

# ! UNOFFICIAL TRANSLATION!

541/2004 Collection of Laws

ACT  
of 9 September 2004

on peaceful use of nuclear energy (the Atomic Act) and on changes and amendments to certain laws

Amendment: 238/2006 Coll.  
Amendment: 21/2007 Coll.  
Amendment: 335/2007 Coll.  
Amendment: 94/2007 Coll.  
Amendment: 408/2008 Coll.  
Amendment: 120/2010 Coll., 145/2010 Coll.  
Amendment: 137/2010 Coll. (indirect amendment)  
Amendment: 350/2011 Coll.  
Amendment: 143/2013 Coll.  
Amendment: 314/2014 Coll.  
Amendment: 54/2015 Coll.  
Amendment: 91/2016 Coll.  
Amendment: 125/2016 Coll.  
Amendment: 96/2017 Coll.  
Amendment: 18/2018 Coll.  
Amendment: 87/2018 Coll.  
Amendment: 177/2018 Coll.  
Amendment: 308/2018 Coll.  
Amendment: 279/2019 Coll.  
Amendment: 310/2021 Coll.  
Amendment: 363/2021 Coll.  
Amendment 146/2023 Coll.  
Amendment 205/2023 Coll.  
Amendment 309/2023 Coll.

The National Council of the Slovak Republic has resolved on this Act:

## Article I

### PART ONE

### BASIC PROVISIONS

#### Section 1

Subject of the Act

(1) This Act regulates

- a) Conditions of the peaceful use of nuclear energy,
- b) Conditions of execution of state administration, state regulation and the competencies of the Nuclear Regulatory Authority of the Slovak Republic (hereinafter only as the "Authority")
  1. in the field of nuclear safety of nuclear installations,
  2. in peaceful use of nuclear energy,
  3. in shipment of radioactive material,
  4. in physical protection of nuclear installations, nuclear material, spent nuclear fuel,
  5. in physical protection during shipment of radioactive material, and
  6. in emergency planning,
- c) classification of nuclear material, conditions for nuclear material management,
- d) the conditions for the responsible and safe management of radioactive waste and spent nuclear fuel, in order to avoid an undue burden on future generations and to ensure the safety of workers<sup>1aaa)</sup> and the public, whilst also fulfilling conditions pursuant to special regulations,<sup>1aa)</sup>
- e) The conditions for guaranteeing a high level of nuclear safety and its continuous improvement also for the purpose of fulfilling conditions according to special regulation;<sup>1aaaa)</sup> at the same time it supplements the basic standards of protection of the public health and health of workers against the dangers of ionizing radiation stipulated in the international treaty which is binding for the Slovak Republic,<sup>1aaaaa)</sup> when it comes to nuclear safety of nuclear installations, while not affecting the specific regulations for the protection of health of workers and the public against the undesirable effects of ionizing radiation,<sup>1aaaa)</sup> conditions for verification of special professional competence of employees of authorisation holders pursuant to Section 5 par. 3, and on professional competence of employees of authorisation holders pursuant to Section 5 par. 3,
- f) conditions for verification of special professional competence of employees of authorisation holders pursuant to Section 5 par. 3, and on professional competence of employees of authorisation holders pursuant to Section 5 par. 3,
- g) system of emergency preparedness,
- h) rights and obligations of natural persons and legal persons in peaceful use of nuclear energy,
- i) offences and other administrative misdemeanours in the area of nuclear regulation.

(2) This Act regulates also the system of supervision in the Slovak Republic in cross-border shipments of radioactive waste and spent nuclear fuel including spent nuclear fuel exported for reprocessing and their control in the Slovak Republic, which applies to cross-border shipments of radioactive waste and spent nuclear fuel, provided that:

- a) the Slovak Republic is the country of origin, country of destination or transit country for the shipped radioactive waste or spent nuclear fuel; and
- b) the amount and the concentration of the shipment exceed the levels, for which notification according to special 1) is not required.

(3) The system of supervision and control in cross-border shipments of radioactive waste and spent nuclear fuel is not applicable to cross-border shipments of:

- a) disused sources 1a) to the supplier or producer of radioactive sources or recognized facility,
- b) radioactive materials acquired for further use through reprocessing,
- c) waste containing only naturally occurring radionuclides.

## **Section 2 Definitions**

For the purposes of this Act the following terms shall have the following meaning:

- a) A person of integrity shall mean a person, who has not been legally convicted of an intentional crime or a crime, where the facts of the case relate to the subject of permission or of the authorisation pursuant to Section 5, or who is regarded as not having been convicted for such criminal acts,
- b) Physical protection shall mean a set of technical, mode or organizational measures needed to prevent and identify unauthorized handling of nuclear installations, nuclear material, special material and equipment, management of radioactive waste and spent nuclear fuel, shipment of radioactive material, as well as unauthorized entering of nuclear installation and sabotage,
- c) Emergency preparedness shall mean the ability of the authorisation holder and the public authorities to activate and realize activities and measures that lead to the detection and effective coping with incidents or accidents at nuclear facilities or to the shipments of radioactive materials and to effectively suppress their potential to endanger life, health of workers or the public, their property or environment, which is documented in the emergency plan,
- d) Institutional radioactive waste shall mean radioactive waste produced during work with sources of ionizing radiation with the exception of spent nuclear fuel and radioactive waste from nuclear installations,
- e) Nuclear safety shall mean the technical status and the capability of the nuclear installation or transport equipment, as well as their operating personnel to prevent unauthorized release of radioactive substances or ionizing radiation to the working environment or the environment and ability to prevent events and to mitigate consequences of events at nuclear installations or in shipments of radioactive materials,
- f) Nuclear installation shall mean a set of civil structures and the necessary technological equipment in a configuration specified by the design, intended for:
1. generation of electric energy or for research in the field of nuclear energy, part of which is a nuclear reactor or nuclear reactors, which will use, are using or had been using controlled fission chain reaction,
  2. management of nuclear material - quantities greater than one effective kg 1ab) except areas for storage of containers and shields, in which the nuclear material is used as shielding material for radioactive sources, 1ac) facilities for treatment of uranium ore and storage of uranium concentrate,
  3. spent nuclear fuel management,
  4. radioactive waste management; or
  5. uranium enrichment or production of nuclear fuel,
- g) Limits & conditions for safe operation or safe decommissioning shall mean a document containing admissible values of parameters of equipment of nuclear installation, defining its operating mode or modes of its decommissioning,
- h) Management of:
1. nuclear materials shall mean their production, treatment, reprocessing, transmutation, handling, use, storage,
  2. radioactive waste shall mean their collection, sorting, storage, treatment, conditioning, handling and disposal of radioactive waste from nuclear installation, institutional radioactive waste, 1ad) orphan sources, radioactive waste of unknown origin, disused sources, if these activities take place at a single installation in parallel with activities with radioactive waste from nuclear installations; the shipment of radioactive waste is not deemed to be its management,
  3. spent nuclear fuel, its storage, reprocessing, transmutation, handling and disposal; the shipment of spent fuel is not deemed to be its management,
  4. special materials and equipment, their imports, exports and use.
- i) Shipments of radioactive material shall mean operations connected with loading of nuclear material, radioactive waste from nuclear installation, spent nuclear fuel, institutional radioactive waste, orphan sources, radioactive waste of unknown origin and disused sources at the point of loading, their

shipment and unloading at the point of destination, which are realized within nuclear installation or between individual nuclear installations,

- j) Operation of nuclear installation shall mean operations performed at a nuclear installation to achieve the intended purpose, for which the nuclear installation was built,
- k) Radioactive waste shall mean any unusable material in gaseous, liquid or solid form, which due to the content of radionuclides in them or due to the level of their contamination with radionuclides cannot be released to the environment,
- l) Storage of radioactive waste or spent nuclear fuel shall mean placement of radioactive waste or spent nuclear fuel into areas, premises or facilities allowing their isolation, control and environmental protection with the intent of their subsequent retrieval,
- m) Long-term storage of spent nuclear fuel shall mean its placement and storage in a separate nuclear facility intended for its storage, from the takeover of spent nuclear fuel by a legal entity pursuant to Section 3 par. 11 from the authorisation holder for the operation of a nuclear installation pursuant to par. f) of the first point until its transport to the repository,
- n) Quality management system shall mean development and documenting of an organizational structure, procedures and resources for quality assurance of nuclear installations aimed at achieving the necessary level of nuclear safety and to ensure that other requirements are not taken into account separately from requirements for nuclear safety, in order to exclude their potential negative impact on nuclear safety,
- o) Specialized facility shall mean a facility operated by a natural person or a legal person based on authorisation granted for professional training of authorisation holders' employees,
- p) Disposal of radioactive waste or of spent nuclear fuel shall mean permanent disposal of radioactive waste or of spent nuclear fuel into a radioactive waste repository or spent nuclear fuel repository without the intent of its retrieval,
- q) Completion of operation of a nuclear installation shall mean a condition of a nuclear installation, when its use for the original purpose has ended and this process is irreversible; with respect to radioactive waste or spent nuclear fuel repository it shall mean that the termination of operation of a nuclear installation is a condition when disposal of radioactive waste or of spent nuclear fuel into repository has been completed,
- r) Repository shall mean a nuclear facility, pursuant to point 3 or point 4 of letter f), which serves for the disposal of radioactive waste or spent nuclear fuel, the main purpose of which is to store radioactive waste or spent nuclear fuel, allowing for its isolation, monitoring and protection of the environment,
- s) Classified equipment shall mean systems, structures and components or parts thereof, including their software, important for nuclear safety of the nuclear installation, classified into safety classes according to their importance for nuclear safety, as well as according to the safety function of the system they are part of, and according to the significance of their potential failure,
- t) Spent fuel shall mean nuclear fuel which has been irradiated in a nuclear reactor core and has been permanently removed from it; spent fuel may be considered as a usable resource which may be reprocessed or destined for disposal regarded as radioactive waste,
- u) Decommissioning shall mean activities following after completion of operation, designed to exempt the nuclear installation – except the repository – from the scope of this Act,
- v) Use of nuclear energy shall mean:
  - 1. Siting of nuclear installations, construction of nuclear installations, commissioning of nuclear installations, operation of nuclear installations or decommissioning of nuclear installations (hereinafter only as the "Decommissioning") and closure of radioactive waste and spent nuclear fuel repositories,

2. Modifications to nuclear installations and verification of systems of nuclear installations or parts thereof,
  3. Management of nuclear material, special material and equipment, spent nuclear fuel and radioactive waste including their production,
  4. Professional training of staff of authorisation holders according to Section 5 provided at specialized facilities,
  5. Shipments of radioactive material,
- w) Modifications to nuclear installation affecting nuclear safety during its construction, commissioning, operation, decommissioning, closure of repository or after repository closure, which can be implemented only upon prior consent or approval from the Authority and in special cases also after obtaining the position from the European Commission, shall mean modifications
1. to classified equipment, which carry their safety function or which change their properties in relation to the safety function,
  2. to documentation reviewed or approved by the Authority,
  3. which result in changes to Limits & Conditions according to (g),
- x) Modifications to nuclear installation during its construction, commissioning, operation, decommissioning, closure of repository and after the repository closure, which are subject to prior notification and review by the Authority, shall mean modifications that are not listed under (w), if implemented, however, may impact the nuclear safety,
- y) Safety culture shall mean attitudes and principles of behaviour of authorisation holder and its employees approved by the statutory body and understood and supported by all employees, which shall ensure priority to nuclear safety above all the rest,
- z) Reprocessing of spent fuel shall mean a process or operation, the purpose of which is to extract fissile materials and fertile materials from spent fuel for further use.

### **Section 3**

#### **Principles of peaceful use of nuclear energy**

(1) Nuclear energy may only be used for peaceful purposes and in compliance with the national strategies, international treaties, by which the Slovak Republic is bound, 1b) and in compliance with the legal acts of the European Union and legal acts of the European Atomic Energy Community; for the purposes of this Act, the European Atomic Energy Community is also deemed to be the European Union.

(2) Use of nuclear energy for other than peaceful purposes is prohibited.

(3) Use of nuclear energy must be justified by benefits outweighing the potential risks of such activities, in particular when compared with other ways of accomplishing the same purpose.

(4) In using nuclear energy, safety aspects must get preference over any other aspects of such activities. Approach to safety aspects shall be graded according to the type of nuclear installation, nuclear material inventory, radioactive waste and spent nuclear fuel and activities performed thereon.

(5) The level of nuclear safety, reliability, safety and protection of health at work and security of technical facilities, protection of health from ionizing radiation, 2) physical protection, emergency preparedness and fire protection, to be achieved when using nuclear energy so as to keep the life, health, the working environment or environment-related hazards as low as reasonably achievable according to the available knowledge, while the exposure limits must not be exceeded. 2) Upon new significant information being obtained about the risk and consequences of use of nuclear energy, the above-mentioned level must be reassessed and measures shall be taken as necessary to meet the conditions of this Act.

(6) Use of nuclear energy without permission or authorisation is prohibited.

(7) For the purposes of construction, commissioning, operation, decommissioning, closure of repository and institutional control, the relevant authorisation shall be issued for the nuclear installation pursuant to this Act. Relevant authorisations must continually follow each other. The authorisation holder is responsible for adhering to this principle.

(8) The legal, regulatory and organizational framework for nuclear safety (hereinafter only as the “regulatory framework”) shall be maintained and improved on the basis of operational experience, knowledge gained from safety analyses of nuclear facilities in operation, technological developments and results of safety research, if available and usable.

(9) Performing test explosions of nuclear weapon or other nuclear explosions, to support or participate in performance of any test explosion of nuclear weapon or other nuclear explosion is prohibited.

(10) Shipments of radioactive waste or of spent nuclear fuel is prohibited to

- a. a destination that is south of 60 degrees of south latitude,
- b. a state that is a contracting party to Partnership Agreement between the members of the African, Caribbean and Pacific group of states on one hand, and the European Community and its member states on the other hand, 3) and which is not a member state of the European Union (hereinafter only as the "Member State"), with the exception of re-entry of radioactive waste or spent nuclear fuel exported from this state for the purposes of their treatment or reprocessing in the Slovak Republic, or
- c. a third country, which in the opinion of the relevant authorities of the Member States – the country of origin, does not have the technical, legal and administrative resources or the supervisory structure for safe management of radioactive waste or spent nuclear fuel according to the international treaty. <sup>3a)</sup>

(11) Disposal of radioactive waste or spent nuclear fuel, long-term storage of spent nuclear fuel, decommissioning, and management of radioactive waste from decommissioning may only be performed based on authorization from the Authority, by a legal entity founded, established or authorized by the Ministry of Economy of the Slovak Republic (hereinafter only as the “Ministry of Economy”). The legal entity according to the first sentence must be an authorisation holder for the operation of a repository, an authorisation holder for operation of a storage facility or a holder of an authorisation for decommissioning and management of radioactive waste from decommissioning. The Slovak Republic must have 100 per cent ownership interest in this entity and at the same time this entity shall not be a holder of authorization for the operation of a nuclear installation pursuant to Section 2 (f) of the first point.

(12) The Slovak Republic is responsible for the decommissioning and the management of radioactive waste from decommissioning through a legal entity pursuant to par. 11. Activities pursuant to par. 11 may only be performed by a legal entity pursuant to par. 11.

(13) Anyone who manages special materials and special equipment is obliged to notify the commencement and the scope of such activities to the Authority. Anyone, who imports special materials and equipment, is obliged to submit a statement to the Authority containing data according to Annex 2 part B (g) points 1 to 3.

(14) Anyone producing cladding assemblies for irradiated or spent nuclear fuel or building hot cells, or carrying out research and development activities related to conversion of nuclear materials, enrichment, fabrication of fuel elements, reactors, critical sets, reprocessing and management of high and intermediate level waste containing special fission materials, is obliged to notify the commencement and the scope of such activities to the Authority and to the European Commission.

(15) Details concerning the scope, content and the method of notification pursuant to paragraphs 13 and 14 shall be laid down by a generally binding legal regulation to be issued by the Authority.

(16) Documentation containing also sensitive information is considered to be a documentation, the disclosure of which could be used to plan or carry out activities to cause disruption or destruction of a nuclear installation, and thereby adversely affect the public safety 3b) and cause environmental or economic damage. This documentation can be made available after removal of sensitive information.

(17) Documentation containing also sensitive information means the documentation stated in Annex 1 part A (c), part B (a), (b), (i), (m), part C (a), (d), (i), (j), (s), (w) and in Annex 2 part A (b), part B (b).

## **PART TWO**

### **STATE ADMINISTRATION, STATE SUPERVISION AND COMPETENCIES OF THE AUTHORITY**

#### **Section 4 Competencies of the Authority**

(1) The Authority shall

- a. exercise state supervision over nuclear safety of nuclear installations so that the public and the international community are assured that nuclear safety is given the due priority in all aspects of use of nuclear energy,
- b. exercise state supervision in the area of use of nuclear energy, in physical protection and in emergency planning,
- c. control fulfilment of obligations according to this Act,
- d. issue permissions or authorisations to natural persons or legal persons according to Section 5 par. 2 and 3, controls fulfilment of conditions of the permission or authorisation and revoke such permission and authorisation,
- e. approve the size of emergency planning zones or the size of common emergency planning zones by nuclear installation for the purposes of emergency planning,
- f. ensure international cooperation in the areas falling within the scope of this Act, including fulfilment of obligations of the Slovak Republic arising from international treaties, by which the Slovak Republic is bound, as well as fulfilment of the function of a contact point 4) and shall fulfil other notification obligations within its scope of competencies according to a special regulation, 5)
- g. inform the neighbouring states, the International Atomic Energy Agency and the European Commission, possibly other European Union authorities, on illicit trafficking in nuclear materials, radioactive sources, incidents and accidents at nuclear installations in the Slovak Republic and on events during shipment of radioactive materials in the Slovak Republic,
- h. present to the Government of the Slovak Republic and subsequently to the National Council of the Slovak Republic once a year, always as at 30 April, a report on the status of nuclear safety of nuclear installations in the Slovak Republic and on its activities for the past year,
- i. Shall inform the public
  1. without any delay on any incidents or accidents at nuclear installations in the Slovak Republic,
  2. without any delay on accidents at nuclear installations outside the Slovak Republic with possible influence on the territory of Slovakia,

3. on events related to shipment of radioactive materials in the Slovak Republic or outside the Slovak Republic with the possible impact on Slovakia,
  4. on serious deficiencies in nuclear installations and measures taken to eliminate them,
  5. on other facts related to nuclear safety of nuclear installations in the Slovak Republic,
- j. Is a special building authority according to a special regulation, 7)
- k. Maintain the state system of records on nuclear materials, special materials and equipment,
- l. Evaluate, in cooperation with, in particular, the Ministry of Health of the Slovak Republic (the “Ministry of Health“), the Ministry of Environment of the Slovak Republic (the “Ministry of Environment“), the Ministry of Interior of the Slovak Republic (the “Ministry of Interior“), the Ministry of Economy, the Ministry of Transport and Construction of the Slovak Republic (the “Ministry of Transport and Construction“), the Ministry of Labour, Social Affairs and Family of the Slovak Republic (the “Ministry of Labour, Social Affairs and Family”) and authorisation holders, the regulatory framework and its activities at least once every ten years with a view of continuously increasing the level of nuclear safety,
- m. Invite, once every ten years, an international peer review mission of the regulatory framework and the relevant authorities (the “Peer Review”) and its results are communicated to the Member States and the European Commission; the Authority will ensure the Peer Review in collaboration with, in particular, the Ministry of Health, the Ministry of Environment, the Ministry of Interior, the Ministry of Economy, the Ministry of Transport and Construction, the Ministry of Labour, Social Affairs and Family and the authorisation holders,
- n. Participate in Peer Review in another Member State, in cooperation with, in particular: the Ministry of Health, the Ministry of Environment, the Ministry of Interior, the Ministry of Economy, the Ministry of Transport and Construction and the Ministry of Labour, Social Affairs and Family,
- o. Ensure in a coordinated manner:
1. carrying out a national assessment with a specific thematic focus on the nuclear safety of nuclear installations,
  2. inviting other Member States and the European Commission as an observer to a peer review of the national assessment under point 1; the first thematic peer review under this point will take place in 2017 and then at least every six years thereafter,
  3. adoption of appropriate follow-up measures based on peer review findings,
  4. the publication of the relevant progress reports under points 1 to 3 and its main results after obtaining the results,
- p. Ensure, in the event of accidents leading to situations that would require emergency measures in the vicinity of a nuclear installation or measures to protect the public, that a peer review mission be invited without undue delay
- q. Submit, in cooperation with the Ministry of Health, the Ministry of Environment, the Ministry of Interior, the Ministry of Economy, the Ministry of Transport and Construction, the Ministry of Labour, Social Affairs and Family and the authorisation holders, a report to the European Commission on the implementation of the legally binding act of the European Union stated in Annex 4 point 7, not later than by 22 July 2020; the ministries concerned, other central government bodies and the authorisation holders are obliged, at the request of the Authority, to provide the necessary assistance for the preparation of this report,
- r. Maintain and improve discharge of state supervision over nuclear safety, including the management of radioactive waste and spent fuel, on the basis of operational experience, knowledge gained from safety analyses of operating nuclear installations, development of technology and results of research in the area of nuclear safety,



- s. Collaborate with the National Nuclear Fund when providing an explanation or information for the European Commission regarding reviews of the National Programme,
- t. Present a report in collaboration with the Ministry of the Economy, the National Nuclear Fund and authorisation holders to the European Commission on the implementation of the legally binding act of the European Union listed in Annex No. 4, point five, for the first time no later than on 23 August 2015, and then every three years, and shall use the assessment procedure set out in the international treaty by which the Slovak Republic is bound;3a) the relevant ministries and other central bodies of state administration are required to provide the necessary cooperation upon the Authority's request for the drafting of said report.
- u. Control compliance with the obligations arising from special regulation,<sup>7b)</sup>
- v. Issue a certificate of operator under a special regulation,<sup>7c)</sup>
- w. Determine, record, control and enforce contributions for discharging state regulation under Section 34a, and default interest,
- x. issues a statement according to special act.<sup>7d)</sup>

(2) The Authority shall also

- a) Approve
  1. types of transport equipment for shipments of radioactive materials,
  2. documentation of the quality management system of applicants for authorisation and authorisation holders,
  3. requirements for the quality of nuclear installations, categorization of classified equipment into safety classes and quality requirements for classified equipment,
  4. system of professional training of employees of authorisation holders,
  5. training program for licensed employees,
  6. preliminary physical protection plan and the physical protection plan,
  7. preliminary on-site emergency plans and on-site emergency plans,
  8. preliminary limits and conditions of safe operation, and limits and conditions of safe operation,
  9. limits and conditions of safe decommissioning,
  10. commissioning program of nuclear installation broken down to phases,
  11. boundaries of nuclear installation and changes thereto,
  12. size of the emergency planning zone or of the common emergency planning zone of a nuclear installation and changes thereto,
  13. implementation of modifications pursuant to Section 2 (w),
- b) Impose to:
  1. Reduce the output or suspend the operation or decommissioning of a nuclear installation, or its construction,
  2. Suspend management of nuclear materials, radioactive waste or spent nuclear fuel,
  3. Sanctions under this Act,
- c) Designate
  1. A new authorisation holder for the management of nuclear materials and of radioactive waste, the originator of which is not known or the originator is unable to manage nuclear materials or radioactive waste in a safe manner,
  2. An obligation of the holder of relevant authorisation to assume the rights and obligations concerning safe management of nuclear materials or radioactive waste by an authorisation holder, whose authorisation terminated due to reasons stated under Section 9 par. 4, including the possibility of partial or complete removal of nuclear materials or radioactive waste from such authorisation holder,

