item, including tangible or intangible products, processes or organisational arrangements, with respect to the importance of this item from the aspect of nuclear safety and radiation protection. The implementing regulation shall set basic requirements for quality assurance of selected equipments with respect to their safety classification.

(8) For the purpose of physical protection, nuclear installations or their parts shall be placed in category I, II or III. From the aspect of physical protection assurance, guarded, protected and internal areas in nuclear installations must be specified. The classification and the specification are to be carried out from the aspect of the relevance of possible effects on nuclear safety in the event of unauthorised activities. Details concerning the classification and specification, together with the method and scope of physical protection shall be laid down in detail in an implementing regulation.

(9) For the purpose of physical protection, nuclear materials shall be placed in category I, II or III. Classification of nuclear materials is performed in terms of its type, weight, enrichment and with regard to the consequences of its misuse. Details concerning the classification of nuclear materials into appropriate categories, together with the manner and scope of physical protection, shall be laid down in an implementing regulation.

(10) For radiation protection purposes, at workplaces with an ionising radiation source, depending on the manner of handling of ionising radiation sources, a controlled area shall be specified, and depending on the technical arrangement of the ionising radiation source the workplace with an ionising radiation source shall be categorised in category I, II or III. The Specification of a controlled area and the categorisation of a workplace with an ionising radiation source shall be made with due regard to the seriousness of possible exposure of people and the environment. Details of the specification of a controlled area and the categorisation of ionising radiation source workplaces into the appropriate category, together with the manner and scope of radiation protection, shall be laid down in an implementing regulation.

## *Article 5*

- (1) International transfers of nuclear items into States not owning nuclear weapons that would be in breach of commitment of the Czech Republic under international agreements<sup>2</sup> are prohibited.
- (2) An importation of radioactive waste into the territory of the Czech Republic is prohibited, except for the re-importation of ionising radiation sources produced in the Czech Republic or radioactive waste originated from materials exported from the Czech Republic, for the purpose of their processing or reprocessing, that has been approved by the Office.
- (3) It is prohibited for persons other than persons authorised so to do under Article 26 and 48 (1) to dispose of radioactive waste on the territory of the Czech Republic.

## *Article 6*

### **Exposure to natural sources**

- (1) If natural exposure sources are intentionally and consciously utilised, including mining and processing of uranium ore subject to a specific Act<sup>3</sup>, their handling is subject to the provisions of this Act to the same extent as that of other ionising radiation sources.
- (2) Intervention measures to reduce natural exposure do not need to be taken if the exposure cannot be reduced by human action to an extent where the benefits exceed the costs of such measures and outweigh the detriment caused by the exposure or by these measures. An implementing regulation shall establish guidance levels for the evaluation of such measures, including criteria for benefit assessment and guidance levels for exposure of people as a result of an occurrence of radon and its decay products in the indoor air.
- (3) Producers and importers of construction materials and suppliers of water into public water distribution networks are required to ensure systematic measurement and evaluation of the content of natural radionuclides in construction materials produced and water supplied and, to the extent set out in an implementing regulation, to keep a record of the results and communicate them to the Office. In the event that the content of natural radionuclides exceeds the values laid down in an implementing regulation, the construction materials must not be introduced into distribution and the water must not be supplied into public water distribution networks.

## *Article 7*

### **Medical exposure**

- (1) Under Article 9(1) (i), medical exposure may only be performed by the holder of a licence to handle ionising radiation sources. Only ionising radiation sources of a type approved by the Office may

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2. *See footnote n°2.*

3. Act No. 61/1988 Coll. of the Czech National Council, on Mining Operations, Explosives and the State Mines Administration, in the wording of subsequent regulations.

be used for medical exposure, or radioactive pharmaceuticals registered in accordance with specific regulations<sup>4</sup>.

(2) Details of conditions of medical exposure, guidance levels for exposure of people with regard to a therapeutic effect on patient health, requirements for quality assurance programmes for medical actions and functions and requirements for special professional qualification of persons participating in these functions shall be laid down in an implementing regulation.

### *Article 8*

#### **Discharge of Radionuclides into the Environment**

(1) Materials, substances and objects containing radionuclides or contaminated by them may be used outside of workplaces with an ionising radiation source, may be released into water or into the air, stored in a dump or otherwise discharged into the environment, if they do not contain radionuclides, nor are contaminated by them to an extent exceeding values as laid down in an implementing regulation. In the event that the content of radionuclides exceeds the value at which their release into the environment is permitted, but the material is not radioactive waste, it shall only be possible to discharge such substances into the environment subject to a licence issued by the Office under Article 9(1) (h). Following their discharge into the environment, these materials, substances and objects shall not be further monitored for the purposes of radiation protection, and a licence under Article 9(1) (i) shall not be required for their handling.

(2) In the event that a licence to discharge substances into the environment is issued by a Ministry or other administrative body under specific regulations<sup>5</sup>, and the content of radionuclides is one of the aspects under consideration for issue of the licence, approval by the Office is an obligatory basis for issue of the licence.

### SECTION THREE

#### CONDITIONS FOR NUCLEAR ENERGY AND IONISING RADIATION UTILISATION

### *Article 9*

#### **Licences for Particular Practices**

- (1) A licence issued by the Office is required for:
- a) siting of a nuclear installation or a workplace with very significant ionising radiation source;

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4. Act No. 20/1966 Coll., on Health Care for People, in the wording of subsequent regulations.

5. E.g. Act No. 138/1973 Coll., on Waters (the Water Act), in the wording of subsequent regulations, and Act No. 309/1991 Coll., on Protection of the Air from Contaminating Substances (the Air Act), in the wording of subsequent regulations.

- b) construction of a nuclear installation or a workplace with very significant ionising radiation source;
- c) particular stages, laid down in an implementing regulation, of nuclear installation commissioning;
- d) operation of a nuclear installation or a workplace with significant or very significant ionising radiation source;
- e) restart of a nuclear reactor to criticality following a fuel reload;
- f) reconstruction or other changes affecting nuclear safety, radiation protection, physical protection and emergency preparedness of a nuclear installation or a workplace with significant or very significant ionising radiation source;
- g) decommissioning of a nuclear installation or a workplace with significant or very significant ionising radiation source; the decommissioning process shall be established in an implementing regulation;
- h) discharge of radionuclides into the environment;
- i) handling of ionising radiation sources to the extent and in the manner established in an implementing regulation;
- j) radioactive waste management;
- k) importation or exportation of nuclear items or transit of nuclear materials and selected items;
- l) handling of nuclear materials;
- m) transport of nuclear materials and radionuclide sources laid down in an implementing regulation; this licence does not relate to the person performing the transport, or to the carrier, unless he is simultaneously the shipper, or consignor or consignee;
- n) professional training of classified workers of nuclear installations and classified workers of workplaces with an ionising radiation source;
- o) re-importation of radioactive waste originated in the processing of materials exported from the Czech Republic.

(2) Licences issued by the Office under (1) do not substitute licences or authorisations issued by other administrative bodies under specific regulations<sup>6</sup>.

### *Article 10*

- (1) A licence shall be issued on condition that:
- a) the natural person to whom the licence is to be issued, and his responsible representative, if any, have reached the age of 21, are competent to perform legal acts, are persons of probity, are professionally competent and permanently residing in the Czech Republic; the requirement for the applicant to be professionally competent is waived if it is met by his legal representative;
  - b) members of a statutory body or representatives of a legal person to whom a licence is to be issued must have reached the age of 21, be competent to perform legal acts, be persons of probity, and at least one member of the statutory body or one authorised agent must be professionally competent.
- (2) A person to whom a licence has been issued (hereinafter referred to as “the licensee”) shall communicate to the Office without delay any change that may occur in facts specified in (1).
- (3) Performance of practices under Article 9(1) or their stages shall not commence before the licence issued by the Office enters into legal force.

### *Article 11*

#### **Probity**

For the purposes of this Act, a person is considered to be of probity if he has not been legally sentenced for a criminal offence involving negligence, where the facts of the case are associated with licensed activities, or for a criminal offence committed with intent.

### *Article 12*

#### **Professional Competence**

Under Article 10 professional competence means:

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6. E.g. Act No. 455/1991 Coll., on Trade Enterprises (the Trade Act), in the wording of subsequent regulations, Act No. 222/1994 Coll., on Conditions for Enterprise and the Performance of State Administration in Power Generation Industries and on State Inspection for Power Generation, Act No. 50/1976 Coll., on Land Planning and Construction Regulations (the Construction Act), in the wording of subsequent regulations, Act No. 21/1997 Coll., on Control of Importation and Exportation of Goods and Technologies Subject to International Control Regimes, Act No. 44/1988 Coll., on Protection and Use of Mineral Resources (the Mining Act), in the wording of subsequent regulations, Act of the Czech National Council No. 61/1988 Coll., in the wording of subsequent regulations.

- a) a university graduate in the respective field of specialisation and with a minimum of three years on-job experience in the field, for practice related to nuclear energy utilisation;
- b) a university graduate in the respective field of specialisation and with a minimum of three years on-job experience in the field, or graduate of a relevant secondary technical school having GCE and six years of on-job experience in the field, for radiation practices.

