

National legislative and regulatory activities

Belarus

International co-operation

Bilateral agreements for co-operation signed in 2013

Several agreements for co-operation were signed by the Government of the Republic of Belarus with the Russian Federation in 2013, as well as between state authorities. The first and most important Agreement on co-operation in the field of nuclear safety (signed in Minsk, 1 February 2013), came into force on 4 July 2013. The other agreements signed were: an Intergovernmental Agreement on early notification of a nuclear accident and radiation safety co-operation (in Moscow, 13 December 2013) and an Agreement on co-operation in the field of nuclear and radiation safety supervision in the peaceful uses of nuclear energy between the Ministry for Emergency Situations of the Republic of Belarus and the Federal Environmental, Industrial and Nuclear Supervision Service (*Rostekhnadzor*) of the Russian Federation (in Minsk, 20 December 2013).

Further, on 14 September 2013, an Agreement came into force between the Government of the Republic of Belarus and the Government of the Republic of Armenia (signed in Erevan, 13 May 2013) on the exchange of information and co-operation in the field of nuclear safety and radiation protection. An Agreement on co-operation between the Ministry for Emergency Situations of the Republic of Belarus and the State Nuclear Regulatory Inspectorate of the Ukraine was also concluded in Kiev on 5 September 2013.

Organisation and structure

Amendments to acts about regulatory infrastructure

The President of the Republic of Belarus approved Decree No. 510, "On Improvement of Inspection (Supervision) Activities in the Republic of Belarus", on 16 October 2009. This document contains the list of indicators for inspections, as well as the list of penalties to the inspection authorities and administrative procedures in cases of improper or unlawful conduct during inspections. According to Presidential Decree No. 332, "On Certain Measures for Improvement of Inspection (Supervision) Activities in the Republic of Belarus", signed 26 July 2012, however, supervision of nuclear and radiation safety during construction of the first Belarussian nuclear power plant are not regulated by Decree No. 510. Instead, the basis for the supervision over observance of applicable requirements related to nuclear and radiation safety is derived from the scope of the requirements and limitations of the general order on inspection activities.

State supervision of nuclear and radiation safety is carried out by the Gosatomnadzor (the Department for Nuclear and Radiation Safety) through scheduled and unscheduled inspections at each stage of engineering, siting, construction, manufacture, commissioning, operation and decommissioning of nuclear facilities. Presidential Decree No. 565, signed on 12 November 2007, established Gosatomnadzor as a separate sub-division of the Ministry for Emergency Situations with the functions of state oversight and monitoring of compliance in the field of nuclear safety and radiation protection. According to a Presidential decision,

since 1 July 2013, the staff of the Gosatomnadzor has increased from 43 to 82 persons with the creation of a unit at the nuclear power plant site. Another sub-division of the Ministry for Emergency Situations, Gospromnadzor, was separately created in 2007 also. Gospromnadzor is responsible for the state supervision of industrial safety (including nuclear power plants) and safety of dangerous goods transportation.

The methods of inspection are determined by the Ministry for Emergency Situations. The periodicity of inspections for high risk categories (activities in the field of atomic energy and radiation source management, radioactive waste management, design and production of technological equipment and radiation protection techniques, expert activities under an appropriate licence) is not more often than once a year. The next inspection may be designated not earlier than two years later if the result of the current inspection does not reveal violations of safety requirements.

On 30 December 2011, the Council of Ministers of the Republic of Belarus issued Resolution No. 1791, “On creation of a working group to coordinate the implementation of State inspection (surveillance) over the construction of a nuclear power plant”. This resolution created the Inter-Departmental Commission to co-ordinate the supervision of the construction of the Belarusian nuclear power plant, to be headed by the First Deputy Minister for Emergency Situations. The main tasks of the working group are to co-ordinate the interaction of inspection bodies during the organisation and implementation of state inspection over the construction of the nuclear power plant and consideration of problems during the inspection. In Belarus, the types of inspection (surveillance) required during the construction of the nuclear power plant are exercised by different state authorities, so the creation of an interagency working group ensures a more effective and co-ordinated organisation of state inspection (surveillance).

Licensing and regulatory infrastructure

Presidential decision on construction of nuclear power plant

The President of the Republic of Belarus approved Decree No. 499 “On the construction of the Belarusian nuclear power plant” on 2 November 2013. According to the Law “On the Use of Atomic Energy”,¹ this document is the final decision authorising nuclear power plant construction. The Belarussian nuclear power plant is to be located in the Grodno Region. The plant’s construction was authorised in accordance with project documentation with due regard for the results of the environmental impact assessment, which included the results of consultations with stakeholders and the state ecology expertise within the Ministry of Natural Resources and Environmental Protection.