3. the topic and scope of review to the authorisation holder with a specific thematic focus in the area of nuclear safety of nuclear installations under Section 10 par. 7.

d) Verify

1. The special professional competence of authorisation holder employees and to issue, remove or withdraw their authorisations of special professional competence,
2. The professional competence of authorisation holders' employees providing theoretical training and full-scope simulator training for licensed employees, and to issue, remove or withdraw certification of professional competence,

e) Review

1. Off-site emergency plans for the emergency planning zones,
2. emergency transport order,
3. documentation specified in the annexes to this Act, which is required for individual types of permissions or authorisations, and which the Authority does not approve pursuant to this Act,
4. training programs for professionally competent employees,
5. technical equipment of specialized facility,
6. the draft national policy document for the management of spent nuclear fuel and radioactive waste, and the draft national program for the management of spent nuclear fuel and radioactive waste, and issue an opinion on these drafts,
7. Report on the implementation of the national program for the management of spent nuclear fuel and radioactive waste and issue an opinion on it,
8. The technical part of the application for funding from the National Nuclear Fund, and issue its opinion on it,
9. A conceptual plan for the decommissioning of a nuclear installation or a plan for the decommissioning phase;

f) Issue authorisation for

1. implementation of modifications according to Section 2 (w),
2. exclusion of the nuclear installation from the scope of this Act,
3. dilution and consumption of nuclear materials,
4. individual phases of commissioning of a nuclear installation,
5. trial operation of a nuclear installation,
6. use of a new type of nuclear fuel,

g) Decide on whether

1. a nuclear installation is a nuclear installation,
2. modifications to a nuclear installation represent those mentioned under Section 2 (w) or (x),
3. whether it is a nuclear material, special material or equipment,

h) Issue other decisions according to special regulations 8)

(3) In discharging state supervision, the Authority shall:

- a. Perform inspections of workplaces, operations and premises of nuclear installations, operations and premises of permission or authorisation holders, while checking compliance with obligations under this Act, generally binding legal regulations issued on the basis of this Act, operating procedures issued by the authorisation holder, compliance with the limits and conditions of safe operation and safe decommissioning, the quality management system, as well as the obligations arising from decisions, measures or regulations issued in accordance with this Act,
- b. Control the fulfilment of commitments arising from the international treaties, by which the Slovak Republic is bound in the scope of this Act,
- c. Control the system of professional training of employees, training programs for professionally

competent employees, training programs for licensed employees of authorisation holders and checks the professional competence of employees, as well as special professional competence of employees of authorisation holders,

- d. Take measures relating to the education and training of its staff in order to obtain, maintain and further develop their expertise and skills in the field of nuclear safety and emergency preparedness,
- e. Investigate in-situ the state, causes and consequences of selected failures, incidents or accidents at a nuclear installation or events during the transport of radioactive materials; during the investigation of an incident, accident or event during the transport of radioactive materials by another authority, it takes part in this investigation as an indispensable authority,
- f. Control the performance of mandatory inspections, revisions, in-service inspections and tests of classified equipment relevant to nuclear safety,
- g. Order removal of deficiencies affecting nuclear safety, physical protection, emergency preparedness,
- h. Assess nuclear safety, physical protection and emergency preparedness independently of the authorisation holder,
- i. Control the contents, updating and practice of emergency plans, which it approves or reviews, and the associated trainings,
- j. Conduct in-situ inspections at workplaces, operations and premises of applicants for permission or authorisation and holders of permission or authorisation, including controls of compliance with the quality management systems.

(4) In exercising its powers under paragraphs 1 to 3, the Authority shall use the human resources and financial resources necessary to fulfil the obligations under this Act in accordance with the resources available to the state budget. In order to support its regulatory functions, it can use external scientific and technical resources and expertise.

(5) The Authority shall lay down the details on cooperation in supervisory activities in the field of nuclear energy use by a written agreement with the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

(6) The Authority shall inform the Police Corps of any shipment of radioactive material.

(7) The Authority shall inform the Police Corps on every case when it did not grant authorisation for shipment of radioactive material together with the reasoning for such refusal.

## **Section 5**

### **Use of nuclear energy**

(1) Nuclear energy may only be used based on a permission or an authorisation issued by the Authority to a natural person or a legal person. In case the approval or authorization refers to the construction intention on the substance, in which the Authority is not a special building authority, the approval or an Authorisation is considered a binding statement for the purposes of the proceedings on the construction intention.

(2) Approval is required for:

- a) the commissioning phase,
- b) trial operation.

(3) Authorisation is required for:

- a) Construction of a nuclear installation ,
  - b) Commissioning of a nuclear installation,
  - c) Operation of a nuclear installation,
  - d) Decommissioning phase,
  - e) Closure of a repository and institutional control,
  - f) Radioactive waste or spent nuclear fuel management,
  - g) Nuclear materials management at the nuclear installation,
  - h) Imports or exports of nuclear materials,
  - i) Exports of special materials and equipment in compliance with a special regulation, 9)
  - j) Transport of radioactive materials including international shipments ; such authorisation does not apply to a party performing transportation, unless it is a carrier at the same time, k)
- Training of authorisation holder employees pursuant to (b) through to (g), l)
- Re-shipment of radioactive waste pursuant to Section 21 par. 12 (a),
- m) Imports of radioactive waste pursuant to Section 21 par. 12 (b),
  - n) Management of nuclear materials outside the nuclear installation,
  - o) Siting of a nuclear installation pursuant to Section 2 (f) of the first point.

(4) Approval granted by the Authority according to paragraph 2, and an authorisation granted by the Authority according to paragraph 3 shall not replace a license, permit, authorisation or certification issued by other administrative bodies according to special regulations. 10)

(5) The Authority may bind all its decisions to the fulfilment of conditions related to nuclear safety, physical protection, quality assurance or emergency preparedness. The Authority may modify these conditions whenever the circumstances relevant to the nuclear safety, physical protection or emergency preparedness are changed, under which such decision was issued, or based on the latest knowledge of science and technology and when implementing feedback from international experience from incidents at nuclear facilities abroad or at a justified written request of the permission or authorisation holder.

(6) A change in the authorisation in paragraph 3, to the extent that it is not a change that is the object of an examination procedure or an impact assessment pursuant to a special regulation, 10a) does not require a decision according to a special regulation.10a).

## **Section 6**

### **Application for permission or authorisation**

- (1) The application for permission or authorisation shall include:
- a. In the case of a natural person, the first name and family name, permanent residence, registration number, if already assigned by the Authority,
  - b. In the case of legal persons, the name, registered office and identification number of the organization, the first name, family name, permanent residence of person or persons, who are statutory body or of its member, registration number, if already assigned by the Authority,

c. The subject, type, scope and place of activity, for which the permission or authorisation is applied for, the manner of securing it, the time period, during which the applicant intends to perform this activity, and the manner of termination of this activity.

(2) Part of the application is

- a) Data necessary for requesting an extract from the criminal record<sup>10b)</sup> of a natural person, a legal person and person who is a statutory body or a member of the statutory body of a legal person,
- b) An extract from a register similar to that of a commercial register or a trade register maintained in another Member State, not older than three months, in the case of a person with registered office or place of business in another Member State,
- c) Memorandum of Association or Articles of Incorporation for the newly established entities,
- d) if it is an application for issuing a decision on authorisation of the repository construction or on the verification of the project of repository construction, data according to a special regulation<sup>10c)</sup> required for the purpose of verifying the State's ownership title to the plot, on which the repository is to be located or constructed on,
- e) Proof of functional technical equipment of the applicant for the activity being applied for and proof that the applicant has permanent employees with the required qualification,
- f) Document on ensuring the management of radioactive waste, including its financial coverage, if radioactive waste is to be produced as part of permitted activities,
- g) Document on ownership and on organizational structure of the applicant for permission or authorisation, if the applicant is a legal person,
- h) Documentation required for applications for individual types of permissions or authorisations specified in the annexes to this Act,
- i) Documentation on the number of permanent employees together with specification of their qualifications,
- j) If these are applications according to a special regulation, <sup>11)</sup> documentation required by a special regulation.

(3) Data pursuant to par. 2 (a) shall be sent by the Authority immediately in electronic form via electronic communication to the General Prosecutor's Office for the issue of an extract from the criminal record.

(4) For the purposes of identifying the persons referred to in paragraph 1 and Section 10(1)(j) and maintaining the possibility of subsequent control of that identification, and for the purposes of carrying out and documenting the performance of the Authority's competences, activities and tasks under this Act and its implementing regulations, the Authority shall be entitled, even without the consent and information of the persons concerned, to request, ascertain, record, store, use and otherwise process personal data<sup>11a)</sup> and other data within the scope defined in Section 6 and 24 (19) and (21). The Authority is entitled to verify all data obtained on the basis of this Act and its implementing regulations in the information systems of the public administration<sup>11b)</sup> or in reference registers.<sup>11c)</sup>

## **Section 7**

### **Conditions for issuing permission or authorisation**

- (1) The general conditions for issuing a permission or an authorisation to a natural person

include

- a. Legal capacity,
- b. Integrity,
- c. Demonstration of functional technical equipment for the required activity,
- d. Demonstration of sufficient number of permanent employees with the required qualification,
- e. Demonstration of compliance with the requirements for nuclear safety pursuant to this Act and its implementing regulations in the documentation attached to the application according to Annex 1 or Annex 2; the scope and level of detail of the documentation according to Annex 1 shall adequately correspond to the extent and nature of the risk associated with the nuclear installation and its location.

(2) The general conditions for issuing a permission or an authorisation to a legal person include a. Legal capacity, integrity of legal person and integrity of person being the statutory body or member of the statutory body,

- b. Demonstration of functional technical equipment for the required activity,
- c. Demonstration of sufficient number of permanent employees with the required qualification,
- d. demonstration of compliance with the requirements for nuclear safety pursuant to this Act and its implementing regulations in the documentation attached to the application according to Annex 1 or Annex 2; the scope and level of detail of the documentation according to Annex 1 shall adequately correspond to the extent and nature of the risk associated with the nuclear installation and its location.

(3) Special conditions for issuing authorisation pursuant to Section 5 par. 3 (o) include:

- a) Environmental impact assessment of a nuclear installation, if required by a special regulation, 8) as well as assessment of the potential impact of the surroundings on the nuclear installation,
- b) Approval of requirements for the quality of a nuclear installation,
- c) Approval of proposed boundaries of a nuclear installation,
- d) Approval of the proposal for the size of emergency planning zone related to a nuclear installation.

(4) A special condition for issuing an authorisation pursuant to Section 5 par. 3 (a) to (g), j), k) is approval of quality management system documentation for the authorised activity.

(5) A special condition for issuing an authorisation pursuant to Section 5 par. 3 (a) to (d), f), g), j) is approval of the preliminary plan of physical protection or plan of physical protection.

(6) A special condition for issuing an authorisation pursuant to Section 5 par. 3 subpar. a) to d), f), g), j) is the approval of categorization of classified equipment into safety classes.

(7) A special condition for issuing an authorisation pursuant to Section 5 par. 3 (a) is the approval of the preliminary on-site emergency plan for the nuclear installation (hereinafter only as the "preliminary on-site emergency plan").

(8) A special condition for issuing an authorisation pursuant to Section 5 par. 3 (b) to (d), f), g), j) include the approval of the on-site emergency plan of the nuclear installation (hereinafter only as the " on-site emergency plan "), off-site emergency plans and emergency transport order.

(9) A special condition for issuing an authorisation pursuant to Section 5 par. 3 (a) to (c), f), g) is the approval of preliminary limits and conditions of safe operation or limits and conditions of safe operation.

(10) A special condition for issuing an authorisation pursuant to Section 5 par. 3 (d) is the approval of limits and conditions of safe decommissioning.

(11) A special condition for issuing an authorisation pursuant to Section 5 par. 3 (a) to (e) is the approval of the preliminary determination of boundaries of nuclear installation, their determination or changes thereof.

(12) A special condition for issuing an authorisation pursuant to Section 5 par. 3 (a) to (e) is the approval of a preliminary determination of the size of the emergency planning zone for the nuclear installation, its determination or changes thereof.

(13) A special condition for issuing an authorisation pursuant to Section 5 par. 3 (b) include approval of commissioning program for the nuclear installation broken down to phases.

(14) A special condition for issuing an authorisation pursuant to Section 5 par. 3 (b) to (g) include fulfilment of qualification requirements for licensed employees and the professionally competent employees.

(15) A special condition for issuing an authorisation pursuant to Section 5 par. 3 (h) is a commercial contract endorsed by the European Commission and at the same time the applicant or natural person or legal person, for whom the nuclear material is imported or exported, is also a holder of an authorisation for handling of nuclear materials.

## **Section 8**

### **Essentials and issuance of permission or authorisation**

(1) Unless otherwise provided by this Act, in the decision to issue permission or authorisation the Authority shall:

- a. State the identification data of the applicant and the assigned registration number,
- b. Define the subject and the scope of permission or authorisation,
- c. May determine the conditions of such permission or authorisation,
- d. May specify a time limit or technical restrictions, for which the permission or authorisation is issued.

(2) Activities listed in the permission or in the authorisation may only be carried out by the person specified in such permission or authorisation (hereinafter only as the "authorisation holder").

(3) The Authority shall decide about issuing a permission or an authorisation after having verified that the applicant fulfilled all the conditions stipulated by this Act and the applicable generally binding legal regulations issued on the basis thereof. The Authority shall proceed in the procedure of approval or authorisation independently of the proceedings of another administrative authority. A party to proceedings for authorisation is also a natural or legal person whose status results from a special regulation.11b) The Authority shall refuse to disclose sensitive information to the parties pursuant to Section 3 par. 16 and 17, except to the applicant.

(4) The applicant for issuing permission or authorisation is required to allow inspectors of the Authority and persons invited by the Authority access to the premises and areas of the applicant and to render the necessary co-operation in verifying compliance with the conditions for issuing the permission or authorisation.

(5) The Authority shall take a decision on issuing permission or authorisation, if the application contains the prescribed essentials, if the required documentation was attached and the applicant meets the conditions, within the following time limits:

- a. within 60 days, unless this Act further stipulates otherwise,
- b. within four months, if it is for the permission for construction of the nuclear installation except for the repository construction,
- c. within six months for
  1. approval for the trial operation,<sup>11bb)</sup>
  2. preliminary use of the construction,<sup>11bc)</sup>
  3. approval of the building,<sup>11bd)</sup>
  4. commissioning of the nuclear installation and
  5. decommissioning phase,
- d. within one year for
  1. authorisation according to § 17a,
  2. approval for the construction of the repository and the closure of the repository,
  3. approval subsequent to the termination of the approval issued with some restrictions according to par. 1 letter. d) and
  4. verification of the construction project.<sup>11be)</sup>

(6) The time limits referred to in paragraph 5 shall run from the date of delivery of the complete application together with the full prescribed documentation; these time limits shall be extended accordingly by the time limits, during which the European Commission is to act, if its statement, opinion or consent is required according to a special regulation.<sup>5)</sup>

(7) If the Authority establishes that the application does not cover all the essentials according to Section 6 par. 1, or if the documentation according to Section 6 par. 2 is not attached to the application, the Authority shall request the applicant to remove the deficiencies in the application or to furnish the missing documents within 30 days from the date of receipt of the application. The Authority shall specify in the request a reasonable time limit for removal of the deficiencies of the application or complementing the missing documents, however not less than 30 days. At the same time the Authority notifies the applicant about the consequences of failure to remove the deficiencies of the application or failure to complement the missing documents according to paragraph 8.

(8) If the applicant fails to remove the deficiencies in the application or fails to complement the missing documents within the time limit set by the Authority, despite of the fact that he was informed about the possible suspension of the proceedings by the Authority, the Authority shall suspend the proceedings.

(9) The provisions of par. 7 and 8 shall apply *mutatis mutandis* even if the applicant failed to provide a proof of insurance or a proof of financial security under a special regulation<sup>11aa)</sup> or if according to the opinion of the National Bank of Slovakia or other authority under special regulation<sup>11ab)</sup> the entity referred to as the provider of insurance or provider of financial security is not authorized to provide such insurance or to provide financial security under special regulation.

(10) The Authority, in proceedings according to an international treaty, by which the Slovak Republic is bound,<sup>11b)</sup> or proceedings pursuant to a special regulation<sup>11c)</sup>, in proceedings pursuant to this Act or pursuant to a special regulation,<sup>11d)</sup> shall service a decision to grant consent or permit, a call, notification, summons or other document by a public notice.

(11) The Authority shall take the necessary measures not to disclose sensitive information,



classified information, trade secret, intellectual property right or not to breach a legally established or recognised obligation of professional secrecy when serving a decision or other document or when consulting the case.

(12) The Authority shall notify the applicant to indicate which information or documents it considers to be sensitive information, the subject of classified information, a trade secret or an intellectual property right.

(13) The Authority may require from the applicant to provide written reasoning for indicating the information or supporting documents as sensitive information, classified information, a trade secret or an intellectual property right. If, despite justification the Authority concludes that the information and supporting documents submitted do not have the characteristics of sensitive information, classified information, a trade secret, or an intellectual property right, it shall notify the applicant in writing.

### **Section 9** **Modification, revocation or termination of permission or authorisation**

(1) In the case of an application for a modification of the permission or authorisation, the procedure to be followed shall be pursuant to Sections 6 to 8 accordingly.

(2) If the authorisation holder breaches his obligations laid down by this Act, by generally binding legal regulations issued on the basis thereof or the conditions specified in the permission or authorisation, the Authority may modify or revoke the permission or an authorisation issued.

(3) The Authority may revoke or modify the permission or the authorisation, if its holder:

- a. Fails to remove the deficiencies identified by the Authority within the deadlines set by the Authority,
- b. Requests in writing the revocation or modification.

(4) The permission or authorisation is terminated

- a. In the case of natural persons, by death or declaration of death,
- b. The date of dissolution of a legal person,
- c. On expiry of the period, for which it was issued,
- d. By a decision of the Authority on its revocation,
- e. The day of the transformation of the trading company, transboundary transformation, transformation of the legal format and transboundary transformation of the legal format pursuant to a special regulation.<sup>11e)</sup>

(5) The authorization holder, according to this Act, is obliged to file a request for authorization or approval according to this Act when he intends to transform the trading company, transboundary transform the trading company, intends to transform the legal format or transboundary transform the legal format of the trading company pursuant to a special regulation<sup>11e)</sup> in a sufficient timely manner, in order to ensure the smooth transition of the activities, the authorization or the approval was issued for, well before the transformation of the trading company, the transboundary transformation of the trading company, transformation of the legal format or the transboundary transformation of the legal format of the trading company pursuant to a special regulation.<sup>11e)</sup> In case the authorization holder will be dissolved, the request for authorization or approval according to the previous sentence has to be submitted by the current authorization holder or approval holder together with the legal successor. The project of transformation with its annexes has to be attached to the application for the authorization or the approval pursuant to special regulation.<sup>11e)</sup>

### **Section 10** **Obligations of the authorisation holder**

- (1) Within the scope of the permission or the authorisation, the authorisation holder is obliged to:
- a. ensure nuclear safety, physical protection, emergency preparedness, including their verification,
  - b. comply with the documentation reviewed or approved by the Authority; any deviation from this documentation is possible only upon its prior reassessment or approval by the Authority,
  - c. evaluate fulfilment of principles contained in Section 3 par. 3 to 5 in a continuous and comprehensive manner and to ensure application of results of assessment in practice,
  - d. comply with the conditions of the permission or authorisation, to investigate any breach of such conditions without undue delay and to adopt measures to remedy and prevent a recurrence of such breach,
  - e. comply with the limits and conditions of safe operation or limits and conditions of safe decommissioning; their breach, non-compliance or exceeding thereof must be notified to the Authority immediately,
  - f. comply with technical, organizational, personnel, financial and administrative requirements set by this Act, as well as the notification obligations towards the Authority,
  - g. establish and implement management systems, in which nuclear safety is given the due priority,
  - h. provide the necessary co-operation to the Authority's inspectors when performing inspections according to a special regulation, 12) provide the inspectors with personal protective equipment for the performance of inspection, provide the necessary co-operation to persons invited by the Authority for the purpose of assessing issues related to the performance of inspection, upon request from the Authority to provide the requested documentation or other information falling within the competence of the Authority, even outside the inspection activity,
  - i. allow the management of nuclear materials, radioactive waste and spent nuclear fuel only to holders of authorisation for their management according to this Act,
  - j. entrust with performance of work activities only persons fulfilling the conditions stated under Section 24, and persons performing activities according to special regulation 6) to ensure verification of their competence according to this special regulation,
  - k. notify the Authority without any delay on any change pursuant to Section 2 ( x),
  - l. submit to the Authority for approval any change pursuant to Section 2 (w) at least one month prior to its intended implementation,
  - m. inform the public, through its website, press or other publicly available means, always by 30 April, on the state of nuclear safety of nuclear installations and on the management of radioactive waste and spent fuel for the past calendar year,
  - n. inform the workers within the nuclear installation and the public about the normal operating conditions of nuclear installations,
  - o. inform the Authority on declaration of bankruptcy or rejection thereof due to lack of assets without any delay,
  - p. submit to the Authority classification of a nuclear installation and nuclear materials in the relevant category with respect to its physical protection,
  - q. develop a preliminary on-site emergency plan, on-site emergency plan and emergency transport order, as well as supporting documentation for the off-site emergency plan and for the emergency transport

order,

- r. notify the Authority, demonstrably and immediately, on interventions aimed at averting an incident, accident or elimination of their consequences,
- s. immediately notify the Authority in writing, in compliance with the approved physical protection plans, of any aviation operation 13) at the premises of a nuclear installation and its immediate vicinity,
- t. ensure the systemic analysis of operational events and experience, the development of international safety standards and the latest knowledge gained through research and development, and use them to improve the safety of its nuclear installation and its activities,
- u. ensure that an analysis is carried out together with consultation with experts in the relevant field who were not involved in creation of such measure or analysis prior to adopting any measure relating to nuclear safety, so that the measures are qualified and that all safety aspects of the proposed measure are taken into account,
- v. inform the Authority immediately of such on-site measures that have an impact on the permitted activities and their implementation may affect nuclear safety, as well as of the interruption of activities described in the permitting documentation and the reasons for such interruption,
- w. ensure, during construction, reconstruction or during repairs of nuclear facilities with the participation of the Authority or persons authorized by the Authority the conformity check of assembled systems, structures and components or their parts with the design documentation, with the quality assurance system requirements, quality requirements and verify compliance of their accompanying technical documentation with generally binding legislation; also to prepare and keep records of the inspections carried out;
- x. inform the Authority about the performance of controls pursuant to (w) at least 10 days before their performance, and, in unforeseeable cases at least 24 hours before they are carried out;
- y. ensure that the controls under (w) and the controls of works handed over by suppliers are performed by persons with the professional competence pursuant to the Section 24 or at least five years of professional experience in the relevant area of nuclear energy use pursuant to the first or second point of Section 2 (v), obtained by performing work activities on a similar nuclear installation,
- z. ensure in the system of training of staff, for whom professional competence or special professional competence is required according to Section 24 par. 1 and 2, the acquisition, maintaining and development of expert knowledge, practical skills and personal attitudes in the field of nuclear safety and emergency preparedness in the territory of a nuclear installation.