### *Article 13*

#### **Licence Application**

- (1) A licence application shall contain:
  - a) for a natural person: name and surname, birth registration number, residential address; or name and surname, birth registration number and residential address of his/her responsible representative, if one is appointed; for a legal person: name and legal form, registered office, registration number in the Companies Register; name and surname, residential address of the person or persons who constitute its statutory body (hereinafter referred to as “identification”) and the registration number if already assigned by the Office;
  - b) the subject and scope of practice for which the licence is requested, the location where the practice is to be performed and the manner in which it will be carried out, the period of its existence and the manner of its termination.
- (2) A licence application shall be signed by the applying natural person or by the statutory body of the applying legal person or by another representative of the statutory body, authorised in a Power of Attorney.
- (3) The following documents shall be attached to a licence application:
  - a) a certificate of extract from the Criminal Record for the natural person and for his responsible representative, if one is appointed; a certificate of extract from the Criminal Record for all members of statutory body or authorised agents, in the event that the applicant is a legal person; the certificates shall be dated within three months of the licence application date;
  - b) Certificate of Incorporation in the case of legal person entering on the Companies Register;
  - c) a document proving professional competence of a natural person for the performance of the practice being licensed, or a document proving professional competence of a responsible representative, if appointed, in the event that a natural person submits the application, or a document proving professional competence for the performance of the practice being licensed of at least one of the members of the statutory body or authorised agent in the event that a legal person submits the application;
  - d) the documentation required for the particular practices being licensed. The content of this documentation is listed in an Appendix to this Act. The scope and form of the documentation to be approved by the Office concerning the activities subject to licence, shall be laid down in implementing regulations;

- e) a certificate of land ownership in the case of application for a construction licence for a nuclear installation or very significant ionising radiation source;
  - f) an insurance certificate covering nuclear damage liability insurance or a certificate of other financial security as in Article 36;
  - g) in the event that radioactive waste is to be generated as part of the licensed activities, a document demonstrating safe management of radioactive waste, including associated funding of this management;
  - h) in the event of importation or transit of nuclear materials or radionuclide sources, a document demonstrating that they will be taken back if the importation or transit is not completed.
- (4) An environmental impact assessment covered by a specific Act<sup>7</sup> is a prerequisite for issue of a licence under Article 9(1) (a) and (g).
- (5) An approval issued by the Office of a quality assurance programme for the licensed practice is a prerequisite for issue of a licence under Article 9(1) (a) to (g) and (i), (j), (l) and (n). An approval of a quality assurance programme for the design phase before starting proposed activities affecting nuclear safety or radiation protection and an approval of the quality assurance programme for construction activities are a prerequisite for a licence granted under Article 9(1) (b). Requirements for the content of quality assurance programme and quality system shall be laid down in implementing regulation.
- (6) An approval issued by the Office of the method used to ensure physical protection of nuclear installations and nuclear materials is a prerequisite to the issue of a licence under Article 9(1) (c), (d), (e), (f), (g), (k), (l), and (m). Requirements for the method used to ensure physical protection shall be laid down in an implementing regulation.
- (7) An approval issued by the Office of the on-site emergency plan or emergency rules is a prerequisite to the issue of a licence under Article 9(1) (c), (d), (e), (f), (g), (i), (j), (m) and (o). Requirements for their content, including details on how to ensure emergency preparedness, shall be laid down in an implementing regulation.
- (8) The Office may require supplementary documentation. The documents under (3) (a), (b) and (c) do not need to be submitted if the applicant has received a registration number under a previous licensing procedure and there have been no changes to the information provided in the documentation. In such case the applicant shall provide an affidavit only, stating that no changes have occurred in documents required under (3) (a), (b) and (c).

#### ***Article 14***

- (1) In administrative proceedings, the Office shall proceed independently of the proceeding of any other administrative body. The applicant shall be the only participant in the proceeding.

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7. Act of the Czech National Council No. 244/1992 Coll., on Environmental Impact Assessment.

- (2) The Office shall take a decision on the issue of a licence having verified that the applicant has fulfilled all the conditions established in this Act and in implementing regulations.
- (3) From commencement of licence proceedings for a particular practice, the Office shall take a decision within the following time period:
- a) four months, in the case of a licence for siting of a nuclear installation or very significant ionising radiation source;
  - b) one year, in the case of a licence for construction of a nuclear installation or very significant ionising radiation source;
  - c) six months, in the case of a licence for the first fuel load into a reactor, under Article 9(1) (c), and 10 days in the case of other stages of commissioning;
  - d) 24 hours, in the case of a licence under Article 9(1) (e); the procedure for submission and assessment of required documentation shall be laid down in implementing regulation;
  - e) 60 days in the case of other licences for particular practices.
- (4) A licence represents at the same time an approval as required by a specific Act<sup>8</sup>.

### *Article 15*

#### **Requisites of Licence**

- (1) In deciding on the issue of a licence, the Office:
- a) shall specify identification of the applicant and the assigned registration number;
  - b) shall define the subject and scope of the practice being licensed;
  - c) shall set conditions for performance and termination of the practice being licensed, as required from the aspect of nuclear safety, radiation protection and physical protection and, subject to discussion with the District Authority, conditions for emergency preparedness;
  - d) shall specify the period for which the licence is issued.
- (2) An integral part of the licence statement shall be an approval of documentation, if this is required in the Appendix to this Act. A single decision may cover several repeated or interrelated activities.

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8. E.g. Act No. 50/1976 Coll., in the wording of subsequent regulations.

## *Article 16*

### **Alteration, Cancellation and Cessation of Licence**

- (1) Without a previous licence provided by the Office, no installation modifications nor other technical or organisational changes with an impact on nuclear safety, radiation protection, physical protection or emergency preparedness may be performed. Changes influencing the off-site emergency plan may only be performed subject to an agreement with the relevant District Authority.
- (2) A licence is not required to take urgent interventions aimed at averting a radiation accident or dealing with its consequences. Such intervention shall be taken without delay and shall be demonstrably communicated to the Office.
- (3) The Office may modify conditions set out in the licence in the event of a change in the circumstances impacting on nuclear safety, radiation protection, physical protection or emergency preparedness under which the licence is issued, or as a response to an application by the licensee. The conditions of a licence impacting on off-site emergency plan may be established and altered only subject to agreement with the relevant District Authority.
- (4) In the event of a licensee violating his obligations as established in this Act or by other regulations or conditions laid down in the licence issued by the Office, the Office may restrict or suspend performance of the licensed practice.
- (5) The Office shall withdraw the licence if the licensee:
  - a) ceases to fulfil the obligations on which the issue of licence is based or does not fulfil his obligations as established in this Act or does not remove, within a specified period, deficiencies identified by the Office;
  - b) applies in writing for a withdrawal, and proves that he has ensured nuclear safety and radiation protection.
- (6) A licence shall terminate:
  - a) in the case of natural persons, in the event that the person dies or is declared to be dead;
  - b) on the date a legal person which is a licensee ceases to exist;
  - c) upon adjudication of bankruptcy or rejection of adjudication of bankruptcy due to a lack of assets;
  - d) on expiry of the period for which it was issued;
  - e) by decision of the Office to cancel the licence.
- (7) Before a licence is terminated, the licensee shall, with the approval of the Office, provide on a contractual basis a legal successor or ensure safe termination of practices related to nuclear energy utilisation or radiation practices.

## *Article 17*

### **General Obligations of Licensees**

- (1) A licensee under Article 9(1), shall, besides other obligations established in law:
- a) ensure nuclear safety, radiation protection, physical protection and emergency preparedness, including its verification, in the scope appropriate to the particular licences;
  - b) assess in a systematic and comprehensive manner the fulfilment of conditions set in Article 4, from the aspect of the current level of science and technology, and ensure that the assessment results are put into practice;
  - c) comply with the conditions of the licence issued by the Office, proceed in accordance with approved documentation and investigate, without delay, any breach of such conditions or procedures and take remedial measures and measures to prevent repetition of such situations. Any case when exposure limits or limits for safe operation of a nuclear installation have been exceeded or violated shall be reported to the Office without delay;
  - d) comply with technical and organisational conditions for safe operation of nuclear installations, ionising radiation sources and workplaces with ionising radiation source as laid down in an implementing regulations, comply with the approved quality assurance programme and adhere to specific requirements for uniformity and correctness of measurements and measuring devices to the extent laid down in an implementing regulation;
  - e) provide co-operation as required for performance of inspection activities by the Office under Article 39 and provide co-operation for persons called upon by the Office in order to assess expert issues related to the performance of an inspection;
  - f) participate in the functioning of the National Radiation Monitoring Network to the extent established in a government ordinance under Article 19(3);
  - g) introduce into circulation only ionising radiation sources that bear the specified labels and are accompanied by appropriate documentation and are in type-approved transport packaging;
  - h) allow authorised persons only to handle nuclear materials, radioactive waste and ionising radiation sources and to handle them in accordance with this Act;
  - i) entrust performance of the specified activities only to such persons as fulfil conditions of special professional competence and meet requirements verified in a manner established in a specific regulation<sup>9</sup>, and in good physical and psychological health;

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9. Act No. 102/1971 Coll., on Protection of State Information, in the wording of subsequent regulations.

- j) report to the Office without delay any change or event impacting on nuclear safety, radiation protection, physical protection, handling of nuclear materials or emergency preparedness, and changes in any circumstances on which issue of the licence was based;
  - k) provide the public with information on maintenance of nuclear safety and radiation protection which is not subject to State, professional or commercial secrecy.
- (2) A licensee shall submit to the Office for approval:
- a) documentation mentioned in the Appendix to this Act and quality assurance programmes as in Article 4(7);
  - b) commissioning and decommissioning programmes and non-standard programmes or tests affecting nuclear safety as specified in the licence;
  - c) transport, storage, loading and reloading of nuclear fuel and related activities programmes as specified in the licence;
  - d) a list of important working activities impacting on nuclear safety, competence requirements, professional training and method of its verification;
  - e) assignment of nuclear installations and nuclear materials to categories appropriate from the aspect of physical protection;
  - f) the on-site emergency plan and emergency rules;
  - g) changes to the documentation specified in a) to f) above.
- (3) A licensee shall submit to the Office a proposal for designation of an emergency planning zone and for delineation of a controlled area.

