

IONISING RADIATION PROTECTION AND NUCLEAR SAFETY ACT

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UNOFFICIAL TRANSLATION

I. GENERAL PROVISIONS

Article 1 (purpose and content)

- (1) This Act shall regulate ionising radiation protection with the aim of reducing the detrimental effects on human health and reducing to the lowest possible level radioactive contamination of the living environment due to ionising radiation resulting from the use of sources of ionising radiation (hereinafter: radiation source), while at the same time enabling the development, production and use of radiation sources and performing radiation practices. With regard to radiation sources intended for producing nuclear energy, this Act shall regulate the implementation of nuclear safety measures and also, in the case of the use of nuclear materials, special protection measures.
- (2) This Act shall determine also the organisation of the regulatory authorities, as well as the inspectors at the ministry competent for health and at the ministry competent for the environment, given competency in accordance with this Act.

Article 2 (exclusion of validity)

- (1) The provisions of this Act referring to the presence of radioactive substances shall not apply to foodstuff and their ingredients if determined by legislation regulating health suitability of foodstuff.
- (2) The provisions of this Act shall not apply to the shipment into and out of the Member States of the European Union (hereinafter: EU) and import, export of medicines, which is governed by the regulations on medicinal products and medical devices.
- (3) The provisions of this Act, with the exception of the provisions on the physical protection of nuclear materials, shall not apply in the case of transport of radiation sources, if ionising radiation protection is governed by the regulations on the transport of dangerous goods.
- (4) With respect to ionising radiation protection of people, the provisions of this Act shall not apply to exposure due to natural radiation, such as irradiation by radio-nuclides contained in the human body, to cosmic radiation at ground level or radio-nuclides present in the undisturbed crust of the earth.

Article 3 (definitions)

Terms used in this Act shall have the following meaning:

1. *Activity* shall mean the number of radioactive decays within a time unit. The unit of activity is the becquerel.
2. *Overexposure* shall mean exposure to ionising radiation, resulting in the exceeding of dose limits for individuals or activity limits and activity concentrations for air, water, soil, foodstuff, feeding stuff and other products or materials.

3. *Decontamination* shall mean the reduction or removal of radioactive substances from particular parts of the living environment, from people, clothes, equipment and objects.
4. *Worker* shall mean a person who carries out work for an employer on the basis of a full-time employment contract, part-time employment contract or temporary employment contract and who has taken on the rights and duties relating to the practices governed by this Act.
5. *Employer* shall mean any natural or legal person carrying out radiation practice who is obliged to guarantee the safety of workers in accordance with the regulations relating to occupational safety at work.
6. *Diagnostic reference levels* shall mean doses of ionising radiation or levels of activity of radio-pharmaceuticals in standard radio-diagnostic procedures for groups of standard-size patients or standard phantoms for broadly defined types of medical radiological equipment.
7. *Dose* shall mean a measure for the amount of energy of ionising radiation which a specific tissue, organ or the human body would receive or has received. Doses are either equivalent or effective. An equivalent dose denotes the various effects that a specific type of ionising radiation has on a particular tissue or organ, and an effective dose denotes the level of detriment to people's health arising due to exposure to ionising radiation and is calculated as a sum of all the weighted equivalent doses to the specific tissue or organ.
8. *Dose constraint* shall mean a restriction on the prospective dose to individual which may result from a defined type of radiation source. Dose constraint is used at the planning stage of the optimisation of radiation protection.
9. *Physical protection of nuclear materials* shall mean the measures of physical and technical protection in a facility or at a device involving nuclear materials, taken for the prevention of criminal conduct, and the planning of measures in case of such act.
10. *Intervention level* shall mean the value of avertable dose or a derived value, at which intervention measures should be considered. An avertable dose or a derived value is solely the one which is associated with the transfer pathway along which radioactive substances can reach or irradiate people and for which an intervention measure is to be applied.
11. *Intervention measures* shall mean the measures aimed to prevent or reduce exposure of individuals to radiation sources, which are not part of the radiation practice or which are, due to an emergency, not under control. Intervention measures refer to radiation sources, transfer pathways and individuals.
12. *Emergency exposure* shall mean the exposure to ionising radiation of those individuals who voluntarily implement rapid action to bring help to endangered individuals, prevent a large number of people being exposed to ionising radiation or save valuable facilities or goods, whereby dose limits for the exposed workers may be exceeded.
13. *Ionising radiation* shall mean the transfer of energy in the form of molecular, atomic and sub-atomic particles or electromagnetic waves with the wave length of 100 nanometres or less, or with the frequency of 3×10^{15} Hz or more, capable of producing ions directly or indirectly.
14. *Spent fuel* shall mean nuclear fuel which has been irradiated in the reactor core and permanently removed from it.