(2) If the Authority has restricted consent or permit pursuant to Section 8, paragraph 1, (d), the authorisation holder, pursuant to Section 5, paragraph 3, (b) to (e), shall be required, in good time before the permit expires, taking into account the deadlines set out in Section 8, paragraphs 5 and 6, to submit an application and relevant documentation to the Authority for the issuance of a permit to continue operations.

(3) In order to ensure nuclear safety and to prevent unreasonable accumulation of radioactive waste and spent nuclear fuel, the holder of the authorisation shall, during the commissioning of the nuclear installation and during the operation of the nuclear installation, hand over radioactive waste and spent nuclear fuel to a legal entity pursuant to Section 3 par. 11 for further management. In the case of radioactive waste, the transfer must take place no later than 12 months after its production, and in the case of spent nuclear fuel, the transfer must take place after the requirements for its safe, economical and efficient transport to a nuclear facility for which a legal person is authorised pursuant to Section 3 par. 11 have been met. This obligation shall not apply to transient radioactive waste and radioactive waste stored in a nuclear

facility where it was produced, which due to the content of radioactive nuclides, after treatment and conditioning, are not disposable at the National Repository for radioactive waste at the Mochovce site.

(4) The authorisation holder is required to allow the Authority's inspectors, persons invited by the Authority, as well as authorized persons of international organizations carrying out inspections in compliance with the international obligations of the Slovak Republic, to enter the premises and facilities of nuclear installations or to areas where nuclear materials are placed, and to provide the necessary co-operation in performance of their activities.

(5) The authorisation holder for the shipment of radioactive materials and authorities of state administration responsible for the off-site emergency plans at the regional level, shall allow the Authority's inspectors, persons invited by the Authority, as well as authorized persons of international organizations carrying out inspections in compliance with the international obligations of the Slovak Republic, access to documentation, to premises and facilities, to which the relevant emergency plans apply to.

(6) The authorisation holder is required to submit to the Authority the data required by this Act, and to submit to the European Commission or another competent authority of the European Union the data required by special regulations according to Section 13, as well as other data required by international treaties, by which the Slovak Republic is bound in relation to the European Union with respect to non-proliferation of nuclear weapons. At the same time, it is required to send the data required by special regulations 14) to the Authority for information.

(7) The authorisation holder is required to submit to the Authority a report on the results of the assessment with a specific thematic focus on nuclear safety of nuclear installations determined by the decision pursuant to Section 4 par. 2 c) third point.

(8) The authorisation holder is required to provide to the Authority the necessary cooperation for

- a) performance of assessment according to Section 4 par. 1 (l),
- b) conducting a peer review according to Section 4 par. 1 (m).

(9) The authorisation holder shall notify the Authority in writing of any change in the facts forming the basis for the issuance of permission or authorisation, or any fact that could have led to the amendment or revocation of the authorisation, within 15 days of its occurrence.

(10) The authorisation holder is required to fulfil other obligations specified in this Act.

### **PART THREE**

## **NUCLEAR MATERIALS, SPECIAL MATERIALS AND EQUIPMENT, AND SHIPMENT OF RADIOACTIVE MATERIALS**

### **Section 11**

#### **Nuclear materials, special materials and equipment**

- (1) Nuclear materials are materials as defined by special regulations. 15)
- (2) Special materials and equipment are materials and equipment defined by the special regulation. 9)
- (3) In case of doubt as to whether a substance is a nuclear material or not or whether a material

or equipment is a special material or equipment, the Authority shall decide.

(4) Special materials and equipment falling under the supervision of the Authority shall be defined by a generally binding legal regulation to be issued by the Authority.

## **Section 12**

### **Management of nuclear materials**

(1) For nuclear materials, where the owner is unknown or the authorisation of such owner has terminated pursuant to Section 9 par. 4 or the nuclear materials have been acquired in violation of this Act, the Authority, through its decision, designates another authorisation holder pursuant to Section 5 par. 3 (g) or n) to take the necessary measures. For reimbursement of the authorisation holder's costs, Section 21 par. 10 applies mutatis mutandis.

(2) Anyone, who finds nuclear material or other similar radioactive material or suspects that it is a nuclear material or other similar radioactive material, is required to notify such finding immediately to the Authority, to the Police Corps or the Chief Hygienist of the Slovak Republic.

(3) Anyone, who discovers the loss or theft of nuclear material or other similar radioactive material or has a suspicion or knowledge of damage to nuclear material or other similar radioactive material, monitoring equipment or seals monitoring the status and the flow of nuclear materials, is required to notify such finding immediately to the Authority, Police Corps or the Chief Hygienist of the Slovak Republic and to the European Commission.

(4) In the application for granting an authorisation pursuant to Section 5 par. 3 (g) or (n) a natural person or a legal person, in addition to the data pursuant to Section 6, shall indicate:

a) types of nuclear materials,

b) the activities, for which the nuclear materials would be used.

(5) If nuclear materials are to be handled within a nuclear installation, the application for granting an authorisation shall be accompanied by information required by a special regulation. 16)

(6) An application for granting an authorisation shall be submitted by a natural person or a legal person:

a) no later than six months prior to the first receipt of nuclear materials to the nuclear installation,

b) no later than two months prior to the first receipt of nuclear materials outside the nuclear installation.

(7) Use of nuclear materials in such a way that they are consumed or diluted in such a way that they cannot be recovered, or when they substantially change their form or condition, except for the use of nuclear fuel in a nuclear reactor, is possible only with the prior approval of the Authority and the European Commission.

(8) Details of the requirements for the management of nuclear materials shall be stipulated by a generally binding legal regulation to be issued by the Authority.

## **Section 13**

### **Registration and control of nuclear materials**

(1) The authorisation holder, pursuant to Section 5 par. 3 (g) and (n), is required to:

a) maintain records of these materials within the scope required by special regulations 17) and operational records, to submit to the Authority reports on inventory change,

b) provide the Authority with copies of the documentation, which is required according to special

regulations, 16)

- c) designate a responsible employee to maintain registration and operational records on the control of nuclear materials, and report his first name, family name and other contact data to the Authority and the European Commission,
- d) inform the Authority and the European Commission on non-compliance with the obligations arising from special regulations.17)

(2) Details on maintaining the operational records, details on the performance of inspection activities by the Authority, details on the development and submission of reports on inventory change and on the method of reporting and informing on events relating to activities of surveillance equipment and nuclear materials, shall be constituted by a generally binding legal regulation, to be issued by the Authority.

#### **Section 14** **Imports or exports of nuclear materials, exports of special materials and equipment**

The Authority shall issue a permit for imports or exports of nuclear materials, exports of special materials and equipment according to special regulations 18) to a natural person or a legal person based on a written application supported by documentation pursuant to Annex 2 part B. The authorisation of exports of special materials and equipment shall be done in compliance with special regulations, 9) where the competent authority for the purposes of implementing this regulation is the Ministry of Economy.

#### **Section 15** **Transport of radioactive materials**

(1) A carrier of radioactive materials is a natural person or a legal person, who prepares the shipment of radioactive materials, and in the transport documents it is identified as a carrier and holds a permit for the transport of radioactive materials.

(2) Radioactive materials may be transported only based on a permit for transport, which shall be issued by the Authority to the carrier, unless this Act specifies otherwise.

(3) Permit for transport of radioactive materials shall be issued by the Authority based on a written application supported by documentation pursuant to Annex 2 part A.

(4) Radioactive materials may only be transported in transport equipment, the types of which were approved by the Authority. The Authority shall decide on the application for approval of type of transportation equipment within 12 months from initiating the proceedings. The holder of the decision on the approved type of transport equipment is obliged to notify the Authority of the serial numbers of such transport equipment. The details of the essentials of the application and of the documentation needed to be attached to the application shall be stipulated by a generally binding legal regulation to be issued by the Authority.

(5) The decision on approval of the type of transport equipment shall be issued for a period of maximum five years.

(6) The carrier is required to verify the conformity of the properties and parameters of the transport equipment with the approved type and to demonstrate this conformity. 19)

(7) Transport equipment for the shipment of radioactive materials that has been approved in a similar manner in the Member States or in one of the countries of the European Free Trade Association, which are at the same time a party to the European Economic Area, shall be deemed to be type-approved according to this Act.

(8) Transport equipment for shipping radioactive materials that has been approved in a similar

manner in States not falling under paragraph 7, the Office may deem to be type-approved according to this Act.

(9) For transport equipment intended for shipment of radioactive materials, the documentation on the type-approval decision to be carried out at the expense of the applicant at the authorized persons to perform such tests, shall be part of the documents for the decision of the type-approval authority.

(10) Permit for the transport of radioactive materials shall be granted for each shipment; this does not apply, if it is a shipment of the same type of radioactive materials, in the same type of transport and by the same carrier, where a permit for transport may be granted for up to one year, if it is a shipment of nuclear materials or spent nuclear fuel, and for three years, if it is shipment of radioactive waste.

(11) Permit for the transport of radioactive materials is not required for shipment of:

- a. Products from non-irradiated natural and depleted uranium and non-irradiated thorium,
- b. nuclear materials, the shipment of which during 12 consecutive calendar months shall not exceed:
  1. 500 kg of natural non-irradiated uranium,
  2. 1 000 kg of non-irradiated depleted uranium and non-irradiated thorium.

(12) The carrier of radioactive materials is required to ensure the notification of their entry or exit from the Slovak Republic to or from countries outside the European Union to the border customs office and submit a certified copy of the relevant permit to such customs office, and in the case of transit, when entering the country, a certified copy of a valid permit of the country, to which such radioactive materials are to be released from the Slovak Republic. Without meeting this condition, the customs office will not release the goods. The customs office shall notify the Authority of the data contained in these documents.

(13) For the transport of radioactive materials the provisions of Section 21 par. 4 shall apply mutatis mutandis. For transport of radioactive materials, the requirements arising from international treaties, by which the Slovak Republic is bound, must be fulfilled. 20)

(14) Details of requirements for the transport of radioactive materials shall be stipulated by a generally binding legal regulation, to be issued by the Authority.

### ***Supervision and control in cross-border transport of radioactive waste a spent nuclear fuel***

#### **Section 16**

#### **Definition for cross-border transport of radioactive waste and spent nuclear fuel**

(1) The country of origin is a Member State or a third country, from which the cross-border shipment is planned to start or starts.

(2) The country of destination is a Member State or a third country, to which the cross-border shipment is planned or takes place.

(3) The country of transit is a Member State or a third country other than the country of origin or the country of destination, through which the cross-border shipment is planned or takes place.

(4) Cross-border transport is a set of operations associated with the transfer of radioactive waste or spent nuclear fuel from the country of origin to the country of destination through the territory of the Slovak Republic.

(5) Cross-border transport within the Member States is a cross-border transport, where the country of origin and the country of destination are Member States.

(6) Cross-border transport outside the Member States is a cross-border transport, where the country of origin and the country of destination are third countries.

(7) The holder is a natural person or a legal person, which is liable according to the applicable national legislation of the country of origin for radioactive waste or spent nuclear fuel before the cross-border transport and plans to carry out their cross-border transport to a consignee.

(8) A consignee is a natural person or a legal person, to which a radioactive waste or spent nuclear fuel is shipped.

(9) Competent supervisory authorities are authorities, which under the national law of the country of origin, the country of transit or the country of destination are authorized to supervise the shipment of radioactive waste or spent nuclear fuel and its control.

(10) A recognized facility is a facility located in the territory of the country and approved by its competent supervisory authorities for long-term storage or disposal of sealed sources, 20a) in special cases also cladding assemblies enclosing radioactive material as part of the source, or a facility intended for temporary storage of sealed sources.

(11) Standard document shall mean the forms to be used as sample applications for permitting a cross-border transport, approval of cross-border transport by the competent authorities, decisions to permit cross-border transport or refusal of a cross-border transport, as well as other acts of the holder, applicant, consignee and competent authorities, which relate to permitting cross-border transport. The standard document and the manner of its proper completion are stipulated by a special regulation. 20b)

### **Section 16a** **Competent supervisory authorities**

(1) Competent supervisory authorities pursuant to Section 16 par. 9 in the Slovak Republic (hereinafter only as the "Supervisory authority") for transport of

a) radioactive waste from the nuclear installations, transport of spent nuclear fuel and for transport of institutional radioactive waste from the place of conditioning to the repository, is the Authority,

b) institutional radioactive waste, except for the shipments of institutional radioactive waste pursuant to point a), is the Ministry of Transport and Construction.20c)

(2) The supervisory authority, using reasonably the procedure pursuant to Section 16h, shall ensure a safe return to the country of origin, if:

- a. shipments of radioactive waste or spent nuclear fuel falling under the scope of this Act have not been duly permitted according to this Act, or
- b. radioactive contaminated waste or material containing radioactive sources has not been declared as radioactive waste by the country of origin.

(3) The supervisory authority shall notify the European Commission of unreasonable delays or lack of cooperation of the competent supervisory authorities of another Member State associated with the granting of consent with the cross-border shipment.

(4) Every three years, the supervisory authority sends the European Commission a report on authorisation procedure, a report on supervision and control of cross-border transport, and a report on cross-border shipments through the Slovak Republic. The first report on the authorisation procedure, the report on supervision and control in cross-border shipments and the report on cross-border shipments made through the Slovak Republic shall be sent by the regulatory authority to the European Commission by 25 December 2011.

### *Cross-border transport within the Member States*

### **Section 16b**



## **Application for permitting the cross-border transport**

(1) The holder, who plans to carry out cross-border transport within the territory of the Member States or to ensure the implementation of such cross-border transport and the country of origin is the Slovak Republic, shall file an application with the supervisory authority for permitting the cross-border transport.

- (2) An application according to paragraph 1 may be filed for more cross-border transports, if:
- a. radioactive waste or spent nuclear fuel have identical physical, chemical and radioactive properties,
  - b. cross-border transport is to be made between the same holder and the same consignee and relates to the same supervisory authority, and
  - c. cross-border transport involves transit through third countries, such transit taking place through the same customs offices of exit from the territory of the Member States and the same customs offices of entry into the territory of the Member States and through the same customs authorities of the third country or third countries concerned, unless the competent supervisory authorities concerned agree otherwise.

### **Section 16c**

#### **Sending application to the competent authorities**

(1) If the Slovak Republic is the country of origin, the supervisory authority shall send an application pursuant to Section 16b for approval to the competent supervisory authorities of the Member State of destination and to the competent supervisory authorities of the transit Member States.

(2) If the supervisory authority is the competent supervisory authority concerned for data protection set out in the standard document and other documents related to cross-border transport, it shall proceed in accordance with a special regulation. 20d)

### **Section 16d**

#### **Acknowledgement of receipt and request for information**

(1) If the Slovak Republic is the country of destination or the country of transit, the supervisory authority shall, within 20 days of receipt of the application from the competent supervisory authority of the Member State of origin, verify, whether the application is duly completed pursuant to Section 16l.

(2) If the Slovak Republic is the country of destination and the application is duly completed, the supervisory authority shall send, not later than 10 days after the deadline according to paragraph 1, an acknowledgement of receipt to the competent supervisory authority of the Member State of origin and its copy to the other competent supervisory authorities concerned.

(3) If the Slovak Republic is the country of destination or the country of transit and the application has not been duly completed, the supervisory authority prior to expiration of the period according to paragraph 1 shall request the missing information from the relevant supervisory authority of the Member State of origin and informs about such request also the other affected relevant supervisory authorities of the Member States of transit and Member States of destination.

(4) If the Slovak Republic is a country of origin, the supervisory authority shall send the required missing information to the relevant supervisory authorities concerned of the Member States of transit and the Member States of destination.

(5) If the Slovak Republic is the country of destination, the supervisory authority shall, no later than 10 days after receipt of the missing information and at the earliest after the expiry of the period referred to in par.1, acknowledge receipt to the competent supervisory authority of the Member State of origin, and its copy to the other supervisory authorities concerned.

## **Section 16e**

### **Consent to cross-border transport and refusal to grant consent to cross-border transport**

(1) If the Slovak Republic is the country of destination or the country of transit, the supervisory authority shall notify, in a form of a standpoint not later than within two months from the date of acknowledging the receipt of application by the Member State of destination, its consent to a cross-border transport or conditions that are required for granting consent to cross-border transport or its refusal to grant consent to cross-border transport to competent authorities of the Member State of origin.

(2) If the Slovak Republic is the country of destination or the country of transit, the supervisory authority may ask for additional time to notify its position according to paragraph 1 by maximum one month.

(3) If the Slovak Republic is the country of destination or the country of transit and the supervisory authority does not notify its position within the time limit according to paragraph 1 or within the extended period according to paragraph 2, such failure to notify shall be deemed as granted consent to the cross-border transport.

(4) If the Slovak Republic is the country of origin and the competent authorities of the Member States of transit and the Member State of destination concerned fail to notify their position within the time limit pursuant to paragraph 1 or within the extended period according to paragraph 2, the supervisory authority shall deem such failure to notify as their consent to the required cross-border transport.

(5) The supervisory authority shall state in the position referred to in paragraph 1 the reasons for any refusal to grant consent to cross-border transport or conditions for granting consent to the cross-border transport, which:

- a. If the Slovak Republic is the country of transit, they arise from this Act, special regulations or international treaties, by which the Slovak Republic is bound, 20e) and which apply to transport of radioactive material,
- b. If the Slovak Republic is the country of destination, they result from this Act, special regulations or international treaties, by which the Slovak Republic is bound, 20e) and which apply to transport of radioactive material, and radioactive waste management or spent nuclear fuel management.

(6) If the Slovak Republic is the country of transit or the country of destination, the supervisory authority may not make the granting of consent to cross-border transport conditional on stricter conditions than those stipulated in Section 15 for the domestic transport.

(7) If the Slovak Republic is the country of transit, the supervisory authority that has granted its consent to a transit cross-border transport, may not refuse granting its consent to a return cross-border, if:

- a. The initial consent to cross-border transport concerned material transported for conditioning or reprocessing, it is a cross-border re-entry of radioactive waste or other products corresponding to the original material after conditioning or reprocessing and all relating legal regulations are complied with, which are subject to proceedings under paragraph 5 (a), or
- b) Circumstances occur as stated in Section 16h and the cross-border re-entry is to take place under the same conditions and with the same specifications as the initial cross-border transport.

## **Section 16f**

### **Permitting cross-border transport**

(1) If the Slovak Republic is the country of origin, the supervisory authority shall not issue its

decision on the application pursuant to Section 16b before the expiry of the period, which is determined for the competent authorities of a Member State of destination or a Member State of transit concerned for sending their position pursuant to Section 16e par. 1 or 2.

(2) If the Slovak Republic is the country of origin, the supervisory authority shall extend the period for notification of the position pursuant to Section 16e par. 1 based on a request for extending the period sent to the competent authorities of a Member State of destination or a Member State of transit by maximum one month.

(3) If the Slovak Republic is the country of origin and all consents necessary for the cross-border transport have been granted, the supervisory authority shall permit the cross-border transport to the holder and informs thereof the competent authorities of a Member State of destination and each transit country. In the permit for cross-border transport the supervisory authority shall state all the conditions, by which the competent authorities concerned conditioned their consent with the cross-border transport.

(4) Permission pursuant to paragraph 3 does not replace the authorisation pursuant to Section 5 par. 3 subpar. j) or a permit under a special regulation. 20f)

(5) Permission pursuant to paragraph 3 may apply also to several cross-border transports, provided the conditions pursuant to Section 16b par. 2 are complied with.

(6) Permission pursuant to paragraph 3 is valid for a period of maximum three years. When determining the validity period the supervisory authority shall take into account all the conditions set by the Member States of destination or Member States of transit for granting their consent to a cross-border transport.

#### **Section 16g** **Acknowledgment of received shipment**

(1) If the Slovak Republic is the country of destination, the consignee is required to send to the supervisory authority an acknowledgement on receiving every shipment within 15 days from receiving the shipment.

(2) If the Slovak Republic is the country of destination, the supervisory authority shall send a copy of acknowledgement on receiving a shipment pursuant to paragraph 1 to the Member State of origin and to each transit country.

(3) If the Slovak Republic is the country of origin, the supervisory authority shall send a copy of acknowledgement on receiving a shipment pursuant to paragraph 1 to the original holder.

#### **Section 16h** **Not completing the transport**

(1) If the Slovak Republic is the country of origin, the transit country or country of destination and the transport is not in compliance with this Act, with the conditions stated in the authorisation or approvals granted under this Act, the supervisory authority shall take a decision that the cross-border transport shall not be completed. The supervisory authority shall inform about its decision the competent authorities of the other Member States concerned immediately.

(2) If the Slovak Republic is the country of origin and the cross-border transport cannot be completed or shall not be completed due to reasons according to paragraph 1 and no other safe procedure can be adopted, the holder of authorisation for shipment of radioactive materials pursuant to Section 15 par. 1 and 2, or the authorisation holder pursuant to special regulation 20f) is required to take corrective safety measures and return radioactive waste or spent nuclear fuel to the place where it was held prior to the cross-border transport.

(3) If the authorisation holder pursuant to paragraph 2 is unable to take corrective safety measures or return the radioactive waste or spent nuclear fuel concerned to the place where it was held prior to the cross-border transport, the supervisory authority shall designate another holder of authorisation for transport pursuant to Section 15 par. 1 and 2 or another holder of authorisation pursuant to special regulation, 20f) who shall fulfil the obligation in place of the original holder of authorisation according to paragraph 2 within the scope of its authorisation.

(4) If the cross-border transport shall not be completed or cannot be completed pursuant to par. 2 and 3, the costs are borne by the authorisation holder pursuant to Section 16f par. 3.

### ***Cross-border transport outside the Member States***

#### **Section 16i Imports to the Member States**

(1) If radioactive waste or spent nuclear fuel is to be imported to the Member States from a third country and the country of destination is the Slovak Republic, their consignee shall file an application with the supervisory authority for permitting the cross-border transport.

(2) The application pursuant to paragraph 1 can be filed for several cross-border shipments under the conditions stated in Section 16b par. 2.