Nuclear safety and radiological protection

Development of organisational and technical regulations for nuclear safety

Additional national regulations have been approved since 2011, in particular related to physical protection for nuclear facilities, requirements for quality assurance programmes and general arrangements for technical support organisations of the regulatory body, as the Technical Codes of Practice (TCP):

- TCP 356-2011 “System of physical protection of nuclear materials and facilities. Instruction on organization of design”;

1. Law No. 426-Z (30 July 2008), unofficial translation reprinted in *Nuclear Law Bulletin*, No. 82, OECD/NEA, Paris, p. 135.

- TCP 357-2011 “Main rules on safety and physical protection for nuclear materials transportation”;
- TCP 358-2011 “System of physical protection of nuclear materials and facilities. Design requirements”;
- TCP 359-2011 “Requirements to the quality programme for systems of physical protection of nuclear facilities”;
- TCP 360-2011 “General requirements to the systems of physical protection of nuclear facilities”;
- TCP 361-2011 “The procedure for determining the level of physical protection of nuclear facilities”;
- TCP 389-2012 “Rules on physical protection of ionizing radiation sources”;
- TCP 426-2012 “Rules on physical protection of nuclear facilities and nuclear materials in their use and storage”;
- TCP 476-2013 “Quality assurance programme for investigation nuclear facilities. Rules of structure, design and content”;
- TCP 501-2013 “Rules and order of preparation for safety analysis report of nuclear materials storage facilities”;
- TCP 503-2013 “Rules of siting for storage facilities of nuclear materials and radioactive substances”;
- TCP 502-2013 “Organizing of technical support for regulatory body. General requirements”;
- TCP 505-2013 “Order of interaction in physical protection systems of nuclear facilities”.

Development of sanitary regulations for radiation safety

The Ministry for Public Health of Republic of Belarus approved and enacted the sanitary standards, rules and hygienic standards entitled “Hygienic requirements for engineering and operation of nuclear power plants”, which were approved by Resolution No. 39 of 31 March 2010. This document establishes hygienic requirements for radiological safety of the personnel, the population and environment during siting, engineering, construction, commissioning and nuclear power plant operation with VVER reactors.

Sanitary standards and rules “Requirements for Radiation Safety”, the Hygienic Standard “Criteria of an assessment of radiation influence”, were adopted by Resolution No. 213 of the Ministry of Health dated 28 December 2012. This document defines the requirements for radiation safety in different types of ionising radiation, establishes quantitative and qualitative values of human exposure to ionising radiation of artificial or natural origin in different exposure situations, and harmonises requirements in accordance with IAEA General Safety Requirement, “Radiation Protection and Safety of Radiation Sources: International Basic Safety Standards – Interim Edition General Safety Requirements Part 3”.

Sanitary standards and rules 2.6.1.8-8-2002 “Main Sanitary Rules for Radiation Safety (OSP-2002)” were cancelled as of 1 March 2014. The Ministry of Health approved the new sanitary standards and rules “Requirements to Radiation Safety of personnel and population in the use of atomic energy and radiation sources management” by Resolution No. 137 of 31 December 2013.

France

Nuclear safety and radiological protection

Decree of 27 November 2013 on companies working within sites undertaking nuclear activities and temporary employment agencies affected by these activities²

Article R. 4451-122 of the Labour Code states that companies carrying out maintenance work, repair work or using equipment emitting ionising radiation may only carry out activities shown on a list stipulated by decree if they have first obtained a qualification certificate justifying their ability to perform work involving ionising radiation. Pursuant to these provisions, the Decree of 27 November 2013 defines the activities or categories of activities for which such certificates are required. The activities or categories of activities covered by this obligation include any maintenance or repair work or work using equipment emitting ionising radiation, including in specially regulated or prohibited areas.

These certificates are required for these activities or categories of activities if they are carried out within the boundaries of a basic nuclear installation or in an individual installation included within the boundaries of a secret basic nuclear installation.

The decree also defines the list of companies subject to this certification requirement if they are involved in the above-mentioned activities, irrespective of their position in the subcontracting chain, i.e.:

- external companies;
- companies carrying out earthworks, construction, installation, demolition, maintenance, repair or cleaning work, or any associated operations and all other work affecting buildings; and
- temporary employment agencies providing workers to perform the relevant activities.

Finally, this decree defines the scope of the certificate, methods and conditions for certifying companies which are subject to the certification requirement and methods and conditions for accrediting organisations responsible for certification. The activities in question may only be performed by a company holding the certificate by 1 July 2015 at the latest.