15. *Exposed workers* shall mean those persons who are, either as natural persons or as workers, exposed to ionising radiation when carrying out radiation practices in accordance with this Act, and who are likely to receive a dose exceeding the limits laid down for members of the public.

16. *Exposure to ionising radiation* (hereinafter: *exposure*) shall mean a process of being exposed to ionising radiation.

17. *Accidental exposure* shall mean an exposure of individuals caused by an emergency. It does not include emergency exposure.

18. *Emergency* shall mean an event at which radiation safety or nuclear safety is deteriorated. Due to the situation which is the consequence of an emergency, it is necessary to start carrying out measures to protect workers, members of the public or the general population, either partially or as a whole, or to protect patients in case of an emergency related to a radiological procedure.

19. *Export* shall mean every transfer of radioactive substances or nuclear goods or equipment out of the customs territory of the EU in accordance with customs regulations.

20. *Nuclear safety* shall mean technical and organisational measures which result in the safe operation of a nuclear facility, prevention of emergencies or mitigation of the consequences of emergencies, and which protect exposed workers, the population and the environment against ionising radiation.

21. *Nuclear materials* shall mean uranium, thorium and elements with an atomic number greater than 92, and other substances, materials or products which can be used for the same purpose as nuclear materials, or are defined as such by a governmental regulation pursuant to this Act or by international agreements in the field of non-proliferation of nuclear weapons.

22. *Nuclear facility* shall mean a facility for processing or for enrichment of nuclear materials or for production of nuclear fuel, a nuclear reactor in critical or sub-critical assembly, a research reactor, a nuclear power-plant and heating plant, a facility for storing, processing, treating or disposing nuclear fuel or highly radioactive waste, and a facility for storing, processing or disposing low or medium radioactive waste. A nuclear facility shall also mean several of nuclear facilities when they are functionally linked in the same geographically confined territory and are managed by the same person.

23. *Nuclear goods* shall mean nuclear materials, equipment and technology designed and made for the production or use of nuclear materials.

24. *Clinical responsibility* shall mean the responsibility of medical doctor related to the justification and optimisation of ionising radiation exposure levels for patients undergoing a radiological procedure. In relation to this, medical doctor is responsible for: the clinical assessment of the outcome of the procedure; co-operation with other specialists or health personnel with regard to appropriate radiological practices; obtaining information on previous procedures; provision of existing information or documentation on radiological procedures to the prescribers or other medical doctors; appropriate informing of patients and other affected individuals on the risks involved in a procedure or risks from ionising radiation.

25. *Less important radiation facility* shall mean a facility with one or more radiation sources, where there is a possibility of exposure of workers or other persons in the facility to ionising radiation exceeding the dose limits.

26. *Dose limits* shall mean the maximum permissible values of effective and equivalent doses to exposed workers, apprentices, students and members of the public due to ionising radiation that shall not be exceeded.

27. *Limits of radioactive contamination* shall mean the values of activity concentrations, which are derived on the basis of models of annual intakes of radio-nuclides into the human organism by ingestion or inhalation, on the basis of the models of external exposure to ionising radiation and on the basis of conversion coefficients – the so-called dose factors – which are determined for specific radio-nuclides or types of radio-nuclides on surfaces and in substances, as well as for individuals or for a reference group of the population.

28. *Controlled area* shall mean an area, subject to special rules for ensuring the adequate ionising radiation protection or preventing the spread of radioactive contamination, and to which access is controlled.

29. *Prescriber* shall mean a medical doctor or dentist authorized to refer an individual for a radiological procedure.

30. *Natural radiation source* shall mean a source of ionising radiation of natural terrestrial or cosmic origin.

31. *Material balance area* shall mean an area within a nuclear facility or outside it, in which it is always possible to take an inventory of the nuclear materials which are transferred in or out of the facility, and to determine their quantity.

32. *Operating lifetime of a facility* shall mean the period during which a facility is to be used for the planned purpose. In the case of a repository, this period starts with the first disposal of waste or spent fuel at the facility and ends with the closure of the facility.

33. *Disposal of radioactive waste and spent fuel* shall mean placing of radioactive waste and nuclear fuel in a repository or a given location without the intention of retrieval. Disposal also means the discharge of radioactive wastes into the environment, with subsequent dispersion, approved by the competent ministry.

34. *Unsealed radiation source* shall mean a source of radiation which form and structure do not fulfil the requirements for radiation protection applying to a sealed radiation source, thus allowing dispersion of radioactive substances into the environment.