(3) Attachment to the application pursuant to paragraph 1 is a written agreement between the consignee and the holder, who is domiciled or resident in a third country and is accepted by the competent authorities of such third country, by which the holder undertakes to take back the radioactive waste or spent nuclear fuel, if it is not possible to complete the cross-border transport pursuant to paragraph 7.

(4) The supervisory authority shall send an application pursuant to paragraph 1 for approval to the competent authorities of the transit Member States concerned. If the Slovak Republic is the country of origin or a transit country, provisions of Sections 16d and 16e shall apply mutatis mutandis.

(5) If the Slovak Republic is the country of destination and all the required approvals for cross-border transport have been granted, the supervisory authority shall permit to the consignee such cross-border transport and informs thereof also the competent authorities of the transit countries and the country of origin. Provisions of Section 16f par. 4 to 6 shall apply mutatis mutandis.

(6) If the Slovak Republic is the country of destination, the consignee shall send an acknowledgement of receipt of each shipment to the supervisory authority within 15 days from receiving the shipment. The supervisory authority shall send a copy of the acknowledgement of receipt of each shipment to the country of origin and the transit country.

(7) If the Slovak Republic is the country of destination or a transit country, the supervisory authority may decide that the cross-border transport shall not be completed, if the cross-border transport is not in compliance with this Act, the conditions stated in the approvals or consents issued under this Act. The supervisory authority shall inform about its decision the competent authorities of the country of origin without any delay.

(8) If the cross-border transport cannot be completed or may not be completed, the costs shall be borne by the consignee pursuant to paragraph 1.

#### **Section 16j Transit through the Member States**

(1) If the radioactive waste or spent nuclear fuel is to be imported to the Member States from a third country and the country of destination is not a Member State, person responsible for cross-border transport

in the Slovak Republic, through the customs office of which the radioactive waste or spent nuclear fuel would be imported for the first time to the Member States, shall file an application with the supervisory authority for permitting cross-border transport.

(2) The application pursuant to paragraph 1 may be filed also for several cross-border shipments under the conditions stipulated in Section 16b par. 2.

(3) Attachment to the application pursuant to paragraph 1 is a written agreement between the consignee, who has permanent residence or seat in a third country and a holder, who has permanent residence or seat in a third country and is accepted by the competent authorities of such third country, by which the holder undertakes to take back the radioactive waste or spent nuclear fuel, if the cross-border transport cannot be completed according to paragraph 7. For the purposes of this Act, such an agreement is deemed to be also an arrangement between a consignee, who is domiciled or resident in a third country and a holder, who has permanent residence or seat in a third country and is accepted by its competent authorities pursuant to a special regulation. 20g)

(4) The supervisory authority shall send the application stated in paragraph 1 for approval to the competent authorities of the other transit Member States. If the Slovak Republic is to be the first transit country on the territory of the Member States pursuant to paragraph 1 or only one of several Member States of transit, provisions of Section 16d and 16e shall apply mutatis mutandis.

(5) If the Slovak Republic is to be the first transit country on the territory of the Member States pursuant to paragraph 1 and all the required approvals for transport from other transit Member States have been granted, the supervisory authority shall permit the cross-border transport to the responsible person pursuant to paragraph 1 and informs the competent authorities thereof in each transit country. Provisions of Section 16f par. 4 to 6 shall apply mutatis mutandis.

(6) If the Slovak Republic is to be the first transit country in the territory of the Member States, the responsible person referred to in paragraph 1 shall notify the regulatory authority that the radioactive waste or spent nuclear fuel have been transported to its destination in a third country, within 15 days of their arrival, indicating the last customs office in the territory of the Member States, through which the shipment passed. This notification shall be supported by a written declaration or certificate from the consignee, in which it shall indicate that the radioactive waste or spent nuclear fuel has been transported to its destination and indicating the customs office when entering the third country.

(7) If the Slovak Republic is the transit country and the cross-border transport is not in compliance with this Act, the conditions stated in the authorisation or approvals issued under this Act, the supervisory authority shall take a decision that the cross-border transport shall not be completed. The supervisory authority shall inform about its decision the competent authorities of the country of origin.

(8) If the cross-border transport cannot be completed or may not be completed, the costs shall be borne by the responsible person according to paragraph 1.

#### **Section 16k** **Exports from the territory of the Member States**

(1) If the radioactive waste or spent nuclear fuel is to be exported from the territory of the Member States to a third country and the Slovak Republic is the country of origin, the holder shall file an application with the supervisory authority for permitting the cross-border transport.

(2) Application pursuant to paragraph 1 may be filed for several cross-border shipments under the conditions stated in Section 16b par. 2.

(3) If the Slovak Republic is the country of origin, the supervisory authority shall proceed in accordance with the procedure appropriate pursuant to Section 16d

- a. Inform the competent authorities of the country of destination on the planned cross-border transport and shall request their approval to the cross-border transport, and
- b. Send the application according to paragraph 1 for approval to the competent authorities of the transit Member State.

(4) If the Slovak Republic is the country of origin and all the required approvals for the cross-border transport have been granted, the supervisory authority shall permit a cross-border transport to the holder and informs the competent authorities of the country of destination and each transit country. Provisions of Section 16f par. 4 to 6 shall apply mutatis mutandis.

(5) If the Slovak Republic is the country of origin, the holder shall notify the supervisory authority that the radioactive waste or spent nuclear fuel was transported to its destination in a third country, within 15 days of their arrival and shall indicate the last customs office in the territory of Member States, through which the shipment passed. This notification shall be supported by written declaration or certificate of the consignee, in which it shall state that the radioactive waste or spent nuclear fuel have been transported to their destination, indicating the customs office of the entry to the third country.

(6) If the Slovak Republic is the country of origin or the transit country, and if the cross-border transport is not in compliance with this Act, with the conditions specified in the approvals or consents issued under this Act, the supervisory authority shall decide that the cross-border transport shall not be completed. If the Slovak Republic is the country of transit, the supervisory authority shall immediately inform the competent supervisory authorities of the Member State of origin on its decision. Provisions of Section 16h par. 2 to 4 shall apply mutatis mutandis.

#### **Section 16l** **Use of standard documents**

(1) The application for cross-border transport authorisation shall be completed and any other documents and information referred to in Sections 16f, 16i to 16k shall be submitted to the supervisory authority in the state language 20h) together with certified translation of standard documents and any other documents and information referred to in Sections 16f, 16i to 16k into languages that are acceptable to other competent supervisory authorities of the transit countries and the countries of destination.

(2) The standard documents shall be accompanied by any additional requirements of the applicant and competent authorities concerned for the authorisation of the cross-border transport.

(3) A completed standard document certifying that the authorisation process has been duly complied with, shall accompany each shipment falling within the scope of this Act, also in cases when one authorisation for cross-border transport covers more than one cross-border transport.

(4) Standard document and other documents are made available to the competent supervisory authorities of the country of origin, the country of destination, as well as each transit country.

### **PART FOUR** **NUCLEAR INSTALLATIONS**

#### **Section 17**

(1) The Authority shall follow § 18 during the proceedings on construction intention according to special act<sup>20i)</sup> and according to the statement of the European Commission in accordance with the international treaty

Slovakia is binded by.<sup>21)</sup>

(2) In order to assess the impact of a nuclear installation on the environment pursuant to special regulation 8), as well as the potential impact of the surrounding environment on a nuclear installation, the Authority shall issue an opinion based on application supported by the documentation specified in Annex 1, point A.

(3) Details of the scope, content and the method of preparation of the documentation referred to in Annex 1 point A shall be stipulated by a generally binding legal regulation to be issued by the Authority.

### **Section 17a** **Authorisation for the Siting of a Nuclear Installation**

(1) The Authority shall issue an authorisation for the siting of a nuclear installation pursuant to Section 2 (f) first point, on the basis of a written request supported by documentation pursuant to Annex 1 point A, and a certificate of payment of the administrative fee of the Authority's supervision costs in the procedure for issuing an authorisation for the siting of a nuclear installation in the amount of EUR 950,000 by the applicant. The administrative fee is collected by the Authority.

(2) The procedure for issuing an authorisation for the siting of a nuclear installation pursuant to Paragraph 1 shall be deemed to be a siting procedure pursuant to a special regulation.<sup>21a)</sup>

(3) Details of the scope, content and method of preparation of the documentation referred to in Annex 1 point A, shall be stipulated by a generally binding legal regulation issued by the Authority.

### **Section 18** **Approval for construction of nuclear installations**

(1) Proceedings about the construction intention and the proceedings about the verification of the construction project of a nuclear installation shall be governed by special act<sup>11d)</sup> and this act.

(2) Construction of the nuclear installation shall be executed only by the holder of the authorization for construction issued in accordance with special act<sup>11d)</sup> and after the verification of a project construction of the nuclear installation.

(3) When submitting the construction intention for the nuclear installation, documentation according to the special act<sup>11)</sup> shall be attached, confirmation about the compliance according to the special act<sup>23a)</sup> and documentation according to Annex 1 letter A of the Act. The authority shall decide on the authorization of the construction of the nuclear installation based on the statement of the European Commission about the compliance with the international treaty, to which the Slovak Republic is bound.<sup>21)</sup>

(4) Special regulations apply to the construction of nuclear facilities with special intervention in the earth's crust, such as underground storage facilities,<sup>24)</sup> unless this law provides otherwise.

#### § 18a

##### Verification of the project of nuclear installation

(1) The project design for the nuclear installation is elaborated by the designer based on the decision on the approval for the construction authorization for the nuclear installation and based on the approved construction intention of the nuclear installation. The basis for the elaboration of the nuclear facility construction project is also the decision from the procedure according to a special regulation.<sup>21a)</sup>

(2) Documentation according to a special regulation is attached to the nuclear facility project proposal,<sup>11)</sup> documentation according to Annex no. 1 point B, statement on the project of the nuclear facility drawn up by an independent professionally qualified person, other than the construction designer. The Authority verifies the nuclear installation construction project according to Sec 2 letter f) the first point also on the basis of the statement of the European Commission in accordance with the international treaty to which the Slovak Republic is bound.<sup>21)</sup>

(3) Details on the scope, content and method of preparation of the documentation according to Annex no. 1 letter B establishes a generally binding decree issued by the Authority.

## **Section 19**

### **Commissioning of nuclear installations and operation of nuclear installations**

(1) Nuclear installation can be commissioned and operated only by a holder of authorisation for commissioning and operation.

(2) The start of commissioning of a nuclear installation means the loading of the first fuel element of a nuclear fuel into a nuclear reactor, as well as start of management of nuclear materials or radioactive waste or spent nuclear fuel in nuclear installations that do not include a nuclear reactor.

(3) Authorisation for commissioning of a nuclear installation shall be issued by the Authority upon submitting written application supported by the documentation referred to in Annex 1 point C. This authorisation is part of the authorisation for early use of a structure according to special regulation. 25)

(4) Approval for the next phase of commissioning shall be issued by the Authority after submission of written application of the authorisation holder pursuant to paragraph 3 after assessment of the report on evaluation of previous phase of commissioning of a nuclear installation. The issuance of consent for the next stage of commissioning is not subject to the general regulation on administrative proceedings.<sup>45)</sup>

(5) Operation of a nuclear installation consists of trial operation and operation.

(6) The approval of the trial operation shall be issued by the Authority upon submission of written application supported by a report on evaluation of commissioning of a nuclear installation. This approval is part of the approval for temporary use of the building for trial operation pursuant to special regulation. 26)

(7) After a positive evaluation of the trial operation upon the proposal of the authorisation holder, the Authority shall initiate the final approval procedure pursuant to special regulation. 27)

(8) The authorisation holder must record and store data on the operation of a nuclear installation relevant for decommissioning, which are contained in the conceptual plan for decommissioning. At the same time he is required to provide for earmarked funding to cover the costs of decommissioning. 28)

(9) Details of the scope, content and the method of preparation of the documentation referred to in Annex 1 point C, and the report pursuant to paragraphs 4 and 6, shall be stipulated by a generally binding legal regulation to be issued by the Authority.

## **Section 20**

### **Decommissioning**

(1) The holder of authorisation for operation is required to provide for decommissioning after the termination of operation of a nuclear installation. The holder of authorisation for decommissioning is



responsible for the decommissioning.

(2) Prior to the scheduled shutdown of a nuclear installation for the purpose of termination of the operation, the holder of an operating authorisation is required to submit to the Authority a conceptual plan for decommissioning according to the current knowledge at the time of shutdown of a nuclear installation.

(3) The Authority shall issue authorisation for the decommissioning phase based on written application supported by the documentation referred to in Annex 1 point D.

(4) If decommissioning requires the construction and use of new technological units within the defined boundaries of a nuclear installation under decommissioning, the requirements pursuant to Sections 18 and 19 shall apply mutatis mutandis the submission, review and approval of documentation.

(5) Nuclear installation, its territory or parts thereof can be excluded from the scope of this Act on the basis of a written application of the authorisation holder for the decommissioning phase supported by the documentation referred to in Annex 1 point F, for:

- a. Unlimited use, provided that the criteria laid down in the special regulations 1aa) are met, or
- b. Limited use, provided that the institutional arrangements are in place.

(6) The holder of authorisation for operation is required to create a database of information necessary for safe decommissioning and use such information during transition of a nuclear installation from operation to the decommissioning phase and during the entire decommissioning; such information shall be retained also after completion of the decommissioning.

(7) The holder of authorisation for operation is required to comply with the obligations specified in paragraph 6, if he obtains an authorisation for the decommissioning phase for the nuclear installation that he has operated. If the authorisation for the decommissioning phase is obtained by a person other than the authorisation holder for operation, that holder is required to perform the obligations specified in paragraph 6 of a holder of authorisation for the decommissioning phase, based on a contract concluded with the holder of authorisation for operation, and he is obliged to enter into such contract.

(8) The holder of authorisation for operation is required, prior to transition of such nuclear installation to the decommissioning phase, to export the spent nuclear fuel to a nuclear installation designed for spent nuclear fuel management.

(9) The holder of authorisation for operation is required to manage radioactive waste during commissioning of a nuclear installation and during its operation in a way to prevent unreasonable accumulation of radioactive waste, and until completion of operation of a nuclear installation he is obliged to provide for conditioning of radioactive waste into solid form.

(10) Details of the scope, content and the method of preparation of the documentation referred to in Annex 1 points D and F, shall be stipulated by a generally binding legal regulation to be issued by the Authority.

## **PART FIVE**

### **RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL MANAGEMENT**

#### **Section 21**

##### **Radioactive waste management and spent nuclear fuel management**

(1) The originator of radioactive waste shall be responsible for ensuring the safe management of radioactive waste in accordance with the national program up to their receipt by a legal person pursuant to Section 3 par. 11, and the safety of radioactive waste management facilities is the responsibility of the

authorisation holder for radioactive waste management. The authorisation holder, pursuant to the Art. 5 para. 3 letters b) to d), is responsible for the safety aspects of nuclear installation including the radioactive waste managed therein. If the authorisation holder, pursuant to the second sentence, is managing the radioactive waste in the nuclear installation and if such radioactive waste is generated in a nuclear installation where another person is the authorisation holder thereof, then at each step of radioactive waste management, there must be clear responsibility for the radioactive waste between the two authorisation holders managed in the relevant nuclear installation.

(2) The Slovak Republic is responsible for the safe management of radioactive waste and spent nuclear fuel after it has been taken over by a legal entity pursuant to Section 3 par. 11 through this legal entity.

(3) Conditioning of radioactive waste shall mean activities leading to creating a form that is suitable for their transport and disposal or storage.

(4) Radioactive waste must be managed in a way to:

- a. Maintain subcriticality,
- b. Provide for residual heat removal,
- c. Minimize effects of ionizing radiation on the operators, the public and the environment, <sup>2)</sup>
- d. Take into account properties affecting nuclear safety, such as toxicity, flammability, explosiveness and other hazardous properties.

(5) The production of radioactive waste and radioactive waste management must be governed by technical and organizational measures so that their amount and the level of activity are maintained as low as reasonably achievable.

(6) Disposal of radioactive waste from nuclear installation and institutional radioactive waste including closure of the repository and its institutional control, is the responsibility of the government, under the conditions set by this Act and other generally binding legal regulations. In the Slovak Republic, it is possible to dispose only radioactive waste that has been produced on its territory, unless otherwise stipulated by the international treaty<sup>29)</sup> by which the Slovak Republic is bound. Such international contract must take into account the safety standards of the International Atomic Energy Agency.

(7) Repository for radioactive waste can be located only on a land plot that is owned by the state, in accordance with the approved Spatial Development Concept of Slovakia and other approved land use documentation.

(8) The costs relating to radioactive waste management, including the costs of securing institutional control after the closure of repository, shall be covered by the producer of radioactive waste, unless a special law stipulates otherwise. 28)

(9) For radioactive waste management, where the producer is unknown or the producer is unable to manage the radioactive waste in a safe way, the Authority shall designate another holder of authorisation for radioactive waste management. In its decision the Authority shall define the scope of management of this radioactive waste.

(10) The costs associated with the radioactive waste management, for which the producer is not known or the costs incurred by the authorisation holder designated by the Authority pursuant to para 9, shall be reimbursed by the National Nuclear Fund. If the producer of radioactive waste is identified additionally, he is obliged to pay the costs incurred in the management of radioactive waste to this Fund.

(11) All activities in the management of radioactive waste must lead to their safe disposal.

(12) Any import of radioactive waste to the Slovak Republic is prohibited, except those cases

when the procedure pursuant to Section 16 is complied with, and except import of radioactive waste permitted by the Authority,

- a. Produced by reprocessing and conditioning of radioactive materials exported for this purpose and their re-import was authorized in advance by the Authority,
- b. For the purpose of treatment or conditioning in the Slovak Republic, if the export of material with aliquot activity is contractually covered and authorized by the Authority.

(13) If radioactive waste or spent fuel produced in the Slovak Republic is shipped for conditioning or reprocessing to a member state or third country, the ultimate responsibility for the safe and responsible disposal of such materials, including waste which arises as a by-product, is still borne by the Slovak Republic, unless otherwise stipulated by the international treaty<sup>29)</sup>, by which the Slovak Republic is bound.

(14) The disposal of radioactive waste produced in the Slovak Republic is possible in another Member State or a third country, only on the basis of an international treaty between the Slovak Republic and that other Member State or third country, which shall enter into force no later than at the time of shipment of this radioactive waste concerned, and which takes into account the recommendations of the European Atomic Energy Community, and only in accordance with the provisions of Sections 16 to 16l. If radioactive waste is disposed in a third country, the Authority shall inform the European Commission prior to shipment of the conclusion of an international contract on such radioactive waste disposal, where

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

(15) The holder of the authorisation for the management of radioactive waste shall carry out individual radioactive waste management activities in a manner that ensures optimisation of the amount and activity of radioactive waste, taking into account the principles of minimising their production.

(16) The provisions of paragraphs 1 to 12 and 14 shall apply mutatis mutandis to the spent fuel management, and the holder of the authorisation, which produced the spent fuel being responsible for the management of that spent fuel until it has been handed over and taken over by a legal person pursuant to Section 3 par. 11.

(17) All spent fuel and radioactive waste management activities shall be consistent with the national spent fuel and radioactive waste management policy and the national spent fuel and radioactive waste management program.

(18) Details on the requirements for spent nuclear fuel management with an emphasis on the storage and disposal, and on radioactive waste management, including its production, sorting of radioactive waste into classes and the details on the requirements for its imports, on the requirements as for the scope and the content of the documentation for radioactive waste management, on the requirements for facilities for radioactive waste management, on the requirements for record keeping on the radioactive waste management, shall be stipulated by a generally binding legal regulation to be issued by the Authority.

**Section 22**  
**Closure of repository and institutional measures**

(1) Closure of a repository shall mean administrative and technical activities after completion of placement of radioactive waste or spent nuclear fuel in the repository including the final construction or other works necessary to bring the repository into a long-term safe condition.

(2) Institutional control shall mean a set of activities, by which a legal person pursuant to Section 3 par. 11 ensures control of access to the repository and control and maintenance of functionality of its barriers after closure of the repository at the time specified in the safety documentation.

(3) Authorisation for repository closure and for the institutional controls shall be issued by the Authority upon submitting a written application of the authorisation holder for operation of a repository, supported by the documentation referred to in Annex 1 point E.

(4) The authorisation holder shall implement measures to ensure that after the repository closure

- a. Records are maintained,
- b. Institutional control of the repository is provided for,
- c. Remedial action is taken, if necessary, in the case of unplanned release of radioactive substances.

(5) The extent of the records pursuant to paragraph 4 (a) and the extent of the institutional control pursuant to paragraph 4 (b) shall be specified by the Authority in the conditions of the authorisation.

(6) Details of the scope, content and method of preparation of the documentation stated in Annex 1 point E, shall be provided by a generally binding legal regulation, to be issued by the Authority.

**PART SIX**

**NUCLEAR SAFETY, COMPETENCE, QUALITY MANAGEMENT SYSTEM, PHYSICAL PROTECTION, OPERATIONAL EVENTS AND EMERGENCY PREPAREDNESS**

**Section 23**  
**Nuclear Safety**

(1) The authorisation holder is responsible for meeting the nuclear safety requirements. This responsibility cannot be acquitted. Liability under the first sentence also includes liability for the activities of contractors and subcontractors, whose activities may affect the nuclear safety of nuclear installation.