### *Article 18*

#### **Obligations from the Aspect of Nuclear Safety, Radiation Protection, Physical Protection and Emergency Preparedness**

- (1) A licensee shall also:
- a) monitor, measure, evaluate, verify and record values, parameters and facts with an impact on nuclear safety, radiation protection, physical protection and emergency preparedness, to the extent laid down in implementing regulations;
  - b) account for and control of nuclear materials, archive associated records and report to the Office, as laid down in an implementing regulation, results of physical inventory taking and material balance of nuclear materials and any changes in nuclear materials inventory;
  - c) keep and archive records of ionising radiation sources, facilities, materials, activities, quantities and parameters and other facts impacting on nuclear safety, radiation protection,

physical protection and emergency preparedness, and submit the recorded information to the Office in the manner set out in an implementing regulation;

- d) keep production of radioactive waste and spent nuclear fuel to the minimum necessary level;
- e) prepare and submit to a legal person authorised to dispose of radioactive waste under Article 26 data on short-term and long-term production of radioactive waste and spent nuclear fuel together with other background information to determine the amount and method of transfer of payments to the nuclear account;
- f) keep records of radioactive waste by type of waste in such a manner that all characteristics affecting its safe management are apparent;
- g) allow access and provide necessary co-operation for performance of inspection activities to International Atomic Energy Agency inspectors, as in Article 39(5), and to persons called upon by the Office to assess expert aspects of inspected activities;
- h) steadily create a sufficient financial reserve for decommissioning of nuclear installations or workplaces with a significant or very significant ionising radiation source so that financial resources are available for the needs of preparation and implementation of decommissioning, at the required time and in the required amount, in line with the decommissioning method proposal approved by the Office. The reserve shall be an expenditure for generating, ensuring and maintaining revenues<sup>10</sup>. Assets forming part of the created reserve may not be included in bankruptcy assets<sup>11</sup>;
- i) ensure systematic supervision of observance of nuclear safety, radiation protection, physical protection and emergency preparedness, including verification of emergency preparedness;
- j) ensure health examinations for personnel who are exposed workers, and verification of the physical and mental competence of personnel performing activities directly impacting on nuclear safety;
- k) ensure conditions for pregnant and breastfeeding women working within a controlled area such that a foetus or a breastfed infant receives the same level of radiation protection as any member of the public;
- l) verify probity and fulfilment of requirements, verified by a method specified in a specific regulation<sup>9</sup>, on the part of personnel and persons handling category I and II nuclear materials, providing physical protection of nuclear installations and nuclear materials or having unsupervised access to internal areas of nuclear installations, and ensure that only

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10. Act of the Czech National Council No. 593/1992 Coll., on Reserves for Calculation of the Income Tax Base, in the wording of subsequent regulations.

11. Article 6 (2) of Act No. 329/1991 Coll., on Bankruptcy and Composition, in the wording of subsequent regulations.

9. *See footnote n°9.*

such persons perform, control and inspect the activities and have access to internal and protected areas of a nuclear installation;

- m) verify probity of personnel and persons handling category III nuclear materials or having unsupervised access to guarded and protected areas of a nuclear installation and ensure that only such persons perform the activities in question and have access to supervised areas of a nuclear installation;
- n) suspend the validity of an approval to handle nuclear materials or enter nuclear installations for an employee, in a case where and at the moment when a licensee learns that legal proceedings have commenced with such an employee for a criminal offence perpetrated through negligence, where the facts of the case are related to activity performed, or for a criminal offence committed with intent;
- o) provide a system of training, verification of competence and special professional competence of personnel in accordance with the importance of the work they perform.

(2) A special professional competence, within the meaning of this Act, means:

- a) skills and expertise of natural persons, as verified by a State examination commission and required for activities directly affecting nuclear safety of nuclear installations. The State examination commission shall be established and its Chairman and members appointed by the Chairman of the Office;
- b) skills and expertise of natural persons, as verified by an Expert Examination Commission of the Office and required to manage the working activities with ionising radiation sources and perform other activities especially important from the radiation protection viewpoint, set in an implementing regulation.

(3) Activities directly affecting nuclear safety may only be performed by natural persons who are physically and mentally competent, with professional competence and to whom the Office has granted an authorisation for the activities in question, subject to an application by the licensee. Physical and psychological competence shall be established in medical and psychological institutions specified by the Office, in accordance with the requirements and demands placed on the assessed persons by the activities they are to perform.

(4) Only natural persons with knowledge of the principles and procedures of radiation protection, as verified by the Expert Examination Commission of the Office, and holding an authorisation to perform the working activity in question granted by the Office may manage the working activities with ionising radiation sources and perform other activities especially important from the radiation protection viewpoint, laid down in an implementing regulation.

(5) Activities directly affecting nuclear safety and activities especially important from the radiation protection viewpoint, qualification and professional training requirements, the method to be used for their verification and the issue of authorisations for persons authorised to perform activities as in (3) and (4) (hereinafter referred to as “selected personnel”) shall be laid down in an implementing regulation.

## *Article 19*

### **Obligations in the Event of a Radiation Accident**

- (1) A licensee shall, to the extent and in the manner determined by the on-site emergency plan approved by the Office,
- a) notify without delay the relevant District Authority, the Office and other relevant bodies specified in the on-site emergency plan of the occurrence or suspected occurrence of a radiation emergency;
  - b) in the event of a radiation emergency, ensure that a warning is issued to the public within the emergency planning zone;
  - c) ensure the consequences of the radiation accident are dealt with in premises where his activities are performed and take steps to protect employees and other persons from the effects of ionising radiation;
  - d) ensure monitoring of exposures of employees and other persons and prevent any escape of radionuclides or ionising radiation into the environment;
  - e) inform relevant bodies, especially of monitoring results, factual and anticipated development of the situation, interventions taken to protect employees and the public, and interventions taken to deal with the radiation accident, and also of factual and anticipated exposure of people;
  - f) control and regulate exposure of employees and persons participating in the radiation accident mitigation within the premises where he performs his activities;
  - g) co-operate in dealing with the consequences of the radiation accident that occurred on his premises;
  - h) in the event of a radiation emergency, participate in the activities of the National Radiation Monitoring Network.
- (2) Licensee for transport as in Article 9(1) (m) shall also, to the extent and in the manner established in the emergency rules approved by the Office,
- a) immediately inform the appropriate District Authority, the Office and other relevant bodies specified in the emergency rules of the occurrence or suspected occurrence of a radiation emergency;
  - b) in the event of a radiation accident, take immediate steps to protect persons involved in transport from the effects of ionising radiation;
  - c) immediately inform relevant bodies of, in particular, his monitoring results, factual and anticipated development of the situation, interventions taken to protect persons involved in transport and interventions taken to deal with the radiation emergency, and also of factual and anticipated exposure of people;

- d) control and participate in regulation of exposure of people involved in transport and participating in the radiation accident clean-up process;
  - e) co-operate in dealing with the consequences of a radiation emergency that has occurred on his equipment.
- (3) A licensee shall also submit to the appropriate District Authority background documents to prepare the off-site emergency plan, co-operate with it to ensure emergency preparedness of the emergency planning zone, to the extent established in a government ordinance concerning the emergency planning zone, and participate financially, at his own cost<sup>12</sup>, in enabling the activities of the National Radiation Monitoring Network, providing the public in the emergency planning zone of relevant installations or workplaces with antidotes, running a press and information campaign aimed at ensuring that the public is prepared for radiation emergencies, providing a system for notification of relevant bodies to the extent and in the manner established in the on-site emergency plan, and providing a warning system to inform the public living in the vicinity of the nuclear installation, and shall participate in radiation emergency clean-up operations within the emergency planning zone.

## *Article 20*

### **Obligations in Transport and Shipment of Nuclear Items and Radionuclide Sources**

- (1) A licensee under Article 9(1) (m), shall:
- a) make sure that a consignee is authorised to handle nuclear materials or ionising radiation sources in accordance with this Act;
  - b) ensure that the transport and shipment of nuclear materials and radionuclide sources defined in an implementing regulation is performed as specified in the implementing regulation and in accordance with the requirements established in specific regulations<sup>13</sup>;
  - c) supply nuclear materials and radionuclide sources defined in an implementing regulation solely in packaging assemblies which have been type-approved by the Office in accordance with this Act;
  - d) ensure that during transport and shipment neither radionuclide escape nor exposure of people exceeds limits and guidance levels laid down in an implementing regulation, and ensure physical protection of nuclear material shipments in accordance with the implementing regulation.
- (2) A licensee under Article 9(1) (i), (j), (k) or (m) shall ensure that a person making a shipment of nuclear items or radionuclide sources defined in an implementing regulation reports their entry to or exit from the territory of the Czech Republic to a border Customs Office and submits to this Customs

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12. Article 24 (2) p) of Act No. 586/1992 Coll., on Income Taxes, in the wording of subsequent regulations.

13. E.g. Act No. 111/1994 Coll. on Road Transport, Decree No. 187/1994 Coll. of the Ministry of Transport, which implements the Road Transport Act, Act No. 266/1994 Coll., on Railways, Appendix 1 to Decree of the Minister of Foreign Affairs No. 8/1985 Coll., on the Convention on International Rail Transport (COTIF), Act No. 114/1995 Coll., on Inland Navigation, Decree of the Ministry of Transport No. 17/1966 Coll., on Air Transport Rules, in the wording of Decree No. 15/1971 Coll.

Office an authorised copy of a relevant licence and, in the case of a transit shipment, on entry an authorised copy of a valid licence of the country to which the nuclear items or radionuclide sources are being shipped from the Czech Republic. Unless this condition is fulfilled, the Customs Office shall not grant the goods passage. The Customs Office shall communicate the information contained in these documents to the Office. The provision of this paragraph does not cover transit shipments of items of dual use.

## *Article 21*

### **Use of Insignificant and Minor Ionising Radiation Sources**

(1) A licence for ionising radiation sources management under Article 9(1) (i), is not required for the use of insignificant or type-approved minor ionising radiation sources, if used in accordance with user manuals provided for the sources which have been approved by the Office as part of their type-approval.

(2) A minor source user (hereinafter referred to as a "registrant") is required to notify the Office not later than one day before commencement of this activity of the following:

- a) the identification of the registrant;
- b) the specification of the ionising radiation sources to be utilised and their quantity;
- c) the facility where the sources will be located;
- d) the proposed method of disposal of the ionising radiation sources;

(3) A licence for ionising radiation sources management under Article 9(1) (i) and notification under (2) are not required if they concern individual working operations and work with sources, within an approved or notified process of handling of ionising radiation sources.

## *Article 22*

### **Obligations of the Registrant**

A registrant shall:

- a) use ionising radiation sources only in accordance with user manuals approved by the Office as part of their type approval under Article 23;
- b) notify the Office of any change in information provided under Article 21;
- c) check on any breach of this Act or of implementing regulations and take remedial measures;
- d) ensure safe termination of activities;

- e) maintain and keep records of ionising radiation sources and communicate the recorded information to the Office, as laid down in an implementing regulation;
- f) provide the necessary co-operation for performance of inspection activities by the Office.