35. *Supervised area* shall mean an area around a radiation source which is under appropriate supervision regarding radiation protection.

36. *Authorized medical physics expert* shall mean a person, authorized by the competent ministry, who has the required knowledge in the field of physics or ionising radiation technology used in medicine (hereinafter: field of medical physics) and who is qualified to give advice on optimisation, measurement and assessment of patient's exposure, and on development, planning and use of radiological procedures and equipment, and on quality assurance and quality control of radiological procedures.

37. *Authorized radiation protection expert* shall mean a natural or legal person authorized by the competent ministry, who has the required knowledge and is qualified to carry out the physical, technical or radio-chemical tests enabling the assessment of doses, and to give advice on radiation protection measures.

38. *Authorized expert for radiation and nuclear safety* shall mean a legal or natural person, authorized by the competent ministry, who has the required knowledge and is qualified to assess the safety of nuclear facilities, the radiation safety of radiation facilities and the protection of the environment against ionising radiation.

39. *Authorized dosimetric service* shall mean a legal person, authorized by the competent ministry, employing specialists qualified to perform the following dosimetric tasks: assessment of doses received by exposed workers, measuring ionising radiation in the working environment, interpretation of the measured values of ionising radiation, or measuring radioactivity in the human body or in the biological samples.

40. *Authorized medical practitioners* shall mean medical practitioners authorized to carry out medical surveillance of exposed workers, apprentices and students.

41. *Members of the public* shall mean individuals in the population, excluding exposed workers, apprentices and students carrying out work relating to the practices covered by this Act, and individuals undergoing medical diagnosis, treatment, voluntary taking care of patients, or involved in medical or biomedical research.

42. *Particle accelerator* shall mean an artificial radiation source which, due to the acceleration of particles, emits ionising radiation with an energy higher than 1 MeV.

43. *Potential exposure* shall mean exposure which can not be expected with certainty but which is likely to occur and which can be estimated in advance.

44. *Apprentice* shall mean a person receiving training or instruction with a view to exercising specific skills for a legal or natural person carrying out radiation practices within its sphere of activity.

45. *Medico-legal procedure* shall mean a radiological procedure carried out without any medical indication for the needs of insurance or for legal purposes.

46. *Reporting an intention* shall mean submitting a document in order to notify the competent ministry referred to in the second paragraph of Article 9 of this Act about the intention to carry out any radiation practice or using a radiation source.

47. *Radioactive contamination* shall mean pollution of the air, water, soil, materials, products, surfaces in living or working environments, or of an individual with radio-nuclides and is expressed as an activity concentration per unit of volume, mass or area. Radioactive contamination of the human body includes external skin contamination and internal radioactive contamination of organs due to the intake of radioactive substances.

48. *Radioactive waste* shall mean substances in gaseous, liquid or solid form, objects or equipment, which are the waste product of radiation practices or intervention measures, for which no further use is anticipated, but which contain radioactive substances or are radioactively contaminated beyond clearance levels.

49. *Radioactive substance* shall mean any substance containing one or more radio-nuclides the activity or concentration of which can not be disregarded as far as radiation protection is concerned

50. *Radiological procedure* shall mean any procedure within healthcare involving exposure of patients or other persons to ionising radiation.

51. *Management of radioactive waste* shall mean collection, treatment, preparation, temporary storage and disposal of radioactive waste.

52. *Exemption levels* shall mean activity, activity concentrations, dose rates or electric potential difference at or below which the provisions of this law related to radiation sources do not apply in relation for radiation sources.

53. *Clearance levels* shall mean activity or activity concentrations, at or below which the competent ministry referred to in the second paragraph of Article 9 of this Act decides that the radioactive substances or materials may be released from the requirements of this Act.

54. *Decommissioning of a facility* shall mean all the measures leading to a cessation of control over a nuclear or radiation facility pursuant to the provisions of this Act. Decommissioning includes both decontamination and dismantling procedures, as well as the removal of radioactive waste and spent fuel from the facility.

55. *Reference group of the population* shall mean a representative group comprised of individuals who are or could be uniformly exposed to ionising radiation from a specific radiation source along a certain exposure pathway, and is at the same time the group which is or could be more highly exposed within a given situation.

56. *Radiation practice* shall mean any human activity or action which may increase exposure of individuals to ionising radiation from artificial sources or natural radiation sources containing natural radio-nuclides, processed for their radioactive, fissile or fertile properties. Intervention measures and practices in which individuals are exposed to radon in dwellings, or to natural levels of radiation which result from radio-nuclides contained in the human body, on the ground level or in the ground, or to cosmic radiation prevailing at ground level, shall not be considered a radiation practice.