(2) The authorisation holder is required to:

- a. Ensure and maintain financial resources and human resources with the appropriate qualifications and competence necessary to meet the obligations under this Act, including appropriate working conditions and the necessary engineering and technical support activities in all areas related to nuclear safety,
- b. Ensure that contractors and subcontractors, whose activities could have an impact on nuclear safety of nuclear installation, have the necessary human resources with appropriate qualifications and competence to perform such activities,
- c. Fulfil the reporting obligations vis-à-vis the Authority, as well as to continuously meet the requirements for nuclear safety and regularly evaluate their fulfilment in order to increase nuclear safety to the highest reasonably achievable level while applying safety culture,
- d. Use the pre-operational safety report and the relevant documentation pursuant to Annex 1 and Annex 2

when evaluating safety of operation of a nuclear installation, as well as any modifications to a nuclear installation and to update such documentation without any delay in compliance with the implemented modifications,

- e. Give priority to safety aspects over all other aspects of the licensed activity,
- f. During the operation and during decommissioning of nuclear installation, to periodically evaluate, verify and where practicable, continuously, systematically and in a verifiable manner to increase the level of nuclear safety of nuclear installations and conduct periodical, comprehensive and systematic nuclear safety assessment of nuclear installations at least every ten years, taking into account the state of the art in the field of nuclear safety assessment, and to take measures to eliminate the deficiencies found and their recurrence in the future; this includes also verifying that accident prevention and mitigation measures have been put in place, including verification of the application of defence in-depth principles,
- g. Perform nuclear safety assessment referred to in par. f) at intervals and to the extent stipulated by a generally binding legal regulation issued by the Authority; this safety assessment aims at ensuring the maintenance of the current design basis and identifying the possibilities of increasing nuclear safety, taking into account the aging of the nuclear installation, the operational experience, the latest results of research and development of international standards, whereas the objective according to Section 23a par. 8 shall be used as reference objective,
- h. Issue and follow operating procedures for activities at nuclear installation, that is for operation, maintenance, control and testing of classified equipment, which must be in compliance with the authorisation conditions; the authorisation holder is required to update the operating procedures according to the status of the nuclear installation,
- i. Implement modifications to a nuclear installation specified under Section 2 (w) after the Authority issued its approval and in cases specified in the special regulations 21) also after a statement by the European Commission,
- j. Implement modifications to a nuclear installation specified under Section 2 (x) only upon their prior notification to the Authority and after being reviewed by the Authority pursuant to Section 4 par. 2 (g) second bullet point,
- k. maintain separate records of any modifications implemented at a nuclear installation pursuant to Section § 2 (w) or (x),
- l. Create a system for managing temporary and permanent modifications so that:
  - 1. any modifications are properly designed, reviewed, checked and implemented after taking into account the obligations pursuant to Section 10 par. 1 (u), and
  - 2. when implementing these modifications requirements for nuclear safety were met,
- m. Implement modifications so that the number of temporary modifications implemented at the same time is kept to a minimum,
- n. Perform
  - 1. a preliminary assessment for each modification regarding its impact on nuclear safety,
  - 2. a subsequent full assessment of the impact of modification on nuclear safety; a subsequent assessment is not required if the preliminary assessment shows that the modification has no impact on nuclear safety,

3. Assessment of the modification in the relevant documentation,

- o. Identify appropriate emergency procedures and measures on the territory of the nuclear installation including the guides for severe accident management or similar guides for effective response to incidents and accidents in order to prevent or mitigate their consequences; These procedures and measures:
  - 1. must be consistent with other operating procedures and regularly practiced to verify their feasibility,
  - 2. aim to address accidents and severe accidents that may occur in all modes of operation, as well as those occurring at the same time on multiple nuclear installations or affecting several nuclear installations,
  - 3. ensure receiving external assistance, and
  - 4. must be periodically assessed and updated in the light of experience from emergency drills and with regard to lessons learned from accidents,
- p. Create a system that allows employees to report events having potential impact on the nuclear safety, and which requires from the employees to report on all events, allows and motivates employees to report to the appropriate level of management on all events having potential impact on the nuclear safety,
- q. Record, evaluate and document safety significant own operational experience and operational experience from other comparable nuclear installations to identify a hidden disruption of the achieved level of nuclear safety or potential precursors and possible trends leading to reduction of nuclear safety or safety margins,
- r. Ensure the identification of the causes of operational events and evaluation of operational experiences, including the relevant qualification of employees,
- s. Create a system for evaluation and storing information relating to feedback from operational experiences so that the employees responsible for the feedback can easily search and evaluate such information at any time,
- t. Regularly evaluate and document effectiveness of the introduced system of feedback to fulfil the goals pursuant to (s) based on indicators and criteria specified by the authorisation holder or by an independent natural person or a legal person,
- u. Inform its contractors and subcontractors, whose activity may affect nuclear safety, about safety culture requirements and check their compliance,
- v. Provide, through its own staff, a technical specification for the ToR, assessment, acceptance and initial check of supplied goods, services and works from the suppliers that are important in terms of nuclear safety,
- w. Maintain adequate contact with legal entities and natural persons who participated in the design and construction of a nuclear installation in order to provide feedback on operational experiences and obtaining technical assistance in case of operational events.

(3) Obligations pursuant to paragraphs 1 and 2 shall apply to holders of authorisation issued pursuant to Section 5 par. 3 (b) to (d) for all types of nuclear installations, as well as for the holder of authorisation pursuant to Section 5 par. 3 (e) mutatis mutandis, as allowed by the scope and the content of the authorisation.

(4) In order to increase the level of nuclear safety, the authorisation holder is required to use probabilistic assessment of nuclear safety, which is aimed at the identification, quantification, qualification and assessment of key indicators and aspects of nuclear safety and their interaction, while it is necessary to

take into account the parameters, scope of appropriateness and the objective limitations of the probabilistic assessment depending on the type of the nuclear installation.

- (5) The Authority shall issue a generally binding legal regulation specifying
- a. Details on the technical, organizational, administrative, financial and personnel requirements for nuclear safety of nuclear installations during their siting, design, construction, commissioning, operation, decommissioning and repository closure,
  - b. Criteria for categorization of classified equipment into safety classes,
  - c. Details on the assessment of the scope, content and impacts of modifications,
  - d. Details on assessment, documenting, scope of feedback,
  - e. Scope and the content of the probabilistic assessment of nuclear safety, indicators and parameters of nuclear safety followed by this assessment.

### **Section 23a**

(1) Abnormal operation is an operating condition deviating from normal operation, the occurrence of which is expected at least once in a life cycle of a nuclear installation, and with appropriate design measures it does not cause significant damage to components essential for nuclear safety or lead to emergency conditions.

(2) Design basis is a range of conditions and events that according to the criteria are explicitly taken into account in the design of a nuclear installation, including its improvements so as to allow the nuclear installation to be able to resist this range of conditions and events without exceeding the permitted limits and the planned operation of safety systems.

(3) Design accident means emergency conditions, which are included under the design of the nuclear installation according to established design criteria and for which the damage to the nuclear facility and the release of radioactive substances to the environment does not exceed the established limits (29a)

(4) Severe accident is a state of nuclear installation involving a nuclear fuel melting event or the release of radioactive substances, which requires the introduction of protective measures to protect the public.

(5) Severe conditions are conditions that are more severe than conditions under design basis accidents; such conditions may be caused by multiple failures, such as complete failure of all trains in the safety system or extremely unlikely event.

(6) Defence-in-depth is a hierarchical system of multiple levels of different technical means and organizational measures aimed at preventing the deterioration of operational events and to maintain the effectiveness of physical barriers placed between nuclear materials, spent nuclear fuel or radioactive waste and workers, the public and the environment during operating conditions and some barriers even during emergency conditions.

(7) Safety limits are the limit values of the parameters of technological processes, in the extent of which the authorisation holder must demonstrate the nuclear safety of nuclear installation and parts thereof, which must not be exceeded. Once the safety limit has been exceeded, further operation or decommissioning must be approved by the Authority.

(8) Nuclear installation must be designed, sited, constructed, commissioned, operated and decommissioned so as to prevent accidents and mitigate their consequences, if they occur, as well as prevent

- a) the early release of radioactive substances that would require external emergency measures, with insufficient time for their implementation, and
- b) large releases of radioactive substances that would require protective measures of unlimited spatial and temporal duration.

(9) For existing nuclear installations, for which the building permit has been issued [Section 5 par. 3 (a)] before 14 August 2014, requirements according to par. 8 shall be used as a target for the timely implementation of reasonably practicable measures to increase the level of nuclear safety during periodical assessments of nuclear safety including periodical, comprehensive and systematic assessment of nuclear safety of nuclear installations.

(10) Defence in-depth is applied during the design and in all phases of existence of a nuclear installation.

(11) Defence in-depth is used to:

- a) minimize the impact of extraordinary external natural hazards and unintentional threats as a result of human activities,
- b) prevent abnormal operation and failures,
- c) manage abnormal operation and detect failures,
- d) Design accidents management,
- e) manage accidents under severe conditions including the prevention of accident development and mitigation of consequences of severe accidents,
- f) introduce organizational structures for the emergency preparedness and emergency response according to Section 28 par. 7.

## **Section 24**

### **Professional Competence**

(1) Professional competence shall mean a set of expert knowledge, practical experience, knowledge of the generally binding legal regulations and operational procedures issued by the authorisation holder, necessary for performance of work activities by the authorisation holder's employee. Professional competence is obtained by successful completion of professional training at a specialized facility.

(2) Special professional competence shall mean a set of expert knowledge, practical experience, principal attitudes and knowledge of the generally binding legal regulations and operational procedures issued by the authorisation holder to secure nuclear safety, which is necessary for performance of work activities having direct impact on the nuclear safety.

(3) Work activities having impact on nuclear safety of nuclear installations may be performed only by professionally competent employees, whose professional competence was examined by an examining board established by the operator of a specialized facility and issued a certificate of professional competence to them.

(4) Licensed employees of the authorisation holder for the commissioning of nuclear installation, operation or decommissioning of a nuclear installation are employees performing work activities having direct impact on the nuclear safety, shall have master's degree obtained in the Slovak Republic or in the Member States, 30) completed the training, are medically and mentally fit, whose special professional competence was verified by an examination board established by the Authority and the Authority has issued a certificate of special professional competence.



(5) The certificate of special professional competence shall be issued by the Authority based on application from the authorisation holder pursuant to Section 5 par. 3 (b) to (d) after fulfilment of qualification requirements pursuant to paragraphs 2 and 4, proof of medical fitness, 31) mental fitness, completion of training and successful passing of exam before an examination board established by the Authority.

(6) Authorisation holder pursuant to Section 5 par. 3 (b) to (g) and (j) is required to ensure periodic checks of employees 32) focusing on medical and mental fitness, if needed to perform work activities of employees.

(7) Operator of a specialized facility may conduct training of employees of authorisation holders only based on an authorisation. The training is conducted in accordance with the approved training system following training programs.

(8) Authorisation for the operator of a specialized facility is issued by the Authority based on written application after assessment of the technical equipment used in this training and the professional competence of employees of the applicant.

(9) Employees of the operator of a specialized facility conducting specialized theoretical training of licensed employees and their full-scope simulator training (hereinafter only as the "lecturers"), may perform this activity only based on a certificate of professional competence in the field of given training. The details of the verification and conditions for verification of the professional competence of lecturers shall be specified by a generally binding regulation, to be issued by the Authority.

(10) Employees of the operator of a specialized facility conducting training of licensed employees or professionally competent employees during their walkthrough training and during the on-the-job training (hereinafter only as the "instructors"), may perform this activity after fulfilment of qualification requirements specified by a generally binding regulation, to be issued by the Authority.

(11) The authorisation for the training under paragraph 8 is issued by the Authority for a period of five years.

(12) If a Member State citizen with a qualified profession pursuant to Annex 4 is interested in a vacancy at a nuclear installation in the Slovak Republic, he/she cannot be discriminated on the grounds of nationality or citizenship.

(13) For the purposes of this Act, a qualified profession pursuant to Annex 4 shall mean the profession regulated under a special regulation 33), unless this Act stipulates otherwise.

(14) For the purposes of this Act, a specific training, based on which a Member State citizen gains specific knowledge in the field of nuclear energy pursuant to Annex 4, shall mean regulated education according to special regulation, 34) unless this Act stipulates otherwise.

(15) For the purposes of this Act the regulated education is recognized pursuant to special regulation, 35) unless this Act stipulates otherwise.

(16) Professional qualification in the field of nuclear energy having impact on nuclear safety based on recognized regulated education pursuant to paragraph 14 shall be equivalent to professional competence pursuant to paragraph 1, unless this Act or a special regulation 36) stipulate otherwise.

(17) Professional qualification in the field of nuclear energy having direct impact on nuclear safety based on recognized regulated education pursuant to paragraph 14 shall be equivalent to special professional competence pursuant to paragraph 2, unless this Act or a special regulation 36) stipulate otherwise.

(18) The permit holder shall apply for verification of the special competence by means of an application

form within 60 days prior to the scheduled meeting of the examination board for verification of the special competence.

(19) The application form referred to in paragraph 18 shall contain the following:

- a) first name, family name and title of the permit holder's employee,
- b) permanent residence<sup>36a</sup>) or residence address,<sup>36b</sup>)
- c) date and place of birth,
- d) nationality,
- e) birth certificate number,
- f) business name, seat and ID No. of the employer,
- g) highest level of education attained,
- h) name and seat of the relevant recognized educational establishment,<sup>36c</sup>) where the education referred to in point g) was obtained,
- i) designation of the nuclear installation,
- j) planned job position of the selected employee,
- k) confirmation of the medical fitness of the selected employee,
- l) confirmation of the mental fitness of the selected employee,
- m) evidence of completion of the training of the selected employee,
- n) the original of the certificate of special professional competence upon renewal,
- o) for corrective examination dates, results from previous verifications of special professional competence.

(20) The permit holder shall apply for verification of the professional competence of lecturers by means of an application form within 30 days before the scheduled meeting of the examination board for verification of professional competence.

(21) The application form referred to in paragraph 20 shall contain the following:

- a) first name, family name and title of the permit holder's employee,
- b) permanent residence<sup>36a</sup>) or residence address,<sup>36b</sup>)
- c) date and place of birth,
- d) nationality,
- e) birth certificate number,
- f) business name, seat and ID No. of employer,
- g) highest level of education attained,
- h) name and seat of the relevant recognized educational establishment,<sup>36c</sup>) where the education referred to under g) was obtained,
- i) designation of the specialized establishment,
- j) planned job position of the lecturer,
- k) certificate of completion of the lecturing skills course,
- l) evidence of completion of training for lecturers,
- m) the original of the certificate of special professional competence upon renewal.

(22) Before commencing the verification of special professional competence or verification of

professional competence, an employee of the permit holder who is a citizen of the Slovak Republic shall prove his/her identity with an identity card, a citizen of another Member State shall prove his/her identity with a valid document proving his/her identity or with a travel document.<sup>36d)</sup>

(23) The details regarding training, activities of professionally competent employees and licensed employees of authorisation holders pursuant to Section 5 par. 3 (b) to (g) and (j), and authorizing them for work activities, conditions of verification of their professional competence and special professional competence, including issuing authorisations on special professional competence, regarding setting up of expert committee and examination board, documentation needed for the application for issuing authorisations pursuant to paragraph 8, requirements for lecturers of professional training and instructors of professional training, regarding conditions for verification of their professional competence including issuance of certificates of professional competence and on the sending of the application in special or exceptional cases, shall be stipulated by a generally binding legal regulation to be issued by the Authority.

## **Section 25**

### **Quality Management System**

(1) The applicant for permit or an applicant for authorisation and the holder of permit or a holder of an authorisation for activities pursuant to Section 5 par. 2 and par. 3 (a) to (g), (j) and (k), is required to develop, document, implement, maintain and review a quality management system, comply with the quality management system documentation, as well as to improve its efficiency, even when these activities are performed by a third party for the applicant for authorisation or for the authorisation holder.

(2) The applicant for an authorisation and an authorisation holder are required to specify and to comply with the requirements for the quality of nuclear installations and classified equipment in the field of nuclear energy use, including deliveries of equipment and services, categorization of classified equipment into safety classes.

(3) The quality requirements pursuant to paragraph 2 are specified by mandatory technical parameters affecting nuclear safety, the interval and the method of their inspection, robustness against service media, working environment, and internal and external influences.

(4) The quality requirements pursuant to paragraph 2 must correspond to the significance of the equipment and significance of activities with regard to nuclear safety.

(5) The applicant for an authorisation and an authorisation holder are required to provide financial, technical and human resources to develop and maintain the quality management system, while these resources must be in line with the resources for ensuring nuclear safety.

(6) The Authority shall issue a generally binding legal regulation stipulating the details of requirements regarding:

- a. The scope, content, hierarchy, structure and review of the quality management system of the applicant for authorisation and the authorisation holder,
- b. The scope, content, hierarchy and the structure of its documentation,
- c. Quality of nuclear installations,
- d. Quality of classified equipment and the details regarding the scope of their approval.

## **Section 26**

### **Physical protection**

(1) Unauthorized handling of nuclear installations, nuclear materials, special materials and

equipment, radioactive waste or spent nuclear fuel shall mean any activity performed without the relevant permit or carried out in order to damage, destroy, illegally acquire or misplace the nuclear materials, special materials and equipment, radioactive waste or spent nuclear fuel.

(2) Sabotage shall mean any deliberate action directed against a nuclear installation or nuclear materials, special materials and equipment, radioactive waste or spent nuclear fuel during their management or during their transport, which may directly or indirectly threaten the life, health or property of the population or environment by release of radioactive substances.

(3) The authorisation holder is responsible for the physical protection within the scope of licensed activity.

(4) The authorisation holder is required to ensure that the persons, who are staying at a nuclear installation with his consent or participate in activities pursuant to Section 12 and 21, or participate in transport of radioactive materials, comply with the requirements for physical protection.

(5) The authorisation holder is required to ensure verification of:

- a. Integrity of persons entering a nuclear installation or participating in transport of radioactive materials, except
  1. persons, whose integrity is required and proved for the purpose of performing activities according to special regulations, 37) and persons accompanied by them, or
  2. persons accompanied by designated employees of the authorisation holder pursuant to Section 5 par. 3 (b) to (g) and (j),
- b. integrity and reliability of persons getting into contact with nuclear materials of categories I and II, persons providing physical protection, persons entering the internal area of nuclear installations without being accompanied by designated employees of the authorisation holder,
- c. medical and mental fitness of all persons, who may influence nuclear safety with their work activities.

(6) The authorisation holder is obliged to ensure that the identification of persons is used to enter a nuclear installation by means of an ID card or other identification document, such as a travel document or a UN travel document containing in particular the title, first name and family name, date of birth, permanent address, ID card number or other identification document number, nationality, biometric data, birth certificate number and photo of the person, as well as in nuclear facilities, where nuclear materials are placed included in category I or II according to a special regulation,37a) the holder of authorisation shall ensure that the identification of persons, including by means of biometric data37b) is used to permit and control the entry of persons into the guarded area and internal area. Persons entering or leaving a nuclear installation shall be obliged to bear identification as referred to in the first sentence. If such persons refuse to bear identification according to the first sentence, the holder of the authorisation shall be obliged to prevent their entry or exit from the nuclear installation. The authorisation holder is entitled to process personal data according to the first sentence in accordance with a special regulation.37c)

(7) The authorisation holder shall process, register and keep the data provided for permitting entries and exits of persons and entries and exits of vehicles, including data on entries and exits to and from a nuclear installation pursuant to paragraph 6. The authorisation holder shall maintain a database of entries and exits of persons and entrance and exits of vehicles and such data is stored during a period of seven years from the date of their recording; data from the database of the authorisation holder shall be made available to a state authority performing tasks in the field of protection of constitutional order, internal order and security of the state upon its request.

(8) In the event of unauthorized entry to a nuclear installation, unauthorized activity at nuclear installation, unauthorised activity during transport of radioactive materials or a threat of such activity, the

Police Corps shall provide assistance within its scope of powers upon request from the authorisation holder.

(9) Immediately upon establishing the facts pursuant to paragraph 8 the authorisation holder is required to take the necessary measures and to inform the Police Corps and the Authority.

(10) If the authorisation holder is unable to secure physical protection of nuclear installation, nuclear materials, radioactive waste or spent nuclear fuel in accordance with generally binding legal regulations, with the approved documentation and with the conditions of authorisation, the authorisation holder shall, based on a provable request ensure it in cooperation with the Police Corps. The Police Corps is required, based on a contract, to comply with such a request; if the cooperation agreement contains classified information, the Police Corps is obliged to enter into this agreement, only if the authorisation holder meets the conditions under special regulation. 37d)

(11) Details of the requirements for providing physical protection including classification of nuclear installation or nuclear materials to categories for providing physical protection, shall be stipulated by a generally binding legal regulation to be issued by the Authority.

## **Section 27**

### **Operational events at the nuclear installation and events during transport of radioactive materials**

(1) An operational event at a nuclear installation is an event, during which there was a threat to or breach of nuclear safety during commissioning of a nuclear installation, during its operation, during the decommissioning phase or during closure of the repository.

(2) An event during transport is an event during transport of radioactive materials, which caused non-compliance with the requirements for nuclear safety during transport of radioactive materials.

(3) Operational events and events during transport are divided into:

a. Failure, which has caused:

1. threat to nuclear safety without direct threat to performance of safety functions,
2. breach of safety barriers or other safety measures without direct consequences,
3. entering into limits and conditions (Tech Specs) for safe operation and safe decommissioning,
4. breach of limits and conditions without direct consequences on performance of safety functions,
5. actuation of safety systems or their actuation due to real causes, but without direct consequences,
6. breach of technical conditions or transport regulations during transport without direct consequences,
7. other breaches of equipment reliability requiring corrective actions to deal with the consequences,
8. leakage of radioactive substances or ionizing radiation not exceeding the exposure limits, 2)

b. Incident, which is any event, the consequences or potential consequences of which are not negligible in terms of radiological protection (aa) or nuclear safety, and which has caused

1. Threat or disrupting the performance of safety features,
2. Failure of safety systems or actuation of safety systems due to real causes, which requires actions to remove the consequences,
3. Serious disruption or failure of safety barriers,
4. leakage of radioactive substances or ionizing radiation exceeding the exposure limits, 2)

c. Accident, which is any event the consequences or potential consequences of which are significant from the view of radiation protection (aa) or nuclear safety, and which has caused leakage of radioactive materials, which requires the application of measures to protect the public. 37e)

(4) The authorisation holder is required to:

a. Develop mandatory procedures for solving events pursuant to paragraph 3,

- b. take preventive and precautionary measures in a timely manner and to immediately eliminate conditions, which could endanger the nuclear safety, life or health of people,
- c. Report to the Authority any deficiencies found during operation, maintenance or control, which could lead to events pursuant to paragraph 3,
- d. Report events according to par. 3 to the Authority, and in case of operational events pursuant to par. 3 (b) and (c), also to the Ministry of Interior and Ministry of Health, to identify their causes, to take all appropriate measures to mitigate their consequences and to take corrective action; any incident or accident during shipment shall be reported by the authorisation holder also to the Ministry of Transport and Construction,
- e. Formulate conclusions based on results of analyses of causes of operational events and events during transport of radioactive materials, consider good practice in the given area and take immediate corrective actions to prevent the recurrence of events and the development of conditions reducing nuclear safety; the authorisation holder is required to provably instruct its employees on results of analyses and any corrective actions,
- f. Inform immediately the persons present within the territory of a nuclear installation about the event according to par. 3 (b) or (c), on health protection measures and on activities to be performed when they occur.

(5) The Authority shall identify the causes and circumstances of incidents and accidents, as well as selected failures.

(6) The details on the method of reporting operational events and events during transport, details on identification of their causes, shall be established by generally binding legal regulation, to be issued by the Authority.

## **Section 28**

### **Emergency planning and emergency preparedness**

(1) Emergency planning is a set of measures and procedures for detecting and dealing with incidents or accidents at nuclear installations and for identification and mitigation and elimination of consequences of releases of radioactive substances into the environment during handling nuclear materials, radioactive waste management or spent nuclear fuel management and during transportation of radioactive materials.