Decree of 6 December 2013 on procedures for training competent radiological protection officers and certifying training organisations³

This decree, issued on the favourable advice of the *Autorité de sûreté nucléaire* (French Nuclear Safety Authority) (ASN), specifically reviews all training measures for competent radiological protection officers (PCR in French) established by the Decree of 26 October 2005 on procedures for training competent radiological protection officers and certifying trainers. From now on the training objectives for competent radiological protection officers will be proportionate to the nature and scope of the radiological hazards in question. Training covers three levels based on the sources of ionising radiation and is provided over a period ranging from 21 hours for Level 1 (scenarios with low radiological risks) up to 90 hours for Level 3 (scenarios with high radiological risks).

2. Journal Officiel Lois et Décrets (Official Journal of Laws and Decrees) No. 288, (12 December 2013), Text No. 20, p. 20233 (hereafter JO).
 3. JO No. 298 (24 December 2013), Text No. 53, p. 21227.

This decree came into force on 1 July 2014.

*National Emergency Response Plan: Major nuclear or radiological accident. No. 200 /SGDSN/PSE/PSN. (February 2014 edition)*⁴

Following the Fukushima disaster on 11 March 2011, the government decided to draw up a national emergency response plan to set down the responses to all kinds of emergency situations. This National Emergency Response Plan for dealing with a major nuclear or radiological accident is in addition to existing mechanisms to address nuclear accidents. The aim of this plan is to provide a non-regulatory tool covering a variety of exceptional circumstances, and also to assist the various parties involved in managing the emergency in the decision-making process. This plan is not in any way binding.

There are two parts to this national emergency response plan, which was drawn up in consultation with all stakeholders, public authorities and licensees (operators):

- The first part defines the situations under consideration, how the response will be organised and the emergency management strategy. It specifies the responsibilities of the various stakeholders.
- The second part is a decision-making guide for those in charge.

This new plan was tested during a large-scale exercise simulating an accident in a nuclear power plant. Feedback from the exercise demonstrated the plan's usefulness and provided an opportunity to publicise the plan.

Radioactive waste management

*Decree No. 2013-1304 of 27 December 2013 in accordance with Article L. 542-1-2 of the Environment Code and establishing the specifications of the National Radioactive Materials and Waste Management Plan*⁵

In accordance with Article L. 542-1-2 of the Environment Code, this decree, issued on the favourable advice of the ASN, defines the specifications of the National Radioactive Materials and Waste Management Plan (PNGMDR) for the period 2013-2015. This decree covers aspects of the new edition of the PNGMDR, as presented by the Ministry of Ecology, Energy and Sustainable Development and the ASN in April 2013 (see *Nuclear Law Bulletin* No. 92, Vol. 2013/2).

*2013 Amended Finance Act, Law No. 2013-1279 of 29 December 2013*⁶

The 2013 Amended Finance Act (Article 58 I) establishes a special contribution in favour of the *Agence nationale pour la gestion des déchets radioactifs* (Andra) (National Radioactive Waste Management Agency) payable up to the date of the construction permit for the deep geological repository (CIGEO) and no later than 31 December 2021. This contribution is payable by licensees (operators) of basic nuclear installations from construction of the installation until it is decommissioned. This new contribution will be collected by the ASN.

4. Issued by the Secretariat General for Defence and National Security, available at: www.sgdsn.gouv.fr/.

5. JO No. 304 (31 December 2013), Text No. 54, p. 22347.

6. JO No. 303 (30 December 2013), Text No. 2, p. 21910.

Environmental protection

Decree No. 2014-220 of 25 February 2014 on the greenhouse gas emission quota exchange system (2013-2020) and extension of this system to equipment and facilities in certain basic nuclear installations⁷

This decree defines the rules for the greenhouse gas emission quota exchange system as they apply to equipment and facilities in basic nuclear installations, as provided in the first sub-paragraph of Article L. 593-3 of the Environment Code, notably those required to operate a basic nuclear installation and located within the boundaries of said installation. In particular, it adapts the corresponding provisions of the Environment Code with regard to the scope of application, allocation and issuing of quotas or information in the event of proposed or effective changes, and defines the responsibilities of the ASN where applicable.

Liability and compensation

Act No. 2014-308 of 7 March 2014 authorising the approval of the Joint Protocol relating to the application of the Vienna Convention and the Paris Convention⁸

The principles of the international civil liability regime for nuclear damage are embodied:

- in the Paris Convention on Third Party Liability in the Field of Nuclear Energy adopted on 29 July 1960 under the aegis of the Organisation for Economic Co-operation and Development (OECD); and
- in the Vienna Convention on Civil Liability in the event of a nuclear accident, adopted on 21 May 1963, under the auspices of the International Atomic Energy Agency.

The Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention is intended to establish a link between the two above-mentioned conventions by extending the regime of civil liability for nuclear damage to all countries which have signed either of the conventions and the Joint Protocol. This also ensures that just one of these conventions will apply in the event of a given nuclear accident.