### *Article 23*

#### **Type-Approval**

(1) Packaging assemblies for transport, storage or disposal of nuclear materials and radionuclide sources defined in an implementing regulation, ionising radiation sources specified in an implementing regulation, protective devices for work involving ionising radiation sources and other devices for direct use in working activities involving ionising radiation sources, and the design of which may affect radiation protection levels, may only be manufactured if they are type-approved by the Office. Type-approval is not necessary for the manufacture of devices for work with insignificant and minor ionising radiation sources and radiopharmaceuticals registered under specific regulations<sup>4</sup> and subject to an affirmative statement from the Office.

(2) The Office shall open type-approval proceedings under (1) on application by a manufacturer or, in the case of imported equipment, on application by the importer, on the day the application is received. The Office shall make a decision in respect of a type-approval application for a packaging assembly for transport or storage of nuclear materials or radionuclide sources defined in an implementing regulation within 12 months of commencement of the proceedings, and within 90 days in other cases. Requisites for the application, documents to be attached to the application and the method of approval shall be laid down in an implementing regulation.

(3) In the case of products defined in an implementing regulation, documentation of tests performed at the applicant's cost at legal entities designated by the Office shall become part of the background documents required by the Office to issue a type-approval decision.

(4) A manufacturer of equipment under (1) that is manufactured for the purposes of introduction into circulation shall manufacture such equipment in conformity with the type-approved by the Office, verify the identity of characteristics and parameters of particular products with the approved-type and demonstrate this identity, to the extent and in the manner established by the Office in the equipment type-approval decision or in an implementing regulation.

(5) An equipment importer under (1) shall import types approved by the Office only. The importer or a person introducing this equipment into circulation shall ensure conformity assessment of characteristics and parameters of particular products with the approved type and demonstrate this conformity, to the extent and in the manner established by the Office in the equipment type-approval decision or in an implementing regulation.

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4. *See footnote n°4.*

## SECTION FOUR

### RADIOACTIVE WASTE MANAGEMENT

#### *Article 24*

- (1) Any person who manages radioactive waste shall take into consideration all of its physical, chemical and biological properties that might have a bearing on its safe management.
- (2) An owner of radioactive waste or other natural person or legal person managing the assets of an owner in such a manner that radioactive waste is generated (hereinafter referred to as a “generator”), shall bear all costs associated with its management, from its time of origin to its disposal, including monitoring of radioactive waste repositories after their closure, and including the necessary research and development activities. A contractual transfer of rights to manage radioactive waste or of its ownership must be stipulated in writing.
- (3) Until a generator or the Office declares spent or irradiated fuel to be radioactive waste, its management, apart from the requirements arising out of other provisions of this Act, is subject to the same requirements as apply to radioactive waste. An owner of spent or irradiated fuel shall manage it in such a way as not to encumber the potential for subsequent conditioning.
- (4) Radioactive waste management shall not be not subject to the Act on Waste<sup>14</sup>. Details concerning radioactive waste management shall be laid down in an implementing regulation.

#### *Article 25*

Under the terms of this Act, the State guarantees safe disposal of all radioactive waste, including monitoring and supervision of repositories after their closure.

#### *Article 26*

- (1) To provide for activities associated with radioactive waste disposal, the Ministry of Industry and Trade shall set up a Radioactive Waste Repositories Authority (hereinafter referred to as “the Authority”) as a State organisation. The Authority shall carry out particular activities based on a licence under Article 9(1) of this Act. In the event of the Authority ceasing to exist, its rights and obligations shall be transferred to its establisher.
- (2) The activities of the Authority shall be financed from an interest-bearing account opened with the Czech National Bank (hereafter referred to as “the nuclear account”). The Ministry of Finance shall manage the nuclear account, which shall be included among the accounts of state financial assets and

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14. Act No. 238/1991 Coll., on Waste, in the wording of Act No. 300/1995 Coll.

liabilities, the utilisation of which is decided by the Government<sup>15</sup>. Resources in the nuclear account may only be used for purposes within the provisions of this Act.

- (3) The Authority shall engage in the following activities:
- a) preparation, construction, commissioning, operation and closure of radioactive waste repositories and monitoring of their impact on the environment;
  - b) radioactive waste management;
  - c) conditioning of spent or irradiated nuclear fuel into a form suitable for its disposal or further utilisation;
  - d) keeping records of radioactive waste receipts and their generators;
  - e) administration of levies under Article 27;
  - f) drafting of proposals for determination of levies to the nuclear account;
  - g) provision for and co-ordination of research and development in the field of radioactive waste management;
  - h) monitoring of reserves of licensees for decommissioning of their installations;
  - i) provision of services in the field of radioactive waste management;
  - j) management of radioactive waste transported to the territory of the Czech Republic from abroad when it is not possible to return it;
  - k) provision of temporary administration<sup>16</sup> in the case of radioactive waste that, under a specific Act<sup>17</sup>, has become State property; if these are items that were found, left or hidden<sup>18</sup>, the Authority is entitled also to accept them, instead of a State body determined by a specific Act<sup>19</sup>.
- (4) The Authority shall operate on the bases of a statute approved by the Government, a budget, and one-year, two-year and long-term plans for its activities. The Authority shall provide for the activities referred to in (3) a), b) and c), chiefly by selecting suppliers on the basis of an assessment of nuclear safety, radiation protection and economic benefit. The Authority shall perform activities under (3) (i) of this Act solely in connection with its other activities.

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15. Act of the Czech National Council No. 576/1990 Coll., on Rules for Management of the Budgetary Resources of the Czech Republic and Local Authorities of the Czech Republic (Budgetary Rules of the Republic), in the wording of subsequent regulations.

16. Article 761 (1) of Act No. 513/1991 Coll., the Commercial Code, in the wording of subsequent regulations.

17. E.g. Article 135 of Act No. 40/1964 Coll., the Civil Code, in the wording of subsequent regulations.

18. Article 135 (1) and (3) of Act No. 40/1964 Coll., in the wording of subsequent regulations.

19. Article 13 of Act No. 102/1992 Coll., amending certain matters relating to the promulgation of Act No. 509/1991 Coll., which amends and supplements the Civil Code.

- (5) The Ministry of Finance shall transfer payments from the nuclear account to a special account of the Authority according to the plan of activities and budget for the Authority approved by the Government.
- (6) The Authority shall exercise the right to manage State property, maintaining an appropriate accounting system<sup>20</sup>. The Authority shall not have its own property. The Authority shall not depreciate fixed assets, and shall not create provisions or correction items.
- (7) The Authority shall observe a specific Act<sup>21</sup> in placing orders.
- (8) The resources of the Authority shall be subject to annual clearing with the nuclear account. The Authority shall transfer income from its own activities to the nuclear account and is authorised to mediate payments to this account.
- (9) Under Article 27, the Authority statute establishes the method of financial clearing to the nuclear account and other management details, and defines which property the Authority has the right to manage at the time of its establishment.
- (10) The Authority shall create a cultural and social needs fund under a specific regulation<sup>22</sup>.

#### *Article 27*

- (1) The income to the nuclear account shall specifically comprise:
- a) payments from radioactive waste generators;
  - b) interest from the nuclear account;
  - c) revenues from operations with nuclear account resources on the financial market;
  - d) income received and payments made by the Authority;
  - e) subsidies, gifts, grants and other income.
- (2) Generators shall allocate to their own debit<sup>12</sup> financial provisions to cover expenses for disposal of radioactive waste which have been arising or will arise and for associated activities of the Authority. These financial resources shall be accumulated in the nuclear account in the form of payments. Unless otherwise specified in this Act, the payments shall be suitably administered subject to a specific Act<sup>23</sup>.

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20. Act No. 563/1991 Coll., on Accountancy, in the wording of Act No. 117/1994 Coll.

21. Act No. 199/1994 Coll., on Public Procurement, in the wording of Act No. 148/1996 Coll.

22. Decree of the Ministry of Finance No. 310/1995 Coll., on the Cultural and Social Needs Fund.

12. *See footnote n°12.*

23. Act of the Czech National Council No. 337/1992 Coll., on Tax Administration and Collection, in the wording of subsequent regulations.

(3) The amount of payments shall be determined on the basis of the estimated costs of activities provided by the Authority and of the proportion of the total amount of waste attributable to the individual radioactive waste generators in respect of specific activities of the Authority three years in advance and related to the one-year plan, three-year plan and long-term plan of activity of the Authority.

(4) The balance of the nuclear account run as State financial assets may be invested on the financial market, but only in liquid government bonds, bonds of the Czech National Bank, state guaranteed bonds, or in securities of issuers whose rating level, granted by a rating agency selected by the Ministry of Finance, is at least as good as that of the Czech Republic. The Ministry of Finance may carry out financial investment through the intermediary of other persons. The manner of investment and its profitability shall be subject to supervision by the Ministry of Finance.

(5) The amount and manner of payments to the nuclear account, especially the payment basis, payment rate, payment period, payment due, submission of a payment return form and payment advances, together with the manner of their administration, including the way payer records are kept, and details of nuclear account management shall be established in a governmental ordinance. In this ordinance, the Government shall establish principles enabling generators of a small amount of radioactive waste to make payments by means of refunding the costs of its disposal credited to the nuclear account through the medium of the Authority.

(6) In the event that radioactive waste is safely disposed of so that the costs of the Authority for activities relating to waste from the generator in question do not reach the expected amount, and the Generator has terminated his activities associated with radioactive waste generation, the Government, as part of the Authority budget approval process, shall decide on reimbursement of unused resources to this generator.

### *Article 28*

(1) The State shall, through the nuclear account, provide financial resources to the Authority for activities performed under Article 26(3) j) and k) and to manage radioactive waste disposed of subject to regulations effective prior to this Act coming into force.

(2) The State may provide a subsidy to eliminate old radiation burdens, namely for:

- a) disposal of radioactive waste which arose prior to privatisation<sup>24</sup> of its generators;
- b) elimination of radioactive environmental contamination that occurred before privatisation<sup>24</sup> of its generators;
- c) elimination of radioactive waste which arose from substances or items contaminated by radionuclides before the time of privatisation<sup>24</sup> of its generators to the extent of a proportional share of costs;

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24. Act No. 92/1991 Coll., on Conditions of Transfer of State-Owned Property to Other Persons, in the wording of subsequent regulations.