(2) Emergency response is a planned activity of the authorisation holder and the public authorities carried out during an incident or accident at the nuclear facility and incidents or accidents during shipment, as described in the emergency plan

(3) Emergency plans are divided into:

- a. Preliminary on-site emergency plan containing planned measures on the territory of a nuclear installation or several nuclear installations during construction,
- b. on-site emergency plan containing planned measures on the territory of a nuclear installation or several nuclear installations operated by a single authorisation holder, and link to the off-site emergency plan, 38)
- c. off-site emergency plan containing measures to protect the population within the emergency planning zone during leakage of radioactive substances into the environment, as well as link to the on-site emergency plan,
- d. emergency transport order containing measures during incident or accident during transport of

radioactive materials.

(4) Emergency plans must take into account incidents or accidents including low probability accidents having very serious effects on the health or property of the population and the environment within the emergency planning zone, requiring introduction of measures to overcome or mitigate consequences of incidents or accidents on-site or off-site of the nuclear installation or during transport of radioactive materials including principles of coordination of activities of authorities or legal persons involved in overcoming or mitigating the consequences of incidents or accidents.

(5) The authorisation holder is required to adopt preventive measures, as well as measures to cope with or mitigate the consequences of incidents and accidents at a nuclear installation or during transport of radioactive materials. The authorisation holder is required to inform the public about the measures and procedures.

(6) In order to ensure the obligations pursuant to paragraph 5, the authorisation holder is required to establish a specific workplace and to create the necessary organizational structure.

(7) The authorisation holder is required to create such organizational structure at the nuclear installation for the emergency preparedness and emergency response, to define responsibility and coordination between the authorisation holder and the competent authorities and organizations, taking into account the time course of the incident or accident.

(8) The Authority shall approve the size of the emergency planning zone of a nuclear installation for each nuclear installation upon request as part of the relevant licensing proceeding. The District Offices at the seats of regions affected by the emergency planning shall decide about inclusion of municipalities into the emergency planning zone based on the approved size of the emergency planning zone around the nuclear installation. If there is single person as an applicant for authorisation concerning several nuclear installations located within the territory, for which there was also a common on-site emergency plan developed, such nuclear installations are considered to be as a single nuclear installation and the emergency planning zone is only one common zone.

(9) The holder of authorisation for commissioning and operation of a nuclear installation or for decommissioning is required to provide for monitoring systems at a nuclear installation, as well as in the emergency planning zone.

(10) State administration authorities, municipalities, natural persons and legal persons affected by emergency planning are obliged to cooperate in the development of emergency plans within their scope of powers and to provide to each other with the necessary documentation.

(11) An applicant for authorisation is required to submit to the Authority an on-site emergency plan for approval after being reviewed by the Ministry of Health of the Slovak Republic no later than eight months prior to the planned start of commissioning of a nuclear installation and subsequently every five years for re-approval.

(12) Population protection plans of regions within the emergency planning zone shall be submitted by the district offices at the seat of regions to the Authority for assessment no later than eight months prior to the planned start of commissioning of a nuclear installation and subsequently every five years for re-assessment.

(13) Applicant for authorisation for transport of radioactive materials is required to submit an emergency transport order for assessment by the Authority no later than six months prior to the first planned transport of radioactive materials and subsequently every five years for re-assessment.

(14) The authorisation holders or district offices at the seat of regions are required to submit emergency plans for reassessment or approval within a period of less than five years, if there have been any modifications made to the nuclear installation pursuant to Section 2 (w), the organizational structure pursuant

to paragraph 6 or the means to deal with incident or accident at a nuclear installation or during transport of radioactive materials, changes in the emergency planning zones, changes in the size of the common emergency planning zone or changes in providing transport of radioactive materials, or modifications on the basis of results of exercises and inspections.

(15) Emergency plan pursuant to paragraph 3

- a. Points (a) and (b) shall be approved by the Authority,
- b. Point (c) shall be approved by the Ministry of Interior,
- c. Point (d) shall be approved by the Ministry of Transport and Construction.

(16) The applicant for authorisation for transport of radioactive materials, prior to submission of the emergency plans developed pursuant to paragraph 3 (d) for assessment by the Authority, shall request the opinion of the Ministry of Interior.

(17) The authorisation holder for transport of radioactive materials is required to notify the Ministry of Interior of the schedule for the spent fuel shipments no later than 10 days before the transport.

(18) Approved emergency plans and approved size of the emergency planning zones for the nuclear installations are binding for the state administration authorities, municipalities, as well as for natural persons and legal persons affected by the emergency plan.

(19) The authorisation holder for transport of radioactive materials is required to make the persons involved in the transport of radioactive materials familiar with the emergency transport order and to train the designated persons to perform functions according to the emergency transport order. Other persons involved in the transport of radioactive materials must be instructed by the authorisation holder about their obligations, in case of an incident or accident occurring during transport of radioactive materials.

(20) The authorisation holder and the district authorities at the seats of the regions affected by emergency preparedness shall periodically inform the public likely to be affected by the consequence of incident or accident, on health protection measures that concern it, as minimum in the following extent

- a) basic information on radioactivity and its effects on health, population and its impact on the environment,
- b) information about different types of incidents and accidents and on their possible impact on the population and the environment,
- c) planned measures aimed at warning, protecting and assisting the public in the case of an incident or an accident to the extent of information on activities to be carried out by the public in the case of incident or an accident.

(21) The authorisation holder and the district authorities at the seats of the regions affected by emergency preparedness shall permanently make available information to the public according to par. 20 and to regularly update it as a consequence of changes in the emergency plans.

(22) The authorisation holder and the district authorities at the seats of the regions affected by emergency response, in case of an incident according to Section 27 par. 3 (b) and (c) or in case of a threat of such event, are required to inform the public without delay of the facts regarding the incident or accident, of the steps to be taken and, if necessary, of the health protection measures concerning the public concerned. The information provided shall include the information referred to in par. 20, supplemented at least with the information on

- a) an incident or accident, its characteristics, in particular its origin, extent and possible evolution,



- b) measures during times of threat,
- c) urgent and follow-up measures to protect the public

(23) The state administration authorities and municipalities concerned, as well as natural persons and legal persons, are required to participate, within the scope and in a manner specified by the population protection plan or emergency transport order, on the exercises and protective measures, and within the specified scope also on liquidation of consequences of incidents or accidents nuclear installations or incidents or accidents during transport of radioactive materials.

(24) The implementation of exercises and evaluation of the course of incidents or accidents of nuclear installation and during the transport of radioactive materials is provided by the Authority at its workplace equipped with the necessary technical means. The Authority prepares at its workplace a proposal of measures or recommendations for further action at the time of threat of leakage of radioactive substances from a nuclear installation or during the persistent leakage of radioactive substances from a nuclear facility in cooperation with the Public Health Authority of the Slovak Republic pursuant to special regulation.38aa) Proposals for measures or recommendations for further action are sent by the Authority to the Ministry of Interior and to the district offices in the seat of the region within the emergency planning zone.

(25) The authorisation holder is required to provide the data at its own costs and the state administration authorities and their subordinated agencies are required to provide to the Authority data necessary for ensuring emergency preparedness, for preparation and implementation of exercises, for evaluation of incidents or accidents at nuclear installations and during transport of radioactive materials and to forecast their development, such as the technological data of nuclear installations, data from radiation monitoring, meteorological data and other data free of charge, in a form, extent and manner, as required by the Authority.

(26) Details of the content of emergency plans, details of the procedure for their submission and approval, measures, procedures and activities including identification of the severity of events according to the international criteria, the details of informing for the Authority and the public, details on the essentials for supporting documentation required for the application for approval of the size of the emergency planning zone, size of the common emergency planning zone, including the deadline for submission of the application, details of the monitoring systems, details of training, exercises and updates of the emergency plans, details of the data provided and time course of an incident or accident at the nuclear installations and during transport of radioactive materials, shall be established by a generally binding legal regulation to be issued by the Authority.

## **PART SEVEN**

### **LIABILITY FOR NUCLEAR DAMAGE AND ITS FINANCIAL COVERAGE**

#### **Section 29**

#### **Contact point**

(1) The Authority pursuant to Section 4 par. 1 (f) and (g) provides information on a nuclear accident 38a) and radiological threat 38b) on the territory of the Slovak Republic according to special regulations. 4)

(2) The Authority shall receive, according to special regulations 4), information about nuclear accident 38a) or radiological threat, 38b) occurring outside the territory of the Slovak Republic and shall inform the public and the Ministry of Interior about this fact.

(3) The Ministry of Health, the Ministry of Transport and Construction, the Ministry of Finance, the Ministry of Interior, the Ministry of Environment, the Ministry of Foreign and European Affairs, the Ministry of Defence and the Slovak Information Service, shall ensure within their scope of competence 38c)

immediate notification of the Authority of events affecting the population or the territory of the Slovak Republic or of events that could be of public interest and which consist of:

- a) loss or theft of a radioactive source or equipment containing radioactive source,
- b) finding abandoned radioactive source or equipment containing radioactive source,
- c) radioactive contamination of biosphere caused by anthropogenic radionuclides released into the environment,
- d) contamination of foodstuffs or drinking water,
- e) contamination of goods,
- f) severe exposure of persons,
- g) events during shipment of radioactive source or equipment containing radioactive source,
- h) detection of potential threat of abusive use of ionizing radiation sources for illegal activity,
- i) illegal activity involving use of ionizing radiation source,
- j) other incidents that pose a risk of exposure of persons or contamination of the environment.

(4) The Authority ensures continuous availability of the Contact Point.

(5) The Authority shall inform the European Commission of the contact details of the Contact Point and shall notify the European Commission without any delay of any changes in order to enable mutual rapid communication.

(6) At the request of the Government of the Slovak Republic 4) the Authority shall, through the Contact Point, request the mediation of assistance from the International Atomic Energy Agency.4)

(7) The details on the activities of the Contact Point and the extent, form and method of providing information according to par. 3, shall be established by a generally binding legal regulation to be issued by the Authority.

### **Section 30** **Financial coverage for liability for nuclear damage**

Deleted by the Act No. 54/2015 Coll.

## **PART EIGHT**

### **STATE SUPERVISION, INSPECTIONS, NUCLEAR SAFETY INSPECTORS, INTERNATIONAL INSPECTIONS, ADMINISTRATIVE MISDEMEANORS AND OFFENCES**

#### **Section 31** **State supervision, inspections and nuclear safety inspectors**

(1) The Authority controls compliance with this Act and other generally binding legal regulations issued under this Act, as well as compliance with the scope and the conditions of the decisions pursuant to Section 4 and the implementation of measures to remedy the deficiencies identified in the protocols (hereinafter only as the "inspections"). The Authority conducts inspections of authorisation holders and parties, where there is a reasonable assumption that they use the nuclear energy for other than peaceful purposes or there is unauthorized use of nuclear energy, or parties where there is reasonable suspicion that they violate the obligations arising from the international treaties relating to peaceful use of nuclear energy and by which the Slovak Republic is bound. The Authority controls also the parties where there is a reasonable suspicion that they perform activities in the field of use of nuclear energy pursuant to this Act without any permission or authorisation.

(2) The Authority carries out inspections by authorised civil servants (hereinafter only as the "Inspectors").

(3) The Inspector performs inspections under a civil service employment contract with the relevant department of civil service pursuant to a special regulation 37) at a service office, which is the Authority. The Inspector must meet the prerequisite for education, acquire and demonstrate the relevant competencies and pass the inspector's exam, thus meeting a special qualification prerequisite. An Inspector covering areas involving classified information may only be an Inspector who, in addition to meeting the requirements for an Inspector, is also authorized to acquaintance with classified information under a special regulation. 6)

(4) An employee of the Authority, who is trained to become an Inspector, during the time before passing an inspector's exam, has the status of an Inspector - candidate. He may perform inspections only when accompanied and supervised by an Inspector.

(5) Inspector's exam consists of a written and an oral part. Inspector's exam is taken in front of an examination board, the members of which are appointed by the chairman of the Authority. The purpose of the inspector's exam is to verify, whether the Inspector - candidate knows and is able to apply the regulations necessary for carrying out inspections in the field, in which he will perform the inspection activities.

(6) The examination board shall notify the Inspector – candidate of the result of the inspector's exam within 15 days. After passing inspector's exam the Authority shall issue a certificate to the inspector - candidate.

(7) After successful passing of the inspector's exam, upon proposal of the chairman of the examination board, the Chairman of the Authority shall appoint an inspector - candidate to the position of an Inspector in writing and shall issue an inspector's license.

(8) The chairman of the authority and the vice-chairman of the Authority shall receive an inspector license on the date of their appointment to their positions.

(9) The inspector, in carrying out inspection activities, identifies himself with the license of an inspector.

(10) Inspections may only be performed in a way that does not endanger human health and safety and the environment.

(11) The Inspector is authorized to:

- a. Enter, at any time and without restrictions, the premises of the authorisation holders and the premises of nuclear installations and the premises, where nuclear materials, special materials and equipment are held or where radioactive waste or spent nuclear fuel are managed, to carry out inspection activity, to ascertain how the professionally competent employees, the licensed employees, unless currently

performing an activity having direct impact on the nuclear safety, their knowledge of regulations, establish the status, causes and the consequences of operational event and an event during transport of radioactive materials, as well as to check the state of emergency preparedness, to check compliance with the nuclear safety, physical protection, compliance with operating regulations, to verify the professional competence of the employees of the authorisation holder and to participate in investigations of operational events and events during transport of radioactive materials,

- b. Control, participate in exams and perform tasks in order to establish, whether the requirements arising from this Act, the generally binding legal regulations issued on the basis thereof and the conditions specified in the decisions of the Authority and in the protocols from inspections are complied with,
- c. Require submission of documentation, records or other documents necessary for performance of inspection activity and to request copies thereof and provide information and explanations,
- d. Take necessary number of samples of materials or media, which are used or handled, or to take samples from the environment to be analysed, after notifying the statutory body of the authorisation holder or the employee authorized by him,
- e. Use technical means for making photo-documentation, video documentation and audio documentation necessary for performance of inspection activity, unless their use is prohibited by special regulations, 6)
- f. Order the preservation of equipment, workplaces, structures and objects or parts thereof in their original state until the end of the investigation, or order the documentation of the condition of equipment, workplaces, structures and objects or parts thereof during the inspection,
- g. Order measurements, inspections, tests and other actions necessary for carrying out inspection activity,
- h. Impose measures to eliminate the deficiencies including binding deadlines for their fulfilment, after discussing the deficiencies with the statutory body of the legal person or with a person authorized by the statutory body or with a natural person – the authorisation holder in a form of a protocol,
- i. Withdraw the certificate of special professional competence, if there were such shortcomings identified with a licensed employee in special professional competence or in his activity, leading to a threat or which could lead to a direct threat to nuclear safety, or withdraw the certificate of professional competence, if such shortcomings were identified with the lecturer in his professional competence or in his activity, leading to or which could lead to insufficient training of licensed employees of authorisation holders,
- j. Require information demonstrating fulfilment of obligations according to Section 23 par. 2 (a).

(12) Such withdrawn certificate of special professional competence or certificate of professional competence shall be referred to the Authority by the Inspector for further action. The Authority shall decide on their withdrawal or return within one month of their withdrawal.

(13) A certificate of special professional competence or certificate of professional competence can be withdrawn for a fixed period, however, at the most for a period of three years, or permanently. It shall be withdrawn for a fixed period if the reasons for which it was withdrawn are presumed to lapse. Its return is conditional upon verification of special professional competence or professional competence of an employee and by passing the exam before an examination board or a panel. In the case of permanent loss of physical or mental fitness of the holder of certificate of special professional competence, the certificate shall be withdrawn permanently.

(14) Powers of an Inspector under paragraph 11 shall apply to the extent that is appropriate also to local investigation in the proceedings for granting a permission or authorisation, as well as for conducting checks of persons, if there is reasonable suspicion of carrying out activities under this Act without the permission or authorisation or persons where there is reasonable assumption that they carry out activities in

the field of use of nuclear energy for other than peaceful purposes.

(15) Unless this Act stipulates otherwise, the basic rules of control activity apply also for inspection activity as specified in a special regulation. 41)

(16) Inspection activity carried out in a manner and under the conditions stated in paragraphs 1 to 15, and exercise of powers by the Authority as stated under Section 4 par. 1 (a) to (e), (j), (k) and par. 2 and 3, is a performance of state supervision.

(17) The Authority is authorised, in accordance with special regulation 41a), to process the personal data of inspectors, inspector - candidates, international inspectors and other persons invited for inspection or international inspection in the exercise of inspection activities, as well as other persons for the purpose of ensuring control of entering and leaving of such persons to and from the nuclear installation within the scope of personal data specified in Section 26 par. 6. The Authority shall be entitled to provide personal data according to the first sentence to the authorisation holder for the same purpose and to the same extent as referred to in the first sentence.

### **Section 32** **Shutdown of operation of nuclear installation**

(1) If there is risk of delay or if serious facts occur important in terms of nuclear safety, physical protection or emergency preparedness, the Authority shall decide about restrictions in the scope or validity of the authorisation or imposing on the authorisation holder to take the necessary measures, or shall decide to shut down the nuclear installation.

(2) Where another authority decides to suspend the operation of a nuclear installation for reasons other than safety hazards, that authority shall reimburse the holder of the authorisation for the costs necessary to ensure nuclear safety and the relevant part of the costs incurred as a result of such a decision to the National Nuclear Fund for the decommissioning of a nuclear installation.

### **Section 33** **International inspections**

(1) An international inspection shall mean an activity, which is performed by international inspectors on the basis of international treaties, by which the Slovak Republic is bound.

(2) The inspection mandate is a document authorizing the international inspectors to carry out inspections according to paragraph 1.

(3) Each natural person or legal person is required to provide the necessary cooperation to international inspectors during their inspection activity to the extent corresponding to their rights under the inspection mandate.

(4) Any natural person or a legal person affected by an international inspection has the right to get acquainted with the inspection mandate.

(5) An international inspection may be performed only in a manner that does not endanger human health and safety or the environment.

(6) Provisions of paragraphs 1 to 5 shall also apply mutatis mutandis to other authorized persons commissioned by the European Commission carrying out this activity according to special regulation. 42)

(7) The Authority's inspector may take part in the international inspection, and if the inspection is carried out by persons pursuant to paragraph 6, also representatives of the ministries and other central bodies of state administration within their scope of competence as specified by a special regulation. 43)

(8) If necessary for the purpose of achieving the objectives or performance of an international inspection, the Authority may request the Police Corps and the customs authorities for cooperation. In the request the Authority shall indicate the extent of cooperation required. The Police Corps and the customs authorities are required to comply with the request of the Authority within the scope of their powers. If there is a risk of delay, the Authority is authorized to request the competent court to order urgent measures for entry of the international inspectors to the premises of the subject of the international inspection.

### *Offences and other administrative misdemeanour*

#### **Section 34**

#### **Administrative misdemeanour and offences**

(1) The Authority shall impose a fine of up to Euro 2,000,000 to an authorisation holder, who violated the provisions of Section 3 par. 2, 9, 10 or 12.

(2) The Authority shall impose a fine of up to Euro 1,000,000 to a legal person, who violated the provisions of Section 3 par. 6.

(3) The Authority shall impose a fine up to Euro 332,000 to an authorisation holder for breach of obligations under Section 10 or 20 or for failure to comply with the conditions laid down in the permit or in the consent or for failure to take action within the specified time limit imposed by Authority's Decision or failure to take action by the inspector to remedy deficiencies pursuant to Section 31 par. 11 (h).

(4) The Authority shall impose a fine of up to Euro 33,200 to a legal person for failure to fulfil obligations arising from Section 3 par. 13 and 14, Section 12 par. 2 and 3 and in Section 33 par. 3.

(5) The Authority shall impose a fine of up to Euro 16,597 to an authorisation holder for failure to notify information important for performance of state supervision or for failure to notify facts important in terms of nuclear safety, physical protection, emergency planning or for the assignment of an employee to perform activities, for which he does not satisfy the condition of professional competence or special professional competence.

(6) An offense is committed by a natural person, who violates the provision of Section 3 par. 6 or fails to comply with the obligations specified under Section 3 par. 13 and 14, under Section 12 par. 2 and 3 and under Section 33 par. 3. For such offences the Authority shall impose a fine of up to Euro 3,320. In the proceedings for an offense the Authority proceeds according to a special regulation. 44)

(7) Any person, who failed to remedy the deficiencies for which a fine has been imposed within the specified time limit, may be subject to further fine of up to twice the amount of fine that may be imposed pursuant to paragraphs 1 to 5.

(8) Proceedings for the imposition of a fine pursuant to paragraphs 1 to 5 may be initiated within one year from the date, when the Authority found the violation of obligations, however, no later than within three years from the date, when the breach of obligations occurred.

(9) In imposing fines and determining their amounts pursuant to par. 1 to 5, the gravity, manner, duration and possible consequences of breach of obligations shall be taken into account in particular, as well as the cooperation and attitude of the supervised entities or natural persons or legal persons concerned when eliminating consequences of deficiencies and the measures taken. In justified cases the Authority may waive the imposition of a fine.

(10) By imposition of a fine on the authorisation holder or other natural persons or legal persons shall be without prejudice to their criminal liability, as well as to the criminal liability of their employees.

(11) Fines are the income of the National Nuclear Fund. The administration of a State's claim from a decision imposing a fine shall, after the decision becomes final, be transferred free of charge to the National

Nuclear Fund, which acquires the rights and obligations of the administrator of that claim of the State.

### **Section 34a** **Contributions from the authorisation holders for state supervision**

(1) The authorisation holder, pursuant to Section 5 par. 3, is required to pay an annual contribution for the relevant year for performance of state supervision (hereinafter only as the "Annual Contribution").

(2) The Annual Contribution is payable in the relevant year according to the data for the previous year, while changes in the basis for calculating the Annual Contribution that occur during the previous year shall not be taken into account, unless this Act stipulates otherwise.

(3) If the legal person or the natural person is a holder of several types of authorisations pursuant to Section 5 par. 3, such authorisation holder is required to pay an Annual Contribution for each activity, for which a authorisation has been issued.

(4) The Annual Contribution for commissioning of a nuclear installation and operation of nuclear installation [Section 5 par. 3 (b) and (c)] according to the type of nuclear installation is:

- a. Euro 766.76 for each MWt of the nominal installed thermal capacity established on 1 January of the previous year, for a nuclear installation pursuant to Section 2 (f) first point, this does not apply to a nuclear installation between the date of validity of the decision to commission the nuclear installation and the date of validity of the approval for trial operation of the nuclear installation, when it pays 1.5 times that amount; if the nominal installed thermal capacity has been permanently reduced to zero and this situation lasts until 1 January of the previous year, the nominal installed thermal capacity means the highest designed capacity before its permanent reduction to zero.
- b. Euro 36.51 for each fuel assembly stored at the end of the previous year for a nuclear installation pursuant to Section 2 (f) the third bullet point,
- c. Euro 41.99 for each GBq activity of radioactive waste conditioned for disposal in the course of the previous year at a nuclear installation pursuant to Section 2 (f) the fourth bullet point,
- d. Euro 91.28 for each fibre-concrete container disposed in the course of the previous year at a nuclear installation pursuant to Section 2 (f) the fourth bullet point,
- e. Euro 6.22 for each hundred TBq of the maximum design activity of stored radioactive waste established on 1 January of the previous year for a nuclear installation pursuant to Section 2 (f) of the fourth point.