The Act of 7 March 2014 authorises the approval of the Joint Protocol which was signed by France on 21 June 1989. With the deposit of its instrument of ratification on 30 April 2014, France became a party to the Joint Protocol.

International co-operation

Decree No. 2014-140 of 17 February 2014 publishing the protocol amending the convention between the Government of the Republic of France and the Swiss Federal Council on extension of the site of the European Organisation for Nuclear Research into French territory as concluded on 13 September 1965 (with one annexe), signed in Geneva on 18 October 2010⁹

In relation to the law applicable to the site of the European Organisation for Nuclear Research, the principle of territoriality has been retained by the Convention in respect of the Extension into French Territory of the Site of the European Organisation for Nuclear Research, signed in Geneva on 18 October 2010 (referred to below as “the Convention”).

7. JO No. 48 (26 February 2014), Text No. 26, p. 3479.
 8. JO No. 58 (9 March 2014), Text No. 4, p. 5024.
 9. JO No. 43 (20 February 2014), Text No. 1, p. 2889.

Applying this principle brought to light problems relating to the day-to-day management of the European Organisation for Nuclear Research's (the Organisation) activities, making it necessary to define more operations-based regulations for the activities of companies working on the Organisation's site in connection with the provision of services of a transnational nature.

A protocol amending the Convention was thus signed on 18 October 2010 to define the means of applying the principle which states that the law applicable to companies providing such services on the Organisation's site must henceforth be determined on the basis of the location, either on the French or Swiss part of the Organisation's site, of the anticipated majority of the services to be provided.

The Decree of 17 February 2014 publishes this amending protocol.

*Decree No. 2014-141 of 17 February 2014 publishing the agreement between the Government of the Republic of France, the Swiss Federal Council and the European Organisation for Nuclear Research on the law applicable to companies working on the organisation's site with a view to carrying out services of a transnational nature, signed in Geneva on 18 October 2010*¹⁰

The purpose of this decree is to publish the co-operation agreement signed between the Republic of France and the Swiss Federal Council in Geneva on 18 October 2010 on the law applicable to companies working within the European Organisation for Nuclear Research. This Agreement applies to service contracts of a transnational nature concluded by the Organisation with calls for tenders issued after 18 January 2014 (the date on which the Agreement came into force).

Hungary

General legislation

In 2013, the Hungarian Parliament passed legislation, Act CI, which amended Act CXVI of 1996 on Atomic Energy.

Radioactive waste management

Transposition of European Council Directive 2011/70/Euratom

On 19 July 2011, the European Council adopted Directive 2011/70/Euratom on "Radioactive waste and spent fuel management",¹¹ which asks member states to present national programmes, indicating when, where and how they will construct and manage final repositories guaranteeing the highest safety standards. In accordance with the Directive's requirement that member states bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 23 August 2013, the Hungarian Parliament passed legislation in 2013, Act CI, which transposed this Directive by amending Act CXVI of 1996 on Atomic Energy. Hungary's Act CI established a community framework for the responsible and safe management of spent fuel and radioactive waste.

In conformance with Council Directive 2011/70/Euratom, Act CI does the following:

- Article 3 – Definitions – the definitions of the following terms were modified: interim storage, spent fuel management, radioactive waste management, reprocessing and final disposal. The definition of spent fuel was modified to clearly express that it is a different category from radioactive waste. Further,

10. JO No. 43 (20 February 2014), Text No. 2, p. 2891.

11. *Official Journal of the European Union (OJ)* L 199, 2.8.2011, p. 48.

the definition for nuclear facility was completed with a new element added for “nuclear fuel examination laboratory”.