24. See footnote n°24.

- d) decommissioning of installations commissioned before their privatisation<sup>24</sup>, including the cost of necessary research and development work to the extent of a proportional share of costs;
- e) identification of risks arising from the presence of indoor radon and its daughter products, and taking intervention measures demonstrably justified under Article 6 (2).

A subsidy may be provided on the basis of an application reporting circumstances as specified in points (a) to (e).

### *Article 29*

- (1) The bodies of the Authority shall be the Board and the Director. The Director shall be a statutory body of the Authority. The Director shall be a person of probity under Article 11 and fulfil requirements verified as established in a specific Act<sup>9</sup>, shall be competent to perform legal acts, university graduate and at least 6 years of expert experience.
- (2) The Board members and the Director shall be appointed and dismissed by the Minister of Industry and Trade (hereinafter referred to as “the Minister”).
- (3) The Board shall comprise 11 members. The Board shall comprise representatives of State administration bodies, generators of radioactive waste and the public. Four persons shall be representatives of radioactive waste generators and four persons shall represent the public. Membership of the Board membership shall be a public function<sup>25</sup>.
- (4) A Board member may only be a person of probity under Article 11, and competent to perform legal acts. A Board member may not be in an employer-employee or similar relation to the Authority. The period for Board membership shall be 5 years.
- (5) The Board shall:
  - a) supervise the management and efficiency of use of resources spent on activities provided for and performed by the Authority, notify the Authority Director and the Minister of identified deficiencies and propose remedial measures;
  - b) recommend to the Minister the one-year, three-year and long-term plans of activity and the budget of the Authority for submission to the Government;
  - c) assess implementation of the one-year plan of activity and spending of the budget and arrange an audit of the annual financial statement of the Authority;
  - d) recommend to the Minister the dismissal or appointment of the Authority Director and, if need be, organisational changes to the Authority or changes to its statute;
  - e) recommend to the Minister proposals for determination of levies to the nuclear account.

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9. See footnote n°9.

25. Article 124 (1) and (2) of Act No. 65/1965 Coll., the Labour Code, in the wording of subsequent regulations.

- (6) The Director shall be entitled to participate at Board meetings on a non-voting basis.

### *Article 30*

(1) On the basis of a proposal from the Authority, the Minister shall submit the following issues for approval to the Government,

- a) the one-year plan of activity of the Authority, including the annual budget;
- b) the three-year plan of activity of the Authority, including expected income and expenditure, together with the long-term plan of activity of the Authority and with an estimate of forecast income and expenditure;
- c) the annual report of the Authority, including the annual financial statement verified by the auditor and an analysis of the effectiveness of utilisation of resources;
- d) the Authority statute;
- e) a draft government ordinance concerning determination of levies to the nuclear account on the basis of a proposal under Article 26(3) (f).

(2) In the event of a hazard arising from delay in approving the Authority's one-year plan of activity and its budget, the Minister shall be entitled to approve a provisional one-year plan and budget for the Authority on the basis of which, the Authority shall perform its activities until the plan and budget are approved by the Government.

### *Article 31*

(1) The Authority shall accept radioactive waste from a generator in the event that the waste meets acceptance criteria for waste disposal (hereinafter referred to as "acceptance criteria").

(2) The conditions for take over of the waste for disposal and criteria for payments to the nuclear account, including penalties, shall be regulated by an agreement concluded between the generator and the Authority.

(3) The acceptance criteria shall be established by the Office in the operating licence for particular repositories, subject to an assessment performed by the Authority of submitted safety analyses from the aspect of nuclear safety, radiation protection, physical protection and emergency preparedness.

(4) The Authority shall accept radioactive waste or handle radioactive waste subject to a decision of the Office under Article 3(2) (q), even in cases where the waste does not meet the acceptance criteria. In such cases, the Authority shall make provision, at the expense of the generator, to have the waste conditioned into a form meeting the acceptance criteria for a repository or for safe storage of such waste until conditions are created for a final solution to the problem.

(5) Compensation claims for radioactive waste management costs shall lapse three years from the date of identification of the radioactive waste generator, but not later than twenty years from the date on which the Authority accepted the radioactive waste for disposal.

(6) On the date the Authority accepts radioactive waste from its generator, the waste shall pass into the ownership of the State. The Authority and the generator shall confirm acceptance of the radioactive waste in writing.

## SECTION FIVE

### CIVIL LIABILITY FOR NUCLEAR DAMAGE

#### *Article 32*

(1) The provisions of the international agreement<sup>26</sup>, which is legally binding on the Czech Republic, shall be applied for the purposes of civil liability for nuclear damage.

(2) The provisions of general legal regulations<sup>27, 28</sup> concerning liability for nuclear damage shall be applied only unless otherwise provided for by the international agreement<sup>26</sup> or this Act.

#### *Article 33*

(1) The licensee licensed for operation of nuclear installation<sup>29</sup> or performing any practice related to nuclear installation utilisation, or licensed for nuclear material transport<sup>30</sup> shall be the operator<sup>31</sup> liable for nuclear damage<sup>32</sup> under the international agreement<sup>26</sup> which is legally binding on the Czech Republic.

(2) In the event that a single person has been licensed for a number of nuclear installations located within an area, and for which a joint on-site emergency plan has been approved, these installations shall be considered, for the purposes of liability for nuclear damage, as a single nuclear installation. However, a number of nuclear installations for which different persons have been licensed cannot be considered as a single nuclear installation, from the aspect of liability for nuclear damage, even if such installations are directly linked.

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26. The Vienna Convention on Civil Liability for Nuclear Damage and the Joint Protocol relating to the application of the Vienna and Paris Conventions, decreed under No. 133/1994 Coll.

27. Act No. 40/1964 Coll., in the wording of subsequent regulations.

28. Article 5 (2) of Act of the Czech National Council No. 425/1990 Coll., on Local Authorities and their Competence, and some other related measures, in the wording of Act No. 254/1994 Coll.

26. *See footnote n°26.*

29. Vienna Convention on Civil Liability for Nuclear damage, Article I (1) (j).

30. Vienna Convention on Civil Liability for Nuclear Damage, Article I, (1) (h).

31. Vienna Convention on Civil Liability for Nuclear Damage, Article I (1) (c).

32. Vienna Convention on Civil Liability for Nuclear damage, Article I (1) (k).

### **Article 34**

- (1) In determining the extent and manner of compensation for nuclear damage, provisions of general legal regulations on liability for damage<sup>27</sup> shall be applied. To determine the amount of damage, legal regulations effective at the time of occurrence of the nuclear event<sup>33</sup> that caused the nuclear damage shall be applied.
- (2) Nuclear damage shall also be damage arising in the form of costs of interventions necessary to prevent or reduce exposure or restore the original or equivalent state of the environment, if these interventions were made necessary by a nuclear event and the nature of the damage thus permits.
- (3) An implementing regulation shall set limits for concentrations and quantities of nuclear materials to which, under the international agreement<sup>34</sup>, the provisions on nuclear damage do not apply.

### **Article 35**

The liability of a licensee for nuclear damage caused by each single nuclear event shall be limited in the case of:

- a) nuclear installations used for power generation purposes<sup>35</sup>, storage facilities and repositories of spent nuclear fuel assigned to these installations, or nuclear materials generated by processing of this fuel, to the sum of CZK 6,000 million;
- b) other nuclear installations and shipments, to the sum of CZK 1,500 million.

### **Article 36**

- (1) A licensee under Article 33 shall arrange insurance covering his liability for nuclear damage with an insurer suitably authorised by a specific Act<sup>36</sup>, if no other financial security is stipulated to cover the nuclear damage liability.
- (2) The Ministry of Finance, by agreement with the Office and with the Ministry of Industry and Trade, shall determine, by way of a decision granting an exception from the provisions of (1), in the interest of efficient employment of State Funds, which licensee shall be required to have alternative type of financial cover of liability for nuclear damage instead of insurance covering his liability for nuclear damage.
- (3) The insured sum in cases under Article 35 a), shall not be less than CZK 1,500 million, and in cases under Article 35 b), shall not be less than CZK 200 million.

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27. See footnote n°27.

33. Vienna Convention on Civil Liability for Nuclear Damage, Article I (1) (l).

34. Vienna Convention on Civil Liability for Nuclear Damage, Article I (2).

35. Act No. 222/1994 Coll.

36. Act of the Czech National Council No. 185/1991 Coll., on Insurance, in the wording of subsequent regulations.

(4) Insurance shall be arranged or other financial security established separately for each nuclear installation or nuclear material transport within the meaning of Article 33 (2).

(5) Detailed insurance policy conditions shall be established in the general insurance conditions of the insurer, as approved by the State insurance supervisory authority. Detailed conditions of other financial security shall be established by the Ministry of Finance.

#### *Article 37*

(1) The State undertakes to settle acknowledged claims for compensation of nuclear damage, if they are not reimbursed from the mandatory insurance or financial security otherwise established, up to a sum of

a) CZK 6,000 million over and above the sum paid by the insurer in the sum of CZK 1,500 million, in cases of installations under Article 35 a);

b) CZK 1,500 million over and above the sum paid by the insurer in the sum of CZK 200 million, in cases of installations under Article 35 b).

(2) The right of recourse of the State as guarantor for settlement of acknowledged claims for compensation of nuclear damage against the licensee is not affected.

#### *Article 38*

(1) The right to indemnification for nuclear damage shall expire if a claim for compensation is not made within three years of the date on which the person suffering nuclear damage had knowledge or should have had knowledge of the event that caused the nuclear damage and of who was liable, but not later than ten years after the occurrence of this event, or after expiry of the insurance, if the validity of the insurance was longer.

(2) In the case of a nuclear event occurring, a licensee shall issue written notification, in the region affected by the event as identified by the Office on the basis of National Radiation Monitoring Network activities under Article 3(2) (j), stating his liability for nuclear damage caused by this event. This written notification shall be accessible to the public at the premises of the licensee and at District and Community Councils within this region.