(5) The annual contribution for the construction of a nuclear installation [Article 5, paragraph 3, (a)] according to the type of nuclear installation is:

- a) for a nuclear installation pursuant to Article 2 (f), point one, 1.5 times the amount of the contribution pursuant to paragraph 4 (a); nominal installed heat output means the designed nominal installed heat output,
- b) for a nuclear installation pursuant to Article 2 (f), point three and four, apart from a nuclear installation pursuant to paragraph 4 (e), at the amount pursuant to paragraph 4 (b) to (d); the state at the end of the previous year means the designed state as of 31 December of the year in which twelve months have passed since the nuclear installation began to operate.

(6) The Annual Contribution for the decommissioning phase of a nuclear installation [Section 5 par. 3 d)] according to the type of a nuclear installation is:

- a) Euros 107.346,40 for the decommissioning stage of a nuclear installation of nuclear power plant A1 in Jaslovské Bohunice,

- b) Euros 527.147,50 for the decommissioning stage of a nuclear installation of nuclear power plant V1 in Jaslovské Bohunice,
- c) 5 % of the Annual Contribution pursuant to par. 4 (b), while a condition as at the end of the year shall mean the condition as at 31 December of the year preceding the year, in which the authorisation for the decommissioning phase came into force,
- d) 5 % of the Annual Contribution pursuant to par. 4 (c), while taking into account the contribution in the year, in which the maximal activity was reached,
- e) 5 % of the Annual Contribution pursuant to par. 4 (e).
- (7) The Annual Contribution for institutional control of nuclear installation pursuant to Section 2 (f) the fourth bullet point [Section 5 par. 3 (e)] is Euro 5,000.
- (8) The Annual Contribution for activities pursuant to Section 5 par. 3 (f) to (n) is Euro 182.56.
- (9) The obligation of the authorisation holder to pay the Annual Contribution shall arise on the first day of the calendar month following the month, in which this authorisation came into force. The obligation of an authorisation holder, who was also an authorisation holder in the previous year and continues to be authorisation holder in the relevant year, the obligation to pay the Annual Contribution shall arise on 1 January of the relevant calendar year.
- (10) The authorisation holder is required to pay the Annual Contribution in four equal instalments, and that is by the 15<sup>th</sup> day of the first month of the calendar quarter; this obligation does not apply for par. 11.
- (11) If the Annual Contribution does not exceed the amount of Euro 331.93, it is payable in a single instalment by 15 January of the relevant calendar year.
- (12) The authorisation holder, whose authorisation came into force during the calendar year, shall pay for this calendar year a proportional part of the Annual Contribution, and that is by the 15<sup>th</sup> day of the calendar month, in which this obligation arose. If the proportional part of the Annual Contribution does not exceed Euro 331.93, it is payable in a single instalment, otherwise the procedure to be followed is pursuant to par. 10.
- (13) The authorisation holder, whose authorisation has been revoked during the calendar year, has expired or been replaced by another type of authorisation, shall pay a proportionate part of the Annual Contribution for that calendar year. The paid amount, which exceeds the proportion of the Annual Contribution, is refunded by the Authority within 15 business days from the date of termination of authorisation or after the effective date of its termination.
- (14) Proportional part of the Annual Contribution pursuant to par. 12 and 13 shall be calculated as 1/12 of the Annual Contribution multiplied by the number of calendar months, in which the authorisation was or will be valid.
- (15) The obligation to pay the Annual Contribution terminates on the first day of the month following the month, in which the decision on termination of authorisation came into force or in which the authorisation terminated.

## **PART NINE**

### **COMMON, TRANSITIONAL AND FINAL PROVISIONS**

#### **§ 35**

#### **Special procedural provisions for proceedings before the Authority**

- (1) Unless otherwise specified, the Authority's proceedings are subject to a general regulation on administrative procedure <sup>45)</sup> except for:



- a) time limits for issuing a decision in proceedings pursuant to Section 8 par. 5 and Section 15 par. 4,
- b) the particulars of the decision in proceedings pursuant to Section 15 par. 4, Section 16 to 16l and Section 24,
- c) the forms of application referred to in par. 2,
- d) service pursuant to Section 8 par. 10,
- e) the procedure under special regulation<sup>45aa</sup>) which the Authority shall link to the procedure under special regulation,<sup>45ab</sup>).
- f) the procedure for anonymising personal data on disclosed documents and decisions pursuant to paragraph 4.

(2) An application pursuant to this Act shall be submitted to the Authority in paper form or in electronic form. The application in electronic form must be authorized in accordance with the provisions of special regulation 45a) and delivered to the electronic mailbox of the Authority; 45b) The documentation attached to the application in the electronic form shall be submitted electronically on a storage medium and in paper form. In proceedings where the documentation contains classified information or sensitive information, 45c) the application including the documentation pursuant to this Act shall be submitted to the Authority in paper form and electronically on a storage medium according to special regulations.45d)

(3) The procedure for granting an authorisation for early use of a building, approval for temporary use of the site for trial operation, final building approval and their amendment, is subject to a special regulation,<sup>11c</sup>) unless this Act provides otherwise.

(4) Where documents and decisions are disclosed for the purpose of informing the public pursuant to specific provisions<sup>45c</sup>) and contain personal data, the Authority publishes them in the scope of title, name, surname, address, telephone number and e-mail address.

### **§ 35a**

#### **Common provisions on the annual contribution**

(1) The Annual Contribution or its instalment or a proportionate part of the Annual Contribution or an instalment thereof, shall be deemed to have been paid on the date, when credited to the revenue account specified by the Authority with the State Treasury.

(2) If the Annual Contribution or its instalment or a proportionate part of the Annual Contribution or an instalment thereof have not been paid duly and on time, pursuant to Section 34a par. 1 the authorisation holder is required to pay a default interest on the due amount for each day of delay in the amount of the base interest rate of the European Central Bank valid as at the first day of delay. The Authority is not required to recover the default interest if it does not exceed the amount of Euro 50.

(3) The Annual Contribution, its instalment, the proportionate part of the Annual Contribution, an instalment thereof, and the default interest, are income for the state budget. The Annual Contribution, its instalment, the proportionate part of the Annual Contribution, an instalment thereof, and the default interest shall be collected by the Authority.

(4) The Annual Contribution, its instalment, the proportionate part of the annual contribution, an instalment thereof, and the default interest shall be paid by bank transfer or by depositing cash to the revenue account maintained by the State Treasury and specified by the Authority. The variable symbol to be used is the number assigned by the Authority to individual authorisation holders pursuant to Section 34a.

## **Section 36**

This Act transposes the legally binding acts of the European Union listed in Annex 4.

**Section 37**  
**Transitional provisions**

(1) The validity of authorisations issued under existing regulations expires on the effective date of this Act, except for authorisations for activities, which are stated under Section 5 par. 2 and 3 hereof. Other decisions issued under the existing regulations are deemed to be as decisions issued under this Act.

(2) Any proceedings initiated prior to the effectiveness of this Act shall be completed pursuant to the existing regulations. Any proceedings for granting authorisations shall be closed as at the date of effect of this Act.

(3) If performance of certain activities in the field of nuclear energy use is not in compliance with the terms and conditions specified under this Act, a legal person or natural person is required to immediately discuss with the Authority measures for making them compliant with this Act. The measures must be performed within a time limit set by the Authority, however, no later than six months from the date of effect of this Act.

(4) Any new certificates for the Inspectors pursuant to this Act shall be issued by the Authority within three months from the date of effect of this Act.

**Section 37a**  
**Transitional provisions for regulations effective from 1 January 2008**

(1) The authorisation holder, whose authorisation entered into force prior to 1 January 2008, has the obligation to pay an Annual Contribution on 1 January 2008.

(2) The authorisation holder pursuant to paragraph 1 is required to pay the first instalment of the Annual Contribution pursuant to Section 34a par. 8 for year 2008 or the whole amount of the Annual Contribution pursuant to Section 34a par. 9 for year 2008 no later than by 31 January 2008.

**Section 37b**  
**Transitional provisions for regulations effective from 25 December 2008**

(1) Any proceedings initiated or cross-border shipments permitted prior to 25 December 2008 shall be completed pursuant to the existing laws.

(2) Any proceedings initiated prior to the effectiveness of this Act shall be charged in a manner and applying the rates according to the existing regulations.

**Section 37ba**  
**Transitional provisions for regulations effective from 1 May 2010**

(1) Payments of Annual Contributions and instalments of the proportionate part of the Annual Contributions, which have been calculated with the rates and paid within the deadlines pursuant to the existing regulations by 30 April 2010, are considered to be instalments of the Annual Contributions according to the rates valid from 1 May 2010.

(2) Payments of the Annual Contributions and instalments of the proportionate part of the Annual Contributions, the due date of which according to the previous regulations, as well as pursuant to this Act is set from 1 May 2010, the authorisation holder is obliged to pay according to the rates and within the deadlines valid from 1 May 2010.

**Section 37bb**  
**Transitional provisions for regulations effective from 1 November 2011**

(1) The quality management system documentation approved by the Authority prior to 1 November 2011 shall be deemed to be the quality management system documentation approved pursuant to a regulation effective from 1 November 2011.

(2) Requirements for quality of nuclear installations and requirements for quality of classified equipment approved by the Authority prior to 1 November 2011 are deemed to be approved according to a regulation effective from 1 November 2011.

(3) If it is necessary to modify the documentation pursuant to paragraph 1 or the requirements according to par. 2, the authorisation holder shall submit any proposals for changes to the Authority for approval pursuant to the regulation effective from 1 November 2011.

**Section 37bc**  
**Transitional provisions for regulations effective from 1 August 2013**

A licence for operation of a nuclear installation with a time limit issued under the existing law, and whose time limit would expire after 1 August 2013 under the existing act, is considered to be a licence for operation of nuclear installation without a time limit.

**Section 37bd**  
**Transitional provisions for regulations effective from 1 July 2016**

Proceedings initiated prior to 1 July 2016 that have not been completed with legal force shall be governed by the regulations effective until 30 June 2016.

**Section 37be**  
**Transitional provisions for regulations effective from 1 October 2019**

Any proceedings initiated and not completed by 30 September 2019 shall be completed according to the regulation in force from 1 October 2019.

**Section 37c**

This Act was adopted in compliance with the legally binding Act of the European Union in the field of technical standards and technical regulations. <sup>46)</sup>

**Section 38**  
**Repealing provisions**

The following is being repealed:

1. Act No. 130/1998 on peaceful use of nuclear energy and amendments to the Act No. 174/1968 on state supervision over occupational safety in the wording of Act of the National Council of the Slovak Republic No. 256/1994 and Act No. 470/2000,
2. Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 29/1999, issuing the list of special materials and equipment,
3. Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 30/1999, specifying the details on maximal limits for quantities of nuclear materials, where there is no assumption of causing nuclear damage,

4. Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 186/1999, establishing the details on providing physical protection for nuclear installations, nuclear materials and radioactive waste,
5. Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 187/1999 on professional competence of employees of nuclear installations in the wording of the Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 317/2002,
6. Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 198/1999 on registration and control of nuclear materials,
7. Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 245/1999 on emergency planning for the case of incident or accident in the wording of the Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 318/2002,
8. Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 246/1999 on documentation regarding nuclear installations during their decommissioning,
9. Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 284/1999 on details regarding transport of nuclear materials and radioactive waste,
10. Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 31/2000 on events at nuclear installations,
11. Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 190/2000, establishing the details on radioactive waste management and spent nuclear fuel management,
12. Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 317/2002 on requirements for the quality system of authorisation holders and on amendments and complements to the Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 187/1999 on professional competence of employees of nuclear installations,
13. Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 318/2002 on safety documentation of nuclear installation and on amendments and complements to the Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 245/1999 on emergency planning for the case of incident or accident,
14. Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 121/2003 on nuclear safety assessment,
15. Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 167/2003 on requirements for nuclear safety of nuclear installations.

## **Article II**

Act No. 50/1976 on land use planning and building code (the Building Act) in the wording of Act No. 139/1982, Act No. 103/1990, Act No. 262/1992, Act of the National Council of the Slovak Republic No. 136/1995, Act of the National Council of the Slovak Republic No. 199/1995, ruling of the Constitutional Court of the Slovak Republic No. 286/1996, Act No. 229/1997, Act No. 175/1999, Act No. 237/2000, Act No. 416/2001, Act No. 553/2001, ruling of the Constitutional Court of the Slovak Republic No. 217/2002, Act No. 103/2003, Act No. 245/2003, Act No. 417/2003 and Act No. 608/2003

shall be amended and complemented as follows:

1. In Section 121 par. 2 is complemented with (e), with the following text:

"e) The Nuclear Regulatory Authority of the Slovak Republic for constructions of nuclear installations and structures relating to nuclear installation located within the area bounded by the boundaries of a nuclear installation."

2. In Section 126 par. 1 after the word "environment" the following words are inserted: "and on nuclear safety of nuclear installations."

3. In Section 126 par. 3 the following words are deleted "building permit and the final building approval."

### **Article III**

Repealed

### **Article IV**

Repealed

### **Article V**

Repealed

### **Article VI**

This Act enters into effect on 1 December 2004 with the exception of Section 3 par. 9 and 10, which enter into effect from 1 January 2012.

Act No. 238/2006 entered into effect on 1 July 2006.

Act No. 21/2007 entered into effect on 15 January 2007.

Act No. 94/2007 entered into effect on 1 January 2008.

Act No. 335/2007 entered into effect on 1 October 2007

Act No. 408/2008 entered into effect on 25 December 2008.

Act No. 120/2010 entered into effect on 1 May 2010.

Act No. 137/2010 entered into effect on 1 June 2010.

Act No. 145/2010 entered into effect on 1. May 2010.

Act No. 350/2011 entered into effect on 1 November 2011.

Act No. 143/2013 entered into effect on 1 August 2013 apart from new wording of Art. 29 (6) (a) and (b), Art. 34a (4) (a), Art. 34a (5), Art. 34a (6) (a) and new letter (b), which entered into force on 1 January 2014.

Act No. 314/2014 entered into effect on 1. January 2015.

Act No. 54/2015 entered into effect on 1. January 2016.

Act No. 91/2016 entered into effect on 1. July 2016.

Act No. 125/2016 entered into effect on 1. July 2016.

Act No. 96/2017 entered into effect on 1. August 2017.

Act No. 18/2018 entered into effect on 25. May 2018.

Act No. 87/2018 entered into effect on 1. April 2018.

Act No. 177/2018 entered into effect on 1 September 2018 except Section 6 par. 2 (a) and Section 6 par. 3, which entered into force on 1 January 2019.

Act No. 308/2018 entered into effect on 1. January 2019.

Act No. 279/2019 entered into effect on 1. October 2019.

Act No. 310/2021 entered into effect on 1. January 2022.

Act No. 363/2021 entered into effect on 12. October 2021.

Ivan Gašparovič s.m.

Pavol Hrušovský s.m.

Mikuláš Dzurinda s.m.

## **ANNEX 1: DOCUMENTATION OF NUCLEAR INSTALLATIONS NECESSARY FOR INDIVIDUAL DECISIONS**

### **A. Documentation necessary for the written application for approval of the siting of a nuclear installation pursuant Section 5 par. 2 and authorisation for the siting of a nuclear installation pursuant to Section 5 par. 3 (o)**

- a) Reference safety report,
- b) Reference report on the method of decommissioning,
- c) Project proposal for physical and technical solution of nuclear installation on the level of reference project,
- d) Reference report on the method of radioactive waste management and spent nuclear fuel management,
- e) Requirements for the quality of nuclear installation,
- f) Proposal of boundaries of a nuclear installation,
- g) Proposal for the size of the emergency planning zone for a nuclear installation,
- h) Assessment of the impact of nuclear installation on the environment, if established by a special regulation, 8) as well as assessment of the potential impact of the surrounding environment on the nuclear installation.

### **B. Documentation necessary for written application for building permit for construction of a**

## **nuclear installation**

- a) Preliminary safety report proving fulfilment of legal requirements for nuclear safety on the basis of data, which are contemplated in the design,
- b) Design documentation necessary for the building proceedings,
- c) Preliminary plan for radioactive waste management, spent nuclear fuel management including their shipment,
- d) Preliminary conceptual decommissioning plan,
- e) Categorization of classified equipment into safety classes,
- f) Preliminary plan of physical protection,
- g) Quality management system documentation and requirements for quality of nuclear installations and their assessment according to point A (e),
- h) Preliminary on-site emergency plan,
- i) Preliminary limits and conditions for safe operation,
- j) Preliminary program of control of nuclear installation prior to its operation,
- k) Preliminary demarcation of boundaries of nuclear installation by specifying the data stated under point A f),
- l) Preliminary demarcation of the size of the emergency planning zone of a nuclear installation by specification of data stated under point A (g),
- m) Documentation according to Section 6 par. 2 (j),
- n) Authorization for radioactive waste incineration facilities according to special provisions,<sup>46a)</sup>

### **C. Documentation needed for the written application for authorisation for commissioning of a nuclear installation and operational authorisation**

- a) Limits and conditions for safe operation,
- b) List of classified equipment broken down to safety classes, c) programs of testing classified equipment specified by the Authority,
- d) Commissioning program of a nuclear installation broken down to phases,
- e) Program of operational controls of classified equipment,
- f) Quality management system documentation and requirements for quality of a nuclear installation and their assessment according to point B (g),
- g) Operating regulations specified by the Authority,
- h) On-site emergency plan,
- i) Pre-operational safety report specifying the report referred to in point B a),
- j) Probabilistic safety assessment of operation for shutdown reactor and for low power levels, as well as for the full reactor power for nuclear installations with nuclear reactor

- k) Physical protection plan, including the contract with the Police Corps according to Section 26 par. 10, as well as the description of the method of implementing aviation operations 13) at the premises or in the vicinity of a nuclear installation,
- l) Plan for radioactive waste management, spent nuclear fuel management including their shipment,
- m) conceptual decommissioning plan for the nuclear installation,
- n) Document supporting the secured financial coverage for liability for nuclear damage, except the repository under a special regulation,<sup>7b)</sup>,
- o) System of training for the employees,
- p) Training programs for licensed employees,
- q) Training programs for professionally competent employees,
- r) Documents on meeting the qualification requirements for licensed employees and professionally competent employees,
- s) Documents on readiness of the nuclear installation for commissioning, for the trial operation, report on evaluation of the commissioning of the nuclear installation and of permanent operation, report on evaluation of the trial operation,
- t) Off-site emergency plans for the regions in the emergency planning zone,
- u) Demarcation of boundaries of the nuclear installation by specification of data stated under point B k),
- v) Demarcation of the size of the emergency planning zone for the nuclear installation by specifying the data stated under point B l),
- w) Documentation pursuant to Section 6 par. 2 (j),
- x) Approval for trial operation or for the preliminary use according to special act,<sup>46b)</sup>
- y) Approval for permanent use of the source according to special act<sup>46c)</sup> for the permanent operation.

**D. Documentation necessary for the written application for licensing the decommissioning phase**

- a) Limits and conditions for safe decommissioning,
- b) Quality management system documentation and requirements for quality of nuclear installations,
- c) On-site emergency plan,
- d) Decommissioning phase plan,
- e) Concept of decommissioning for the period after the end of licensed phase of decommissioning,
- f) Physical protection plan, including the contract with the Police Corps pursuant to Section 26 par. 10, as well as the description of method of performing aviation operations 13) within the premises or in the vicinity of the nuclear installation,
- g) Plan for radioactive waste management and transport and plan for handling conventional waste from the decommissioning,
- h) Document on secured financial coverage of liability for nuclear damage under a special regulation,<sup>7b)</sup>,



- i) Program of inspections of classified equipment,
- j) Operational procedures defined by the Authority,
- k) System of professional training of employees,
- l) Training programs for licensed employees,
- m) Training programs for professionally competent employees,
- n) Documents on fulfilment of qualification requirements of licensed employees and of professionally competent employees,
- o) Plan to protect the region's population in the emergency planning zone,
- p) Changes to the boundaries of nuclear installations by specification of data stated under point C (u),
- q) Changes to the size of the emergency planning zone of nuclear installation by specification of data stated under point C (v),
- r) Categorization of classified equipment into safety classes.

**E. Documentation necessary for the written application for authorisation for closure of a repository and for institutional control**

- a. Overall assessment of the status of the repository and its operation, including the description of changes and modifications to the repository and their
- b) Safety assessment,
- c) Total inventory of disposed radioactive waste,
- d) Plan for repository closure and institutional control including safety analyses,
- e) Program of monitoring including proposal for possible corrective actions,
- f) System of training of employees,
- g) Training programs for professionally competent employees,
- h) Documents on fulfilment of qualification requirements for competent employees,
- i) Quality management system documentation and requirements for quality of nuclear installations, i) changes to the boundaries of the nuclear installation by specification of data stated under point C (u),
- j) Changes to the size of emergency planning zone of nuclear installation by specification of data stated under point C (v).

**F. Documentation necessary for the written application for approval of excluding a nuclear installation from the scope of this Act:**

- a. Final description of the territory of the decommissioned nuclear installation and of all works performed during decommissioning,
- b. Summary data on the amount and the activity level of disposed long-term stored radioactive waste and on the amount of radioactive waste from decommissioning and materials release to the environment,
- c. List of data, which shall be retained after completion of the decommissioning together with the retention time,

- d. Final assessment of the radiation situation of objects and areas,
- e. Institutional measures for limited use of objects and areas,
- f. Contract pursuant to Section 20 par. 7, if required by the circumstances.

**ANNEX 2 A. Documentation necessary for the written application for authorisation of transportation of radioactive materials**

- a. Identification data of the carrier,
- b. Type and the amount of radioactive materials identified for transport,
- c. Transport route,
- d. Expected date of transport,
- e. Safety documentation:
  - 1. program of health protection against adverse effects of ionizing radiation,
  - 2. transportation order, including emergency transport order,
  - 3. quality management system documentation for the transportation,
  - 4. plan of securing physical protection,
- f. Document on approval of the type of transport equipment,
- g. Document on secured financial coverage for liability for nuclear damage, if required under a special regulation,<sup>76)</sup>,
- h. In case of authorisation for transit of nuclear materials and spent nuclear fuel, a document from the relevant state authority of the carrier that their taking back is secured in case that the transit is not completed,
- i. Authorisation for transport of nuclear materials and spent nuclear fuel issued by the competent authorities of the country of the consignee or the carrier and of the transit countries in case of international transportation,
- j. Declaration of the competent authority of the consignee's country that the nuclear material or spent nuclear fuel shall be used in compliance with the special regulation, 46)
- k. Authorisation for imports or exports of nuclear material,
  - l. Duly concluded commercial contract approved by the European Commission, in case of nuclear material, or draft contract, or contract between the applicant and his partner together with a precise specification of special materials and equipment and their volume, except the planned transport of quantities and materials as stated in special regulations, 47)
- m. Authorisation for handling nuclear materials granted to a natural person or a legal person exporting or importing the nuclear materials.