- Article 4 – Basic principles – the ultimate responsibility for the management of spent fuel and radioactive waste generated in Hungary and for the safe and responsible disposal of spent fuel or radioactive waste shipped for processing or reprocessing to a European Union member state or a third country rests with Hungary. Radioactive waste shall be disposed of in Hungary insofar as it was generated in Hungary, unless at the time of shipment there exists an agreement of legal force between the member state concerned and another member state or a third country to use a disposal facility in one of them. Prior to shipment to a third country, Hungary through the Hungarian Atomic Energy Authority (HAEA) shall inform the European Commission of the content of any such agreement and take reasonable measures to be assured that: the country of delivery has concluded an agreement with the European Community covering spent fuel and radioactive waste management or is a party to the Joint Convention, the country of delivery has radioactive waste management and disposal programs with objectives representing high levels of safety, the disposal facility in the country of delivery is authorized for the radioactive waste to be shipped, is operating prior to the shipment, and is managed in accordance with the requirements set down in the radioactive waste management and disposal program of that country of delivery.
- Article 4 – National policy – the national policy on spent fuel and radioactive waste management will be proposed by the Public Limited Company for Radioactive Waste Management (PURAM), elaborated by the Minister, and adopted by the Parliament. This will occur by 31 October 2014. In accordance with the general principles outlined in Directive 2011/70, the national policies specified in Act CI are based upon these principles:
 - the generation of radioactive waste shall be kept to the minimum which is reasonably practicable, both in terms of activity and volume, by means of appropriate design measures and of operating and decommissioning practices, including the recycling and reuse of materials;
 - the interdependencies between all steps in spent fuel and radioactive waste generation and management shall be taken into account;
 - spent fuel and radioactive waste shall be safely managed, including in the long term with passive safety features;
 - implementation of measures shall follow a graded approach;
 - the costs for the management of spent fuel and radioactive waste shall be borne by those who generated those materials;
 - an evidence-based and documented decision-making process shall be applied with regard to all stages of the management of spent fuel and radioactive waste.
- Articles 5, 6, 7 and 8 – National framework, regulatory body and licence holder – the functional separation for the competent regulatory authority is specified, making clear that it is independent of any other body or organization concerned with the promotion or utilisation of nuclear energy or radioactive material.
- Article 12 – National programme – the national programme will be proposed by PURAM, elaborated by the Minister, and adopted by the Government. This

will occur by 31 March 2015. In accordance with Article 11 of Directive 2011/70, PURAM will be responsible for reviewing and updating the National Programme.

New responsibilities for the HAEA

New competences were added to HAEA's work. For example, it is now required that the nuclear safety licensing requirements for the siting of nuclear facilities extend to the examination, assessment and also determination of parameters and appropriateness of the site. Also, HAEA will now be responsible for:

- designation and re-examination of the exclusion zone for the radioactive waste disposal and interim storage facility;
- licensing and inspection of site selection, construction, operation, modification and putting out of operation of the radioactive waste disposal and interim storage facility; and
- estimation and re-examination of the design basis threat and in various applications of atomic energy licensing and inspection of the physical protection system on the basis of the physical protection plan.

Central Nuclear Financial Fund

The Central Nuclear Financial Fund (CNFF) was established to finance the construction and operation of radioactive waste disposal facilities and of spent nuclear fuel storage and disposal facilities, and to finance the decommissioning (dismantling) of nuclear facilities. Annual payments are made into the CNFF from nuclear power plants, though indirectly from the users of atomic energy. As originally implemented in the Atomic Act of 1996, the HAEA was the technical administrator of the CNFF, while the minister supervising the HAEA made disbursements from the Fund. Act CI, however, transferred the management of the CNFF from HAEA to the Ministry of National Development. It also adjusted the payment contribution system.

Nuclear security

Drug and alcohol policy

In compliance with Act CXVI, MVM Paks Nuclear Power Plant (the licensee) has in place a policy regarding drugs and alcohol. Under this policy, the licensee has implemented a programme for an alcohol and drug free workplace and has designed and implemented a detailed procedure for checking compliance with the alcohol- and drug-free condition. The key components of the policy are:

- alcohol checks (random selection, targeted checking and self-checking, among others);
- checking the drug-free condition of the staff (pre-employment medical fitness test, inspections, management request, suspicion and random selection, among others); and
- alcohol and drug abuse prevention programme.

Ireland

Nuclear safety and radiological protection (including emergency planning)

Radiological Protection Act 1991 (*Responsibility and Safe Management of Radioactive Waste*) Order 2013¹²

The above order was adopted as Statutory Instrument No. 320 of 2013. The order transposes Ireland's obligations in relation to Directive 2011/70/EURATOM.¹³ The objective of the directive is to cover all aspects of radioactive waste and spent fuel management, from generation through long-term disposal. The directive stipulates the prime responsibility of generators and the ultimate responsibility of each member state for the management of waste generated on its territory by ensuring that appropriate national arrangements are taken to guarantee a high level of safety to protect workers and the general public against the risks arising from ionising radiation. The directive also formally establishes the responsibility of each member state for the management of its radioactive waste and regulates export conditions for the disposal of the waste.

The Radiological Protection Institute of Ireland has been deemed the competent authority for the purpose of implementation of the above matters.

Lithuania

Licensing and regulatory infrastructure

New requirements for management of construction of nuclear facilities

New Nuclear Safety Requirements BSR-1.4.2-2014 "Management of Construction of Nuclear Facility" were approved by the Head of the State Nuclear Power Safety Inspectorate (VATESI) in Order No. 22.3-22, 29 January 2014.¹⁴ The order establishes requirements for the licence holder's quality management system for construction of safety-related structures, systems and components of nuclear facilities during the phases of construction, operation, and decommissioning of nuclear facilities and for surveillance of closed radioactive waste repositories. The requirements will come into force on 1 May 2014.