## SECTION SIX

### STATE SUPERVISION AND PENALTIES

#### *Article 39*

##### **Control Activities**

(1) The Office shall check compliance with this Act and subsequent regulations issued pursuant to it. The Office shall carry out inspections at the premises of persons granted a licence under Article 9 (1), or registered under Article 21 (2), at the premises of persons performing activities related to nuclear energy utilisation and practices resulting in exposure not requiring either a licence or a registration, at the premises of persons responsible for interventions reducing exposure to natural radioactive sources or exposure due to radiation accidents, and at the premises of persons where there is reason to believe that they utilise nuclear energy or perform practices resulting in exposure without authorisation.

(2) The Office's staff responsible for the inspection are inspectors of nuclear safety and inspectors of radiation protection (hereinafter referred to as "inspectors"). Inspectors must be persons competent to perform legal acts, university graduates in a relevant field and must have three years of professional experience. An inspector must have professional competence in matters under his supervision, must be a person of probity under Article 11 and meet requirements verified by a method established in a specific Act<sup>9</sup>. Inspectors shall be appointed by the Chairman of the Office.

(3) Inspectors shall check whether the persons referred to in (1) are observing provisions of this Act and implementing regulations, and whether they are keeping to the subject and scope of the issued licence, including specified conditions.

(4) Within the framework of their inspection activities, inspectors, and also the Chairman of the Office, are authorised, in addition to the rights arising from specific regulations<sup>37</sup>, to:

- a) enter at any time facilities, installations, place of business, territories and other workplaces of inspected persons where activities related to nuclear energy utilisation or practices resulting in exposure are being carried out;
- b) check the compliance with requirements and conditions of nuclear safety, radiation protection, physical protection and emergency preparedness and inspect the nuclear installation conditions, adherence to limits and conditions and service regulations;
- c) demand evidence of fulfilment of all sets of obligations for the provision of nuclear safety, radiation protection, physical protection and emergency preparedness of nuclear installations;

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9. *See footnote n°9.*

37. Act of the Czech National Council No. 552/1991 Coll., on State Inspection and Monitoring, in the wording of Act No. 166/1993 Coll.

- d) take measurements and collect samples at the premises of inspected persons such as are necessary for checking the compliance with this Act and other regulations issued on its basis;
  - e) perform a physical inspection of nuclear items or ionising radiation sources, including the checking of their records;
  - f) verify professional competence and special professional competence under this Act;
  - g) participate in investigations and clean-up of events with an impact on nuclear safety, radiation protection, physical protection and emergency preparedness, including unauthorised handling of nuclear items or ionising radiation sources.
- (5) According to the international treaty<sup>2</sup> which is legally binding on the Czech Republic, inspectors of the International Atomic Energy Agency are also authorised to perform a physical inspection of nuclear materials and an inspection of their accountancy for, provided they are accompanied by inspectors of the Office.
- (6) Unless otherwise stated in this Act, the procedure for inspection activities shall be governed by a specific Act<sup>37</sup>.

#### *Article 40*

#### **Remedial Measures**

- (1) Should an inspector identifies deficiencies at the premises of an inspected person, he is authorised, depending on the nature of the identified discrepancy, to:
- a) require the inspected person to remedy the situation, within a set time period;
  - b) charge the inspected person to perform technical inspections, reviews or testing of function condition of the installation, its parts, system or its assemblies, if necessary for verification of nuclear safety;
  - c) withdraw the special professional competence authorisation issued to an employee of the inspected person, in the event of a serious violation of his obligations or his not fulfilling requirements of professional competence and physical and mental capability;
  - d) propose the imposition of a penalty.
- (2) The Office is authorised, in the event of a hazard arising from delay or an occurrence of undesirable situations with an impact on nuclear safety, radiation protection, physical protection and emergency preparedness, to issue a provisional measure<sup>38</sup> imposing on the inspected person the obligation to reduce the power output or suspend operation of the nuclear installation, suspend an

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2. *See footnote n°2.*

37. *See footnote n°7.*

38. Article 43 of Act No. 71/1967 Coll., on Administrative Proceedings (the Administrative Code).

installation of components or systems of nuclear installations. Furthermore it is authorised to prohibit the handling of nuclear items, ionising radiation sources or radioactive waste, or to oblige on the inspected person to accept management by another person, at the expense of the inspected person.

### ***Article 41***

#### **Penalties**

For violation of a legal obligation established in this Act, the Office shall impose a penalty, up to the sum of:

- a) CZK 100 million on those who violate the prohibition on nuclear energy utilisation for other than peaceful purposes under Article 4, or the prohibition under Article 5 (1);
- b) CZK 50 million on a person performing activities under Article 9 (1), without a licence;
- c) CZK 10 million on a licensee violating an obligation under Articles 17 to 20;
- d) CZK 10 million on a person violating the prohibition on importation of radioactive waste for disposal under Article 5 (2) and not fulfilling the obligation of providing payments to the nuclear account under Article 27, or the obligation to entrust the disposal of radioactive waste to an authorised person only, under Article 26 and Article 48 (1);
- e) CZK 200,000 on natural persons of statutory bodies and CZK 100,000 on employees of an inspected person for distortion or concealment of facts important for performance of supervision activities or for non-co-operation during an inspection;
- f) CZK 100,000 for failure to fulfil other obligations imposed by this Act.

### ***Article 42***

(1) A penalty under Article 41 may be imposed within three years from the date on which the Office identified the violation of an obligation, but no later than 10 years after the occurrence of the violation.

(2) The amount of the penalty shall reflect the seriousness, significance and time period of the illegal activity and the extent of consequences that were caused, and timely and efficient co-operation in removing the deficiencies. In the event that the deficiencies are removed immediately following the identification of the breach of the obligations and the Office has been provided with efficient co-operation, and neither persons nor the environment have suffered any damage, the Office may decide to refrain from imposing a penalty.

(3) The Office shall collect penalties imposed under Article 41. Penalties shall constitute an income to the State budget.

## PART II

### AMENDMENTS AND ADDITIONS TO ACT NO. 425/1990 Coll. OF THE CZECH NATIONAL COUNCIL, ON DISTRICT AUTHORITIES, THEIR TERMS OF REFERENCE AND OTHER RELATED MEASURES, IN THE WORDING OF SUBSEQUENT LEGISLATION

#### *Article 43*

Act No. 425/1990 Coll., of the Czech National Council, on District Authorities, their terms of reference and other related measures, in the wording of Act No. 266/1991 Coll. of the Czech National Council; Act No. 542/1991 Coll., of the Czech National Council; Act No. 321/1992 Coll., of the Czech National Council; and Act No. 254/1994 Coll., is altered and amended as follows:

1. In Article 5 (2), after the first sentence, the following sentence is inserted, which, including the note 4d, is to read: “To deal with extraordinary events, shall draw up a district emergency plan, and possibly also an off-site emergency plan, as defined in a specific Act<sup>4d</sup>, and shall verify emergency preparedness as defined in the emergency plan.

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4d. Act No 18/1997 Coll. on Peaceful Utilisation of Nuclear Energy and Ionising Radiation (the Atomic Act), and on Alterations and Amendments to Related Legislation.”

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2. In Article 5 (2), the second sentence shall read: “For the purpose of dealing with extraordinary events, shall provide a co-ordinated procedure for rescue, emergency, expert and other services, administrative offices, municipalities, natural persons and legal entities in eliminating the consequences of extraordinary events (hereinafter referred to as “the integrated rescue system”).”

3. In Article 5 (2), the following sentence is added at the end: “In the event of an emergency that could affect more than one district, the head of the District Authority on the territory of which the source of the hazard is located shall ensure co-ordination of preparation of an emergency plan for the emergency planning zone, according to a specific Act<sup>4d</sup> and a joint approach to dealing with the emergency.”

4. In Article 15, after (e), a new letter (f) is inserted, in the following wording:

“f) by agreement with the State Office for Nuclear Safety, shall control and co-ordinate District Authorities in matters of emergency preparedness and elimination of the consequences of radiation emergencies.”

The letters (f) and (g) as they stand at present are altered to (g) and (h).

5. The current text of Article 15 is designated as paragraph 1 and a new paragraph 2 is inserted, in the following wording:

“(2) The Ministry of the Interior shall establish, in an implementing regulation, details for preparation of the district emergency plan and off-site emergency plan.”

### **PART III**

#### **AMENDMENTS TO ACT NO. 283/1991 Coll. OF THE CZECH NATIONAL COUNCIL, ON THE POLICE OF THE CZECH REPUBLIC, IN THE WORDING OF SUBSEQUENT REGULATIONS**

##### *Article 44*

Act No. 283/1991 Coll. of the Czech National Council, on the Police of the Czech Republic, in the wording of Act No. 26/1993 Coll., Act No. 67/1993 Coll., Act No. 163/1993 Coll., Act No. 326/1993 Coll., Act No. 82/1995 Coll., and Act No. 152/1995 Coll., is amended as follows:

In Article 2 (1) o), the full stop is replaced by a semicolon, and a new letter, p), is inserted, in the following wording, including note 2a:

- "p) shall provide emergency protection of nuclear installations, as determined by the Government of the Czech Republic, and shall participate in physical protection of nuclear materials during their shipment, subject to a specific Act.2a.

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2a. Act No. 18/1997 Coll. on Peaceful Utilisation of Nuclear Energy and Ionising Radiation (the Atomic Act), and on Alterations and Amendments to Related Legislation."

### **PART IV**

#### **AMENDMENT TO ACT NO. 586/1992 Coll. OF THE CZECH NATIONAL COUNCIL, ON INCOME TAXES, IN THE WORDING OF SUBSEQUENT REGULATIONS**

##### *Article 45*

Act No. 586/1992 Coll. of the Czech National Council, on income taxes, in the wording of Act No. 35/1993 Coll. of the Czech National Council, Act No. 96/1993 Coll., Act No. 157/1993 Coll., Act No. 196/1993 Coll., Act No. 323/1993 Coll., Act No. 42/1994 Coll., Act No. 85/1994 Coll., Act No. 114/1994 Coll., Act No. 259/1994 Coll., Act No. 32/1995 Coll., Act No. 87/1995 Coll., Act No. 118/1995 Coll., Act No. 149/1995 Coll., Act No. 248/1995 Coll. and Act No. 316/1996 Coll., is amended as follows:

In Article 18 (2), the full stop in letter b) is replaced by a colon, and a new letter, c), is inserted, with the following wording, including note 19e:

- "c) income from own activities of the Radioactive Waste Repository Authority<sup>19e</sup>), excluding income subject to a special tax rate under Article 36 of this Act.