**B. Documentation necessary for the written application for authorisation of imports and exports of nuclear materials, exports of special materials and equipment pursuant to Section 14**

- a. Identification data of the applicant, in case of a natural person, the first name and family name, date of birth, address of residence, in case of legal person, the name, registered office, identification number of the organization, the first name, family name and address of residence of a statutory body or its member,

- b. Type and the amount of nuclear materials to be imported or exported, type and amount of special materials and equipment to be exported,
- c. Name of the country, to which the nuclear materials, special materials and equipment are to be exported or from which the nuclear materials are to be imported,
- d. Expected date of imports or exports,
- e. In case of imports of nuclear materials a confirmation that the applicant for authorisation holds an authorisation for handling nuclear materials or that it has contractually secured other natural person or legal person, who is a holder of authorisation for handling nuclear materials, who will handle the imported nuclear materials,
- f. In case of exports of nuclear materials, special materials and equipment a guarantee from the country of the consignee that the nuclear materials, special materials and equipment shall not be handled in contradiction with the requirements of an international treaty, by which the Slovak Republic is bound, 1)
- g. In case of imports of nuclear materials, declaration from the applicant for authorisation, in which he undertakes:
  - 1. not to use the given material or equipment for purposes that would be in contradiction with the international treaty, by which the Slovak Republic is bound, 1) and would help to achieve any military objectives,
  - 2. Secure physical protection of such materials and equipment in compliance with Section 26,
  - 3. Not to hand over the given material or equipment to other natural person or legal person without the authorisation of the Authority.

### **ANNEX 3 PART A**

#### **FIELDS OF NUCLEAR ENERGY REQUIRING REGULATED EDUCATION AND TRAINING OR AT LEAST FIVE MONTHS OF EXPERIENCE RELATING TO**

- a. Research in nuclear energy in the areas specified under part B,
- b. Management, maintenance, repair or technical operation of objects and equipment for:
  - 1. Production, separation or any use of ores, source materials or special fissile materials or for reprocessing of spent nuclear fuels,
  - 2. Isotope separation,
  - 3. Production of special materials needed in the nuclear field, such as moderators and structural, cladding and shielding materials specially designed for nuclear use,
  - 4. Generation of nuclear energy,
  - 5. Disposal of nuclear waste and radioactive contamination,
  - 6. Transport or storage of radioactive materials,
  - 7. Production, preparation or use of radioactive isotopes,
- c. Planning, designing or construction of buildings or equipment or structural part of buildings or equipment used in the areas referred to under (a) and (b),
- d. Radiation protection.

### **PART B**

#### **LIST OF REGULATED PROFESSIONS IN THE FIELD OF NUCLEAR ENERGY**

A profession requiring knowledge that is equivalent to knowledge of a nuclear engineer or nuclear technician

Profession, requiring the knowledge in one of the following areas:

- a. Working conditions typical for the nuclear industry and when designing nuclear installations (nuclear engineer and nuclear technician),
- b. Specific mechanical issues related to nuclear industry and when designing auxiliary equipment (mechanical engineer and technician),
- c. Effect of radiation on materials and nuclear properties of various substances used as fuels, moderators and structural materials for nuclear installations; preparation of nuclear substances, reprocessing of spent fuel, disposal of radioactive waste or decontamination (chemical engineer and technician),
- d. Properties of ceramic materials used in nuclear energy (uranium and thorium oxides, uranium carbide, etc.) (engineer and technician for ceramic materials),
- e. Properties of structural materials for nuclear reactors, of cladding materials for fuel and for metallic fuel; behaviour of such materials during irradiation and presence of substances used in reactors or in reprocessing facilities (metallurgy engineer and technician),
- f. Control of nuclear reactors, measurement of radioactivity (electrical engineer and technician),
- g. Neutron physics of nuclear reactors and the main requirements arising from that (thermodynamics analyses engineer and technician),
- h. Special properties and operational supervision of the reactor and the measures necessary in the event of a major breakdown (operating engineer and technician),
- i. Assessment and control of the reactor security and of the experimental nuclear installation (safety engineer and technician).

#### **Prospector**

Profession involving indicating radioactivity with the aid of special instruments (Geiger-Müller counters, etc.) in locations identified by the geologists; interpretation of information obtained for the purpose of later research.

#### **Test driller in uranium mines**

Profession requiring the ability to manage operations relating to test drills for the purpose of determining the nature of land and to detect the presence of radioactive materials and to interpret the information obtained for the purpose of directing later operations.

#### **Mine superintendent in a uranium mine**

Profession involving management, supervision and/or control of one or several or all underground sections or operations in an uranium mine or implementation of technical research or complicated measurements and supervision of compliance with the safety measures required by the special nature of these mines.

#### **Laboratory technician**

Profession involving study of radioactive ores and in cooperation with the analysts carrying out chemical and physical analyses of samples in order to determine the intensity of radiation of samples, their chemical composition and other properties.

#### **Specialist (preparation of fuel elements)**

Profession involving performance of activities in fabrication of fuel elements by forging, their inspection and testing; preparation and acceptance of metallic fuel cladding.

#### **Reactor Operator**

Profession involving reactor operation and requiring knowledge of the basics of the electronics and reactor dynamics, as well as the ability to interpret diagrams and to locate and repair minor failures.

#### **Reactor operation supervisor**

Profession involving reactor operation and requiring good general knowledge and a thorough knowledge of all typical reactor properties; ability to give order and to adopt decisions.

**Specialist for loading, unloading and cooling of nuclear fuels**

Profession requiring the ability to handle the equipment for loading, unloading and cooling of nuclear fuels according to the instructions.

**Laboratory technician (hot laboratory)**

Profession involving ability to interpret diagrams and to carry out the necessary installation and setting, to be able to undertake tests independently according to detailed instructions and to express results in quantitative energy levels; knowledge of the dangers arising from radiation and the ability to use remote control apparatus.

**Design engineer (specialist for nuclear field)**

Profession requiring preparing a simple design based on written data and to represent such data by quickly created drawings or sketches providing a visual representation of the subject of design according to the specification and to use valid regulations for protection against radiation.

**Operator (particle accelerator)**

Profession involving operating and handling of high voltage equipment for electrostatic accelerators; construction, use and handling of ion sources; handling and operation of apparatus for detecting and measuring radioactivity, etc.

**Radiation protection technician**

Profession involving safety oversight of staff operating reactors, or staff in uranium mines or other nuclear installations, and which requires deep knowledge of the dangers arising from radiation, and on radiation protection.

**Decontamination technician**

Profession involving ability to carry out in the event of contamination the necessary measures and certain special decontamination operations and if needed, to carry out practical measures.

**ANNEX 4**

**List of transposed legally binding acts of the European Union**

- 1) Directive 62/302/EC of 5 March 1962 on free access to qualified jobs in the nuclear energy (Special edition of OJ EU, chap. 5/issue 1; OJ ES 57, 9/7/1962).
- 2) Council Directive 89/618/Euratom of 27 November 1989 on informing the general public about health protection measures to be applied and the steps to be taken in the event of a radiological emergency (Special edition of OJ EU, chap. 15/issue 1; OJ ES L 357, 07/12/1989).
- 3) Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent nuclear fuel (OJ EU L 337, 05/12/2006).
- 4) Council Directive 2009/71/Euratom of 25 June 2009, establishing a Community framework for the nuclear safety of nuclear installations (OJ EU L 172, 2/7/2009).
- 5) Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (OJ L 199, 2/8/2011).
- 6) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification) (OJ L 6, 28/1/2012).
- 7) Council Directive 2013/59/EURATOM of 5 December 2013 laying down basic safety standards for

protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ EU L 13, 17/1/2014).

- 8) Council Directive 2014/87/EURATOM of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations OJ EU L 219, 25/7/2014).

## **ANNEX 5**

### **Repealed from 25 December 2008**

1) Section 3 par. 1 (a) Regulation of the Government of the Slovak Republic No. 345/2006 on basic safety requirements for health protection of workers and the citizens from ionizing radiation.

1a) Section 2 par. 2 (o) of the Act No. 355/2007 on protection, promotion and development of public health and on amendments and complements to certain laws.

1aa) Regulation of the Government of the Slovak Republic No. 345/2006 on the basic safety requirements for the protection of health of workers and the citizens from ionizing radiation. Act No. 355/2007 on protection, promotion and development of public health and on amendments and complements to certain laws, as amended.

1aaa) Art. 2 par. 2 (u) of Act No. 355/2007 Coll.

1aaaa) Act No. 355/2007 Coll.

1aaaaa) Article 30 of the Treaty Establishing the European Atomic Energy Community (OJ EU C 203, 7/6/2016).

1ab) Art. 2 par. 13 of the Commission Regulation (Euratom) No. 302/2005 of 8 February 2005 on the application of the Euratom safeguards (OJ EU L 54, 28/02/2005).

1ac) Table 1 in Annex 2 to the Regulation of the Government of the Slovak Republic No. 345/2006 Section 2 par. 2 (l) of Act No. 355/2007

1ad) Section 2 par. 2 (t) of Act No. 355/2007

1b) For example, the Decree of the Minister of Foreign Affairs No. 61/1974 on the Treaty on the Non-Proliferation of Nuclear Weapons, Decree of the Minister of Foreign Affairs No. 62/1974 on Treaty on the Prohibition of placing nuclear weapons and other weapons of mass destruction at the bottom of the seas and oceans and its underground.

2) Act No. 355/2007 in the wording of Act No. 140/2008, the Regulation of the Government of the Slovak Republic No. 345/2006

3) Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of

the one part and the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000 (Special edition of OJ EU, chap. 11/issue 35, 15/12/2000).

3a) Joint Convention on the safety of spent nuclear fuel management and on the safety of radioactive waste management (Communication of the Ministry of Foreign Affairs of the Slovak Republic No. 125/2002).

3b) Section 27 of the Act No. 319/2002 Coll. on the Defence of the Slovak republic as amended by the Act No. 330/2003 Coll.

4) For example, Convention on Early Notification of a Nuclear Accident (Communication No. 327/2001), Council Decision 87/600/Euratom of 14 December 1987 on Community arrangements for the early exchange of information in the event of a radiological emergency (Official Journal of the European Communities L 371, 30.12.1987).

5) Article 37 of the Treaty Establishing the European Atomic Energy Community.

6) Act No. 215/2004 on protection of classified information and on amendments to certain laws.

7) Section 6 par. 1 (d) of Act No. 201/2022 Coll. on construction.

7b) Act No. 54/2015 Coll. on Civil Liability for Nuclear Damage and on its Financial Coverage and on changes and amendments to certain laws.

7c) Section 4, par. 4 of the Act No. 54/2015 Coll.

7d) Section 28, par. 3 (b) of Act No. 146/2023 Coll. on air protection and on amendments and supplements to certain laws.

8) For example, Section 31 par. 2 of Act No. 24/2006 on environmental impact assessments and on amendments to certain laws, Act No. 201/2022 Coll. As amended by 205/2023 Coll.

9) Council Regulation (EC) No. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual use items (Recast) (OJ EU L 134, 29.5.2009).

10) For example, Section 5 par. 1 of Act No. 656/2004 on the energy sector and on amendments to certain laws, Act No. 125/2006 on labour inspection and on amendments to Act No. 82/2005 on illegal work and illegal employment and on amendments to certain laws as amended.

10a) Section 29 and 37 Act No. 24/2006 Coll. as amended.

10b) Section 10 par. 4 of Act No. 330/2007 Coll. on criminal record register and on amendments to certain laws as amended by Act No. 91/2016 Coll.

10c) Section 60 par. 3 of the Decree of the Office of Geodesy, Cartography and Cadastre of the Slovak Republic 461/2009, which implements the Act of the National Council of the Slovak Republic No. 162/1995 Coll on the Land Register and on the registration of titles and other rights in real estate (Cadastral Act) as amended.

11) Sections 37, 42, 43 and 45 of Act No. 201/2022 Coll. and Section 29 or Section 37a of the Act No. 24/2006 Coll. As amended.

11a) Art. 4(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4 May 2016), as amended.

Section 5(e) of Act No 18/2018 Coll. on the Protection of Personal Data and on amendments to certain acts, as amended by Act No 221/2019 Coll.

11b) For example, Act No. 177/2018 Coll. on Certain Measures to Reduce the Administrative Burden through the Use of Public Administration Information Systems and on amendments to certain acts (Anti-Bureaucracy Act), as amended.

11ba) Section 38 of Act No. 201/2022 Coll.

11c) For example, Act No. 305/2013 Coll. on the electronic form of exercising the powers of public authorities and on amendments to certain acts (Act on E-Government), as amended, Act No. 272/2015 Coll. on the Register of Legal Entities, Entrepreneurs and Public Authorities and on amendments to certain acts,

as amended.

11aa) Section 8 par. 1 of the Act No. 54/2015 Coll.

11ab) Section 8 par. 5 to 8 of the Act No. 54/2015 Coll.

11b) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (communication from the Ministry of Foreign Affairs of the Slovak Republic No. 43/2006 Coll.).

11bb) Section 42 of Act. No. č. 201/2022 Coll.

11bc) Section 43 of Act. No. 201/2022 Coll.

11bd) Section 46 of Act. No. 201/2022 Coll.

11be) Section 41 of Act. No. 201/2022 Coll.

11c) Section 24 and 25 of Act No. 24/2006 Coll. as amended.

11d) Act No. 201/2022 Coll. as amended by Act 205/2023 Coll.

11e) Act No. 309/2023 Coll. on transformation of trading companies and cooperative societies and on amendments and supplements to certain Acts.

12) Act of the National Council of the Slovak Republic No. 10/1996 on control in state administration as amended.

13) For example, Section 44 of Act No. 143/1998 on civil aviation (the Aviation Act) and on amendments to certain laws in the wording of Act No. 37/2002

14) Article 79 of the Treaty Establishing the European Atomic Energy Community.

15) The Treaty Establishing the European Atomic Energy Community. Commission Regulation (Euratom) No. 302/2005 of 8 February 2005 on application of Euratom safeguards (OJ EU L 54, 28/02/2005).

16) The Treaty Establishing the European Atomic Energy Community.

17) Chapter 7 of the Treaty Establishing the European Atomic Energy Community.

18) Section 9 par. 6 subpar. c), Section 13 par. 4 subpar. c) and Section 20 par. 3 subpar. b) of Act No. 21/2007 on goods and technology of dual use and on amendments to certain laws.

19) Act No. 264/1999 on technical requirements for products and on conformity assessment and on amendments to certain laws as amended.

20) For example, the Decree of the Minister of Foreign Affairs No. 64/1987 on European Agreement concerning the International Carriage of Dangerous Goods (ADR), the Decree of the Minister of Foreign Affairs No. 8/1985 on Convention on International Carriage by Rail (COTIF).

20a) Section 2 par. 2 (m) of Act No. 355/2007

20b) Commission Decision 2008/312/Euratom of 5 March 2008 establishing the standard document for the supervision and control of shipments of radioactive waste and spent nuclear fuel referred to in Council Directive 2006/117/Euratom (OJ EU L 107, 17/04/2008).

20c) Section 28 par. 7 of Act No. 87/2018 Coll. on radiation protection and on amendments to certain laws.



20d) Act No. 215/2004 on protection of classified information and on amendments to certain laws as amended.

20e) For example, Act No. 355/2007 in the wording of Act No. 140/2008, Regulation of the Government of the Slovak Republic No. 345/2006, the Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 53/2006 establishing the details of requirements for handling of nuclear materials, radioactive waste management and spent nuclear fuel management, the Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 57/2006 establishing the details of requirements for shipments of radioactive materials, the Decree of the Ministry of Health of the Slovak Republic No. 545/2007, establishing the details of requirements for securing radiation protection in activities leading to irradiation and activities relevant for radiation protection, the Joint Convention on the safety of spent fuel management and on the safety of radioactive waste management (communication of the Ministry of Foreign Affairs of the Slovak Republic No. 125/2002).

20f) Section 45 par. 2 (i) and (j) and par. 3 (d) of Act No. 355/2007

20g) Art. 27 of the Joint Convention on the safety of spent fuel management and on the safety of radioactive waste management (communication of the Ministry of Foreign Affairs of the Slovak Republic No. 125/2002).

20h) Section 1 and 7 par. 1 of the Act of the National Council of the Slovak Republic No. 270/1995 on the state language in the Slovak Republic.

20i) Section 37 of Act No. 201/2022 Coll. As amended by Act No. 205/2023 Coll.

21) Article 41 of the Treaty establishing the European Atomic Energy Community

21a) Section 37 par. 8 of the Act No. 24/2006 Coll.

22) Sections 43 to 85 of the Act No. 50/1976 as amended.

23) Section 66 of the Act No. 50/1976 as amended.

23a) Section 37a of the Act No. 24/2006 Coll. as amended by the Act No. 363/2021 Coll.

24) Act No. 44/1988 on protection and use of mineral resources (the Mining Act) as amended

25) Section 83 of act No. 50/1976 as amended.

26) Section 84 par. 1 and 2 of Act No. 50/1976 as amended.

27) Section 84 par. 3 of the Act No. 50/1976 as amended.

28) Act No. 238/2006 on the National Nuclear Fund for Decommissioning of Nuclear Installations and for spent nuclear fuel management and radioactive waste management (the Nuclear Fund Act) and on amendments to certain laws as amended.

Regulation of the Government of the Slovak Republic No. 312/2007 establishing the details on the method of collection and payment of mandatory contributions to the National Nuclear Fund for Decommissioning of Nuclear Installations and for spent nuclear fuel management and radioactive waste management.

29) Article 7, paragraph 4, of the Constitution of the Slovak Republic as amended by Constitutional Act No. 90/2001 Coll.

29a) Section 5 par. 5 subpar. b) Act No. 355/2007 Coll.

30) Section 11 of the Act No. 293/2007 on recognition of professional qualifications.

31) Act No. 576/2004 on health care, services related to health care and on amendments to certain laws as amended.

- 32) Section 30 of Act No. 355/2007 in the wording of Act No. 140/2008 Section 48 of the Regulation of the Government of the Slovak Republic No. 345/2006
- 33) Section 2 (b) of Act No. 293/2007
- 34) Section 2 (c) of Act No. 293/2007
- 35) Sections 8 to 27 of Act No. 293/2007
- 36) Section 15 par. 1 (c) of Act No. 355/2007
- <sup>36a)</sup> Section 3 of Act No. 253/1998 Coll. on Reporting the Residence of Citizens of the Slovak Republic and the Population Register of the Slovak Republic, as amended.
- <sup>36b)</sup> Act No. 404/2011 Coll. on the Residence of Aliens and on amendments to certain acts, as amended.
- <sup>36c)</sup> Section 3(2)(a) of Act No. 422/2015 Coll. on the Recognition of Evidence of Education and on the Recognition of Professional Qualifications and on the amendments to certain acts, as amended.
- <sup>36d)</sup> Section 2(1)(n) of Act No 404/2011 Coll. on the Residence of Aliens and on amendments to certain acts, as amended.
- 37) For example, the Act No. 312/2001 on civil service and on amendments to certain laws as amended.
- 37a) Annex 1 and 2 of the Decree of the Nuclear Regulatory Authority of the Slovak Republic No. 51/2006 establishing the details of requirements for physical protection,
- 37b) Article 9 par. 2 (g) of Regulation (EU) No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with respect to the processing of personal data and on the free movement of such data, repealing Directive 95/46/EC (General Data Protection Regulation) (OJ EU L 119, 4 May 2016).
- 37c) Art. 6 par. 1 (c) of Regulation (EU) 2016/679.  
Act No. 18/2018 Coll. on the protection of personal data and on amendments to certain laws,
- 37d) Section 50 Act No. 215/2004 Coll.
- 37e) Section 3 Act No. 42/1994 Coll. as amended.  
Section 3 Regulation No. 533/2006 Coll. on details on the protection of the general public against the effects of dangerous substances.
- 38) For example, Section 13 par. 1 (i) of the Act of the National Council of the Slovak Republic No. 42/1994 on civil protection of the population as amended.
- 38a) Articles 1 and 2 of the Convention on Early Notification of a Nuclear Accident (Notification No. 327/2001 Coll.).
- 38aa) Section 144 par. 3 subpar. a), b), e) and m) Act No. 87/2018 Coll.
- 38b) Article 1 of the Council Decision 87/600/Euratom.
- 38c) For example, the Act of the National Council SR No. 46/1993 Coll. on the Slovak Information Service as amended, Act No. 575/2001 Coll. on the organization of government activities and organization of the central state administration, as amended, Section 3 of the Act No. 355/2007 Coll. as amended.
- 39) Vienna Convention on Civil Liability for Nuclear Damage caused by nuclear event (Communication No. 70/1996). The Joint Protocol Relating to the Application of the Vienna Convention and to the Paris Convention (Communication No. 71/1996).

40) Sections 415 to 450 of the Act No. 40/1964 the Civil Code as amended. Act No. 513/1991 the Commercial Code as amended.

41) Sections 8 to 13 of the Act of the National Council of the Slovak Republic No. 10/1996

41a) Art. 6 par. 1 (e) of Regulation (EU) 2016/679.

Act No. 18/2018 Coll. on the protection of personal data and on amendments to certain laws.

42) Article 35 of the Treaty Establishing the European Atomic Energy Community.

43) For example, the Act No. 575/2001 on organization of the Government and organization of the central state administration as amended.

44) Sections 51 to 88 of the Act of the Slovak National Council No. 372/1990 on offences as amended.

45) Act No. 71/1967 on administrative procedures (the Administrative Procedure) as amended.

45a) Section 23 par. 1 of Act No. 305/2013 Coll. on electronic form of exercising powers of the public authorities and on the amendment of certain laws (E-Government Act) as amended by Act No. 273/2015 Coll.

45aa) Section 56 of Act No. 71/1967 Coll.

45ab) Section 33 par. 2 of Act No. 71/1967 Coll.

45b) Section 29 to 33 of Act No. 305/2013 Coll. as amended

45c) Section 2 par. 2 a) of Act No. 305/2013 Coll.

45d) Section 6 par. 10 of Act No. 215/2004 Coll. Decree of the National Security Authority No. 453/2007 Coll. on administrative security, as amended.

45e) For example, Section 3(6) of Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Procedure Code), as amended, Act No. 50/1976 Coll. on Spatial Planning and Building Code (Building Act), as amended.

46) Directive of the European Parliament and the Council 98/34/EC of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, and of rules on Information Society services (Special edition of OJ EU, chap. 13/issue 20) as amended.

46a) Section 27 of Act No. 146/2023 Coll.

46b) Section 26 par. 1 (b) of Act No. 146/2023 Coll.

46c) Section 26 par. 1 (c) of Act No. 146/2023 Coll.

47) Commission Regulation (Euratom) No. 66/2006 of 16 January 2006 exempting the transfer of small quantities of ores, source materials and special fissile materials from the rules of the chapter on supplies (OJ EU L 11, 17.1.2006).

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