Moldova

Nuclear safety and radiological protection

In January 2014, the Republic of Moldova adopted revisions to 2008 regulations related to registration of authorised individuals and legal entities with the National registry with respect to sources of ionising radiation.¹⁵ The regulations were revised

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12. Notice was published in the official Irish state gazette, *Iris Oifigiúil* No. 69, p. 1043 (27 August 2013).
 13. 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, p.48.
 14. The document is available at: www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=465237&p_tr2=2 (in Lithuanian only).
 15. Government Decision No. 1017, published in *Monitorul Oficial* (Official Monitor) No. 169-170, article no. 1025 (9 September 2008), as modified by Government Decision No. 54 of 24 January 2014, published in *Official Monitor* No.24-26, article 64 (31 January 2014).

in the light of the new Law on Safe Deployment of Nuclear and Radiological Activities adopted in 2012.¹⁶

Portugal

Radioactive waste management

New rules for management of spent fuel and radioactive waste

In November 2013, the Portuguese Government adopted Decree-Law No. 156/2013, of 5 November, which establishes the legal framework for the responsible and safe management of spent fuel and radioactive waste and transposes Directive 2011/70/Euratom of 19 July 2011.¹⁷

This law centralises competencies in the recently created Regulatory Commission for the Safety of Nuclear Facilities (*Comissão Reguladora para a Segurança das Instalações Nucleares – COMRSIN*). However, given COMRSIN's lack of staff and own facilities, the Higher Institute of Technology (*Instituto Superior Técnico*), a branch of the University of Lisbon (*Universidade de Lisboa*), successor to the Nuclear Technological Institute, will continue to be responsible for the retrieval, storage and elimination of radioactive waste in Portuguese territory.

The new law also revoked Decree-Law No. 311/98, as amended by Decree-Law No. 139/2005, thereby eliminating the Independent Commission for Radiological Protection and Nuclear Safety.

Nuclear safety and radiological protection

New rules for the licensing of private health units using ionising radiation

In February 2014, the Portuguese Government adopted Ministerial Orders No. 33/2014, 34/2014 and 35/2014, of 12 February.¹⁸ These ministerial orders set out the minimum requirements for the licensing and operation of private health units in the fields of nuclear medicine, radiotherapy and radiology.

As a consequence of the adoption of these Ministerial Orders, the licensing and functioning of these health units will no longer be governed by Decree-Law no. 492/99, of 17 November 1999. While still subject to Decree-Law no. 180/2002, of 8 August (which applies to both public and private sector), these private clinics and hospitals shall now be subject to Decree-Law no. 279/2009, of 6 October, as amended by Decree-Law no. 164/2013, of 6 December, and as implemented by the above mentioned ministerial orders.

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16. Law No. 132 of 8 June 2012, published in Official Monitor No. 229-233, article no. 739 (2 November 2012).
 17. Decreto-Lei no. 156/2013, de 5 de novembro, que estabelece o quadro legal e regulador para a gestão responsável e segura do combustível irradiado e dos resíduos radioativos e transpõe a Diretiva n.º 2011/70/EURATOM, do Conselho, de 19 de julho de 2011, Diário da República (DR) I no. 214, 5.11.2013, p. 6373 (Official Journal).
 18. Portarias no. 33/2014, 34/2014 e 35/2014, de 12 de fevereiro, que estabelecem os requisitos mínimos relativos à organização e funcionamento, recursos humanos e instalações técnicas para o exercício da atividade das unidades de saúde de medicina nuclear, de radioterapia/radioncologia e de radiologia, DR I no. 30, 12.2.2014, p. 1336.

Slovak Republic

Radioactive waste management

During 2012-2013, the Nuclear Regulatory Agency (NRA) had prepared and submitted to the Government a draft amendment to the 2004 Atomic Act to transpose the Directive 2011/70/Euratom establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste.¹⁹ On 21 May 2013, the parliament adopted Act No. 143/2013 Coll.²⁰ In addition to the transposition of the Directive 2011/70/Euratom, the NRA had addressed other issues in the draft legislation, including higher nuclear liability limits for nuclear damage; the cancellation of the time limits for the operational licences, including the existing valid licences which previously been issued for a maximum of 10 years validity; and the increase of contributions from the holders of construction authorisations for a nuclear power plant and from holders of an operating authorisation.

The Amendment Act No.143/2013 to the 2004 Atomic Act entered into force on 1 August 2013, except for the provisions concerning the increase in amount of the nuclear operator's liability limits for nuclear damage caused by each nuclear incident, which entered into force only as of 1 January 2014.