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19e. Act No. 18/1997 Coll. on peaceful utilisation of nuclear energy and ionising radiation (the Atomic Act), and on alterations and amendments to related legislation."

## PART V

### GENERAL, TEMPORARY AND FINAL PROVISIONS

#### *Article 46*

##### **Tasks and Obligations of Central State Administrative Bodies in Emergency Preparedness**

- (1) The Ministry of Defence, within the framework of civil defence, shall establish, in order to arrange and verify emergency preparedness, a monitoring system, a notification and warning system, means of collective and individual protection of the public, and also forces and means for dealing with the consequences of a radiation emergency.
- (2) The Ministry of Health shall create a system of special medical care provided by selected clinics to persons irradiated in the course of radiation accidents.

#### *Article 47*

##### **General and Temporary Provisions**

- (1) Proceedings under this Act shall be governed by general legal regulations<sup>39</sup>, unless otherwise specified by this Act.
- (2) Persons disposing of radioactive waste on the basis of licences granted under Act No. 28/1984 Coll., on State Nuclear Safety Supervision for Nuclear Installations, or under Decree No. 59/1972 Coll. of the Health Ministry of the Czech Socialist Republic, on Health Protection from Ionising Radiation, shall be authorised to perform this activity until such time as the radioactive waste repositories are transferred to the Authority under Article 48 (1).
- (3) Persons performing activities regulated by this Act on the basis of a licence or approval granted under Act No. 28/1984 Coll., on State Nuclear Safety Supervision of Nuclear Installations, shall, within 1 year of this Act entering into force, accommodate their legal relations to the requirements stated under Article 18 (1) (e) and Article 36, and within 2 years of this Act entering into force, to the requirements stated under Article 17 (1) (i) and under Article 18 (1) (m) and (n), and to other requirements of this Act within 5 years of this Act entering into force, with the exception of Article 48, where the obligation enters into effect on the date of opening of the nuclear account. On expiry of the time periods mentioned above, the original licence or approval ceases to be valid.
- (4) The validity of an authorisation to handle ionising radiation sources granted under Decree No. 59/1972 Coll. of the Health Ministry of the Czech Socialist Republic, on Health Protection from Ionising Radiation, shall terminate on expiry of the period for which it was issued, but no later than five years from the date that this Act enters into force.
- (5) Proceedings not completed prior to this Act entering into force shall be completed under the legal regulations effective at the time of their commencement.

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39. Act No. 71/1967 Coll.

(6) Emergency planning zones established before this Act entered into force shall be considered as emergency planning zones established in this Act.

(7) The Office shall issue regulations to implement Articles 2, 3, 4, 6, 7, 8, 9, 13, 14, 17, 18, 20, 22, 23, 24 and 34 and points A.I.1, A.I.2 and B.I.1 of the Appendix.

(8) The Ministry of Industry and Trade, by agreement with the Office, shall establish by legal regulation specific requirements to ensure uniformity and correctness of measuring devices and measurements performed as part of activities related to nuclear energy utilisation, and practices resulting in irradiation.

#### ***Article 48***

(1) Radioactive waste repositories operated until the present time by other persons than the Authority shall be transferred within 3 years of this Act entering into force into the ownership of the state and entrusted to the Authority, with the exception of repositories in the form of dumps, tailings dams or spoil heaps originating from mining, containing radioactive waste or created by mining operations with radioactive waste used as part of their filling,

- a) if operated by a state enterprise<sup>40</sup>, and within three years of the date that this Act enters into force a licence is granted to this enterprise by the Office under Article 9 (j);
- b) if their owner, within three years of the date that this Act enters into force, concludes a contract with the Authority to ensure radiation protection; or
- c) where measures to reduce radioactive contamination are not justified by benefits as in Article 6 (2).

(2) A state enterprise<sup>40</sup>, the founder of which has declared a programme of reduction of activities, is not obliged to establish a decommissioning provision under Article 18 (1) (h).

#### ***Article 49***

#### **Final Provisions**

The following are declared invalid:

1. Act No. 287/1993 Coll. on Competence of the State Office for Nuclear Safety, in the wording of Act No. 85/1995 Coll.
2. Act No. 28/1984 Coll. on State Supervision of Nuclear Safety at Nuclear Installations.
3. Decree No. 59/1972 Coll. of the Health Ministry of the Czech Socialist Republic, on Protection of Health from Ionising Radiation.

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40. Act No. 111/1990 Coll., on State Enterprises, in the wording of subsequent regulations.

40. See footnote n°40.

4. Decree No. 28/1977 Coll. of the Czechoslovak Atomic Energy Commission, on Accountancy for and Control of Nuclear Materials, in the wording of Decree No. 100/1989 Coll.
5. Decree No. 67/1987 Coll. of the Czechoslovak Atomic Energy Commission, on Nuclear Safety Assurance in Radioactive Waste Management.
6. Decree No. 100/1989 Coll. of the Czechoslovak Atomic Energy Commission, on Physical Protection of Nuclear Installations and of Nuclear Materials.
7. Decree No. 191/1989 Coll. of the Czechoslovak Atomic Energy Commission, which establishes methods, terms and conditions for verification of special professional competence of selected personnel at nuclear installations.
8. Decree No. 436/1990 Coll. of the Czechoslovak Atomic Energy Commission, on Quality Assurance at Selected Installations with Regard to Nuclear Safety of Nuclear Installations.
9. Decree No. 76/1991 Coll. of the Health Ministry of the Czech Republic, on Reduction of Exposure from Radon and Other Natural Radionuclides.
10. Directive No. 2/1978 of the Czechoslovak Atomic Energy Commission, on Nuclear Safety Assurance in the Process of Nuclear Power Installations Designing, Licensing and Construction (registered in section 28/1987 Coll.).
11. Directive No. 4/1979 of the Czechoslovak Atomic Energy Commission, on General Criteria for Nuclear Safety Assurance in the Process of Nuclear Power Installations Siting (registered in section 9/1979 Coll.).
12. Directive No. 6/1980 of the Czechoslovak Atomic Energy Commission, on Nuclear Safety Assurance in the Process of Nuclear Power Installation Commissioning and Operation (registered in section 13/1980 Coll.).
13. Directive No. 8/1981 of the Czechoslovak Atomic Energy Commission, on Testing of Equipment for Shipment and Storage of Radioactive Materials (registered in section 20/1981 Coll.).
14. Directive No. 9/1985 of the Czechoslovak Atomic Energy Commission, on Nuclear Safety Assurance for Nuclear Research Installations (registered in section 11/1985 Coll.).

#### *Article 50*

This Act shall enter into force on 1 July 1997, except for Sections Four and Five and Article 48, which come into force on the day of its promulgation.

**CONTENT OF DOCUMENTATION REQUIRED FOR ISSUE OF A LICENCE FOR  
INDIVIDUAL ACTIVITIES UNDER ARTICLE 13 (3) (D) OF THIS ACT**

**A. Documentation for the issue of a licence for siting of a nuclear installation or workplace with very significant ionising radiation source**

I. Initial safety report, the content of which shall include:

1. description and evidence of suitability of the selected site from the aspect of siting criteria for nuclear installations and very significant ionising radiation sources as established in a legal implementing regulation;
2. description and preliminary assessment of design conception from the aspect of requirements laid down in implementing regulation for nuclear safety, radiation protection and emergency preparedness;
3. preliminary assessment of impact of operation of proposed installation on personnel, the public and the environment;
4. proposal of conception for safe termination of operation;
5. assessment of quality assurance in process of selection of site, method of quality assurance for preparatory stage of construction and quality assurance principles for linking stages.

II. Analysis of needs and possibilities of physical protection assurance.

**B. Documentation for the issue of a licence for construction of a nuclear installation or workplace with very significant or significant ionising radiation source**

I. Preliminary safety report, which shall include:

1. evidence that the proposed design meets all requirements for nuclear safety, radiation protection and emergency preparedness as laid down in implementing regulations;
2. safety analyses and analyses of the potential unauthorised handling of nuclear materials and ionising radiation sources, and an assessment of their consequences for personnel, public and environment;
3. information on predicted lifetime of nuclear installation or very significant ionising radiation source;

4. assessment of nuclear waste generation and management of it during commissioning and operation of the installation or workplace being licensed;
5. conception of safe termination of operation and decommissioning of the installation or workplace being licensed, including disposal of nuclear waste;
6. conception for spent nuclear fuel management;
7. assessment of quality assurance during preparation for construction, method of quality assurance for the carrying out of construction work and principles of quality assurance for linking stages;
8. list of classified equipment.

II. Proposed method of providing physical protection.

The documentation specified under I.8 and II shall be subject to approval by the Office.

**C. Documentation for the issue of a licence for individual stages of nuclear installation commissioning**

a) For stages prior to loading nuclear fuel into a reactor:

1. time schedule for work in a given stage;
2. programme for the stage in question;
3. evidence that installation and personnel are prepared for the stage in question;
4. evaluation of results of the preceding stage;
5. method by which physical protection is to be provided.

b) For the first loading of nuclear fuel into a reactor:

I. pre-operational safety report which shall include:

1. description of changes to original design assessed in the preliminary safety report and evidence that there has been no decrease in the level of nuclear safety of the nuclear installation;
2. supplementary and more precise evidence of nuclear safety and radiation protection provisions;
3. limits and conditions for safe operation of the nuclear installation;
4. neutron-physics characteristics of the nuclear reactor;
5. method of radioactive waste management;

- 6. quality evaluation of classified equipment;
- II. further documentation which shall include
  - 1. evidence that all prior decisions and conditions of the Office were fulfilled;
  - 2. time schedule for nuclear fuel loading;
  - 3. programme for nuclear fuel loading;
  - 4. evidence that installation and personnel are prepared for nuclear fuel loading;
  - 5. evaluation of the result of previous stages;
  - 6. on-site emergency plan;
  - 7. changes in the provision of physical protection;
  - 8. programme of operational inspections;
  - 9. proposed decommissioning method;
  - 10. cost estimate for decommissioning as in II.9, verified by the Authority.

c) For stages following the first nuclear fuel loading into the reactor:

- 1. time schedule for work in this stage;
- 2. programme of this stage;
- 3. evidence that installation and personnel are prepared for the stage in question;
- 4. evaluation of results of the previous stage.

Documentation as specified under a), items 2 and 5, under b), items I.3, II.6 to II.9 and under c), items 2 shall be subject to approval by the Office. The Office may open proceedings even if documentation as in II.4 is not submitted.

**D. Documentation for the issue of a licence for nuclear installation or workplace with significant or very significant ionising radiation source operation**

a) For the issue of a licence for nuclear installation operation:

- 1. supplements to the pre-operational safety report and further supplements to documentation required for the issue of a licence for the first nuclear fuel loading into the reactor, relating to changes carried out after the first nuclear fuel loading;
- 2. evaluation of results of previous commissioning stages;
- 3. evidence of implementation of previous decisions and conditions of the Office;

4. evidence that installation and personnel are prepared for operation;
5. operation time schedule;
6. up-dated limits and conditions for safe operation.

b) For the issue of a licence for workplace with significant or very significant ionising radiation sources operation:

1. evidence that construction was carried out in accordance with the construction licence as regards radiation protection;
2. certificate on completion of construction and installation activities;
3. evidence of the effectiveness of shielding, insulation and protective equipment;
4. conception for safe disposal of possible radioactive waste generated during operation of workplace with ionising radiation sources;
5. proposed method of decommissioning;
6. on-site emergency plan;
7. cost estimate for decommissioning, subject to item b) 5, verified by the Authority.

Documentation as specified under a), item 6 and under b), items 5 and 6 shall be subject to approval by the Office. The Office may open proceedings even if documentation as in a), item 4 is not submitted.

**E. Documentation for the issue of a licence for restart of a nuclear reactor to criticality following a nuclear fuel reload**

1. neutron-physics characteristics of the reactor;
2. evidence that installation and personnel are prepared for restart of the nuclear reactor to criticality, including preliminary evaluation of in-service inspections;
3. time schedule for subsequent operation.

The Office may open proceedings even if documentation under item 2 is not submitted.

**F. Documentation for the issue of a licence for reconstruction or other changes impacting on nuclear safety, radiation protection, physical protection or emergency preparedness of nuclear installation or workplace with significant or very significant ionising radiation source**

1. Description and justification of prepared reconstruction or other changes;

2. up-dating of documentation approved for commissioning and operation of nuclear installation;
3. anticipated time schedule for reconstruction or changes;
4. evidence that the consequences of reconstruction or other changes will not adversely influence nuclear safety, radiation protection, physical protection or emergency preparedness.

Documentation specified under point 2 shall be subject to approval by the Office.

**G. Documentation for the issue of a licence for individual stages of decommissioning of a nuclear installation or workplace with significant or very significant ionising radiation source**

1. Evidence of availability of finance for decommissioning activities;
2. description of changes to local area due to nuclear installation operation;
3. description of technical procedures proposed for decommissioning;
4. decommissioning time schedule;
5. method of dismantling, decontamination, conditioning, transport, storage and elimination of parts of installation contaminated by radionuclides;
6. assumed types and activities of radionuclides discharged into the environment and radioactive waste generated;
7. method of radioactive waste management, including its disposal;
8. limits and conditions for safe management of radioactive waste during decommissioning process;
9. safety analyses;
10. scope and method of measurement and evaluation of exposure of exposed workers and other persons and contamination of the workplace and its vicinity by radionuclides and ionising radiation;
11. on-site emergency plan;
12. evidence of provision of physical protection of decommissioned nuclear installation.

Documentation specified under items 8, 10 and 11 shall be subject to approval by the Office.

**H. Documentation for the issue of a licence to discharge radionuclides into the environment**

1. Justification of discharge of radionuclides into the environment;
2. types and activities of radionuclides discharged into the environment;
3. evaluation of exposure of critical group of the population from discharged radionuclides;
4. analysis of a possible accumulation of radionuclides in the environment in the case of long-term discharging.

**I. Documentation for the issue of a licence for ionising radiation source management**

1. Justification of the radiation practices;
2. specification of used radiation sources, their types and accessories;
3. description of workplace and its surroundings (schematic plan of the workplace) supplemented by information on shielding and protective facilities and equipment of workplaces;
4. evidence of optimisation of radiation protection at workplace under Article 4, par. 4 of this Act;
5. delineation of controlled area, anticipated number of personnel working in this area and method of preventing entry of unauthorised persons into this area;
6. operating instructions for safe handling of ionising radiation source;
7. on-site emergency plan;
8. scope and method of measurement (monitoring programme) and evaluation of exposure of exposed workers and other persons and contamination of workplace and its vicinity by radionuclides and ionising radiation;
9. assumed types and amount of radionuclides released into the environment and assumed type and amount of radioactive waste generated, and method of disposal of this waste;
10. document on the special professional competence of personnel directly manage the working activities with ionising radiation sources and perform other activities especially important from the radiation protection viewpoint, as laid down in implementing regulation;
11. type specification of ionising radiation sources that are to be manufactured;
12. evidence of capability to measure and verify properties of ionising radiation sources which are to be manufactured, and their conformity with a given type;
13. type specification of ionising radiation sources that are to be imported;

14. document demonstrating provision for measurement and verification of properties of ionising radiation sources that are to be imported and their conformity with a given type;
15. type specification of ionising radiation sources that are to be exported;
16. for exportation of ionising radiation sources defined in implementing regulation, additionally a document acknowledged by a competent body in the country of the consignee proving that the consignee fulfils all conditions for ionising radiation sources management.

Documentation specified under items 5, 7 and 8 shall be subject to approval by the Office.

**J. Documentation for the issue of a licence for radioactive waste management**

1. Description of equipment and technology used;
2. information on origin, type, amount, radionuclide structure and activity of radioactive waste;
3. method of collection, sorting, storage, processing, conditioning and disposal of radioactive waste;
4. assumed amount of radionuclides released into the environment;
5. scope and method of measurement (monitoring programme) and evaluation of exposure of exposed workers and other persons and contamination of workplace and its vicinity by radionuclides and ionising radiation;
6. safety analyses;
7. on-site emergency plan;
8. document on the special professional competence of personnel directly manage the working activities with ionising radiation sources and perform other activities especially important from the radiation protection viewpoint;
9. limits and conditions for safe management of radioactive waste.

Documentation specified under items 5, 7 and 9 shall be subject to approval by the Office.

**K. Documentation for the issue of a licence for import or export of nuclear items or for transit of nuclear materials and selected items**

- a) Documentation required for nuclear materials and selected items
  1. if imported, statement of the user on the purpose of use thereof, including his commitment to enforce application of safeguards, provide physical protection, not to transfer and not to export these items without written agreement by the Office, under

the terms arising out of international treaties, agreements and conventions by which the Czech Republic is bound;

2. if exported or during transit thereof, a guarantee from the State into which the nuclear materials or selected items are imported, under the terms arising out of international treaties, agreements and conventions by which the Czech Republic is bound.

b) Documentation required for items of dual use

1. if imported, statement of the user on the purpose of use thereof and a his commitment not to export these items without written agreement by the Office, under the terms arising out of international treaties, agreements and conventions by which the Czech Republic is bound;
2. if exported, a guarantee by the end user or by the State to which items of dual use are imported, under the terms arising out of international treaties, agreements and conventions by which the Czech Republic is bound.

**L. Documentation for the issue of a licence for nuclear materials management**

1. Purpose, justification and time interval for nuclear materials management;
2. specification of type and amount of nuclear materials, including their chemical and physical form and enrichment;
3. description of handling operations involving nuclear materials with respect to the possibility of their operational losses and/or their consumption;
4. directives for accountancy for and control of nuclear materials;
5. information necessary for fulfilment of conditions arising out of international treaties, agreements and conventions by which the Czech Republic is bound in the field of accountancy for and control of nuclear materials.

**M. Documentation for the issue of a licence for transport of nuclear materials and radionuclide sources**

1. Transport instructions containing specification of type of transport and proposed route, including an alternative route;
2. assessment of risks arising out of the nature of radioactive content, type of transport and selected route;
3. emergency rules;
4. method of radiation protection during transport;

5. document proving the competence of crew of vehicles transporting hazardous goods, or evidence of this competence under a specific regulation<sup>14</sup>;
6. document on capability of the means of transport, or evidence of this capability under a specific regulation<sup>14</sup>;
7. proposal for classification of transported nuclear materials into relevant categories from the physical protection aspect;
8. proposed physical protection arrangements during transport;
9. evidence of conformity of packaging assemblies with type-approval.

Documentation specified under items 3, 7 and 8 shall be subject to approval by the Office.

**N. Documentation for the issue of a licence for expert training of selected personnel of nuclear installations and selected personnel of workplaces with ionising radiation source**

1. Documents establishing organisational and technical capability of an applicant for expert training of selected personnel;
2. documents establishing the professional competence of the applicant personnel for expert training of selected personnel;
3. documents establishing the method of expert training of selected personnel.

Documentation specified under item 3 shall be subject to approval by the Office.

**O. Documentation for the issue of a licence for re-importation of radioactive waste originating from material exported from the Czech Republic, for the purpose of its processing (reprocessing)**

1. Document establishing origin, type, physical properties and chemical composition of material which was exported and processed outside the territory of the Czech Republic, together with a document stating the total mass of this material;
2. document on the physical properties of imported radioactive waste and its chemical composition together with a document stating its total mass;
3. document on the technical process by which the exported material was processed (reprocessed) together with the material balance, which will demonstrate the probable amount of radioactive waste that may arise from the given amount of material through the technological process specified.

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14. See footnote n°14.