Liability and compensation

As noted above, the provisions of the Amendment Act No.143/2013 to the 2004 Atomic Act related to the increase in the nuclear operator's liability limits for nuclear damage caused by each nuclear incident entered into force as of 1 January 2014. The increased nuclear liability limits are set as follows:

- a) For a nuclear installation with the nuclear reactor or nuclear reactors for purposes of producing energy, during commissioning and operation, the limit is set up to EUR 300 million, which is four times greater than the limit set under the 2004 Atomic Act.
- b) For other nuclear installations during their commissioning and operation, shipments of the radioactive materials, and all nuclear installations in the decommissioning stage, the limit is set up to EUR 185 million, which is 3.7 times higher than the limit set under the 2004 Atomic Act.

Concerning the international liability regime under the 1963 Vienna Convention and the recent EU Council Decision adopted on 15 July 2013,²¹ the Slovak Republic is now considering the merits of its ratification of the 1997 Protocol amending the Vienna Convention on Civil Liability for Nuclear Damage. The NRA initiated and co-ordinated the co-operation of the relevant ministries in the Interdepartmental Working Group for the Civil Liability for Nuclear Damages that provided NRA with

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19. 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, p. 48.
 20. Act No. 143/2013 Coll. of 21 May 2013, amending and supplementing Act No. 541/2004 Coll., on the peaceful use of nuclear energy (the Atomic Act) and on the amendments and supplements to some acts as amended by later acts, and amending and supplementing the Act No. 238/2006 Coll., on the National Nuclear Fund for decommissioning of nuclear facilities and for management of spent fuel and radioactive waste (the Nuclear Fund Act) and on the amendments and supplements to some acts as amended by later acts.
 21. Council Decision 2013/434/EU of 15 July 2013 authorising certain Member States to ratify, or to accede to, the Protocol amending the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963, in the interest of the European Union, and to make a declaration on the application of the relevant internal rules of Union law, OJ L 220, 17.8.2013, p. 1.

support in developing the “Analysis of the advisability of accession of the Slovak Republic to the Protocol amending the 1963 Vienna Convention on the Civil Liability for Nuclear Damages caused by the Nuclear Incidents as fulfilment of the Council Decision 2013/434/EU”. The analysis was intended to be submitted to the Government in March 2014 to provide the government with the information and expected impacts of ratification. If the Slovak Government decides on the accession of the Slovak Republic to the 1997 Protocol, NRA will develop and submit material on accession to the 1997 Protocol to the Government, and, based on the Plan of the Legislative Tasks of the Slovak Government for the 2014, NRA will prepare and submit a draft act on the civil liability for nuclear damage to implement the provisions of the 1997 Protocol. Alternatively, if the Slovak Government does not approve the accession to the 1997 Protocol, the draft act on civil liability for nuclear damage will cover only the 1963 Vienna Convention.

Spain

Radioactive waste management

*Royal Decree 102/2014 of 21 February on the responsible and safe management of spent nuclear fuel and radioactive waste*²²

Royal Decree 102/2014 on the responsible and safe management of spent nuclear fuel and radioactive waste transposes into national law those aspects of the Directive 2011/70/Euratom²³ which were not yet covered in Spanish law, or for which further development of regulation has been deemed necessary. Many of the principles of the directive were already present in the Spanish legal system before the enactment of this royal decree. The royal decree updates the contents and derogates the prior Royal Decree 1349/2003 of 31 October on the governance of activities performed by the *Empresa Nacional de Residuos Radiactivos, S.A. (ENRESA)* and their financing.

The new royal decree, like the directive, regulates the management of spent nuclear fuel and radioactive waste that result from civilian activities at all stages from generation to disposal, in the following terms:

- It establishes a set of general principles based on Article 4 of the Directive 2011/70/Euratom, which must be observed and which are complementary to the principles already set in the Law 25/1964 of 29 April on Nuclear Energy.
- It prescribes the process for the drafting, approval and revision of the General Radioactive Waste Plan (GRWP), in accordance with Article 12 of the Directive.
- It regulates some aspects concerning the financing of the activities foreseen in the GRWP. In particular, it sets up the principles that govern the management of the fund for financing these activities and the composition and functions of the Fund Monitoring and Control Committee, which were already present in the now derogated Royal Decree 1349/2003. The financing of these activities, was were subject of a wide amendment in 2009, is governed in Spain by the Law of the Electricity Sector 54/1997, particularly in its Sixth Additional Provision.

22. *Boletín Oficial Del Estado* (Official State Bulletin) No. 58 (8 March 2014), pp. 22069-82.

23. 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, p. 48.

- It defines the purpose and functions of ENRESA, without significant changes to those previously enumerated by the Royal Decree 1349/2003.
- It establishes the obligations of ENRESA to inform periodically the Ministry of Industry, Energy and Tourism (MINETUR) and the Nuclear Safety Council (CSN).
- It defines the technical and administrative specifications for acceptance of spent nuclear fuel and radioactive waste that ENRESA must subscribe with the waste generators. These specifications were already regulated in the Royal Decree of 2003 as “type contracts”. They must be approved by the MINETUR, upon the favourable report of the CSN.
- It stipulates that the radioactive wastes generated in Spain must be disposed of in Spain, unless at the time of shipment an agreement, taking into account the criteria established by the Commission in accordance with the Directive, has entered into force between the Kingdom of Spain and another member state or a third country to use a disposal facility outside of Spain.
- It contains the requirements of notification and reporting as established by the Directive (notification of the GRWP and report to the Commission on the implementation of the Directive every 3 years); as well as for the arrangement for self-assessments of the national framework, competent regulatory authority and GRWP, and for the invitation of an international peer review of them at least every 10 years.
- It amends the Regulation on Nuclear and Radioactive Installations, approved by Royal Decree 1836/1999 of 3 December. It introduces a new type of authorisation for dismantling and closure, specifically for the installations for the disposal of spent nuclear fuel and radioactive waste.

Royal Decree 102/2014 diverges from the contents of the Directive in the sense that it also regulates, where applicable, the dismantling of nuclear installations, which is acknowledged as an essential public service by the Nuclear Energy Law.

*Ministerial Order IET/1946/2013 of October 17 on the management of wastes generated in activities using materials that contain natural radionuclides*²⁴

The purpose of this Order of the Ministry of Industry, Energy and Tourism, pursuant to Title VII of the Regulation on Sanitary Protection against Ionizing Radiations approved by Royal Decree 783/2001 of 6 July, is to regulate the management of the wastes containing radionuclides of natural origin, so called “NORM”.

This order is applicable to the industries in which processes or other activities generate NORM. Such activities can result in increased concentrations of these materials, which are not negligible from the standpoint of radiation protection.

The order sets the values of the activity concentration levels for exemption or clearance which, if not exceeded, allow the management of NORM as conventional wastes, without prejudice to the application of radiological criteria established by the Nuclear Safety Council in accordance with the level of control that these wastes require. In addition, the order requires license holders to carry out a study of radiological impact to estimate the potential resulting annual effective dose to members of the public and workers. The order also provides that, in the event that

24. *Boletín Oficial Del Estado* (Official State Bulletin) No. 254 (23 October 2013), pp. 86016-19.

certain values are exceeded, such materials are to be managed by ENRESA as radioactive waste.

Ukraine

Radioactive waste management

Pursuant to article 14 of the Law No. 1868-IV on Regulation of Issues related to Nuclear Safety Assurance, as amended, the Cabinet of Ministers issued on 22 January 2014 Decree No. 21 on the Supervisory Board for Control of the Use and Investment of the Financial Reserve Funds Intended for Decommissioning of Nuclear Power Plant Units in Operation. The decree establishes the supervisory board and identifies the initial members of the supervisory board.

Among the duties of the supervisory board are (1) review and approval of the plant operator's plans of action related to cessation of operation and decommissioning of nuclear power plant units in operation; (2) the exercise of control over the use and investment of the financial reserve funds for the intended purpose; (3) review and approval of the Operator's annual plans for investment of the financial reserve funds and (4) annual review of the operator's use of financial reserve funds. Before 25 March of each year, the supervisory board must submit to the Cabinet of Ministers an annual progress report on the control over the use and investment of the financial reserve funds and shall provide its recommendations on how to improve the use of the financial reserve.

The decree also invests the supervisory board with powers, such as inspection and audit and authority to hire experts to assist in its duties, and the decree specifies certain rules of procedure applicable to the board.

United Kingdom

Organisation and structure

Office of Nuclear Regulation established as a statutory body

The Energy Act 2013 (c. 32), which received royal assent on 18 December 2013, is a comprehensive piece of legislation addressing various aspects of energy policy in the United Kingdom, including decarbonisation targets and the reform of the electricity market to encourage low carbon electricity generation and to ensure security of supply.²⁵ Part 3 of the Energy Act 2013 establishes the Office for Nuclear Regulation (ONR) as a "body corporate", a statutory body accountable through the Secretary of State. ONR was originally established in 2011 within the Health and Safety Executive and consolidated within its auspices disparate regulatory functions in the nuclear field.²⁶ Under the Energy Act 2013, ONR is assigned functions related to nuclear safety, nuclear site health and safety, nuclear security, nuclear safeguards and the transport of radioactive materials.

25. A copy of the act is available at: www.legislation.gov.uk/ukpga/2013/32/contents. A detailed set of "Explanatory Notes" on the legislation is available at: www.legislation.gov.uk/ukpga/2013/32/resources.

26. See *Nuclear Law Bulletin*, No. 87, OECD/NEA, Paris, p. 100.