57. *Radiation safety* shall mean technical and organisational measures in a radiation facility or in a less important radiation facility, with which safe operation of the facility is achieved, or which prevent emergencies or mitigate the consequences of such events, as well as ensure the protection of exposed workers, the population and the environment against ionising radiation.

58. *Radiation facility* shall mean:

- a facility with one or more radiation sources, intended for irradiation, which are likely to cause an overexposure of members of the public,
- a facility including one or more unsealed radioactive sources, which are likely to cause an overexposure of members of the public due to a release of radioactive substances into the environment,
- a facility from which, due to the carrying out radiation practices, radioactive substances with an activity exceeding ten times exemption level are annually discharged into the environment,
- a facility intended for the extraction, processing and enrichment of nuclear mineral raw materials, and
- a repository of mine tailings and hydro-metallurgical tailings, produced in the extraction of nuclear raw materials.

A radiation facility shall also mean several radiation facilities when these are functionally linked in the same geographically confined territory and are managed by the same person.

59. *Health detriment to people* shall mean clinically determinable effects of ionising radiation including a health risk and a risk of reducing life expectancy, which may appear immediately or with a delay, including detriment due to somatic effects, cancer or severe genetic disorder.

60. *Transit* shall mean any transfer of radioactive substances or nuclear goods through the territory of the Republic of Slovenia

61. *Artificial radiation source* shall mean a radiation source which is not a natural radiation source.

62. *Facility operator* shall mean a person managing a facility who, in accordance with the regulations on the construction of facilities and other regulations on technical and other conditions for a facility operation, holds a licence to use the facility. In the case of mining, a facility operator must also have a right to mine pursuant to the regulations on mining.

63. *Import* shall mean any transfer, except for transit purposes, of radioactive substances or nuclear materials into the customs territory of the EU, irrespective of the kind of use or utilisation has been approved for these substances or goods pursuant to customs regulation.

64. *Safety analysis* shall mean an analysis of the safety of a nuclear facility carried out on the basis of deterministic or probabilistic methods. The purpose of a safety analysis is to examine the project design of a nuclear facility regarding nuclear safety and establish whether the nuclear facility has been designed in such a way as to ensure the fulfilment of requirements relating to dose limits for exposure to ionising radiation and relating to limitations for the discharges of waste radioactive substances into the environment during every operational stage of the nuclear facility.

65. *Radiation protection* shall mean the technical and organisational measures put in place in order to ensure the protection of people against ionising radiation during the use of radiation sources, in carrying out activities in areas of natural radiation sources, during implementation of intervention measures and during the mitigation of the consequences of an emergency, and during radiation protection measures, when the source of radiation is within a radiation facility or a less important radiation facility.

66. *Radiation source* shall mean a radioactive substance, apparatus or facility, which may emit ionising radiation or radioactive substances. Radiation sources are either natural or artificial.

67. *Quality assurance* shall mean all planned and systematically performed human activities or actions carried out to ensure an acceptable level of confidence that a certain procedure, the organisation of a measure or the equipment used in protection against ionising radiation or in nuclear safety, or any constituent part thereof are being carried out satisfactorily and in accordance with the agreed standards. Quality assurance must also include procedures for quality control.

68. *Sealed radiation source* shall mean a radiation source whose structure is such as to prevent under the anticipated conditions of utilisation and wear and tear, as well as in case of any foreseeable accidents, any dispersion of the radioactive substances into the environment.

69. *Closing a repository* shall mean the completion of all the measures necessary for long-term safety of a repository.

70. *Outside undertaking* shall mean any legal or natural person carrying out a radiation practice in a controlled area, and who is not a user of the radiation source or the operator of a facility in which there is a radiation source.

Article 4
(the principles of the Act)

- (1) Adopting regulations, issuing concordances and licences, deciding about other administrative matters, carrying out surveillance and performing other tasks within its competencies the state must ensure all possible appropriate and reasonable measures aimed at preventing health detriment to people and radioactive contamination of the living environment (the integrity principle).
- (2) The use of a new type or method of practice, which causes exposure of people and every intervention measure has to be pre-justified with respect to its economic, social and other effects compared to the potential health detriment to people due to exposure caused by such practice (the justification principle).
- (3) Every radiation practice must be allowed to cause exposure only up to level as low as achievable with reasonable measures, taking into account economic and social factors (the principle of the radiation protection optimisation). This principle shall also apply to the planning of intervention measures so that exposure during an intervention measure is compared to the benefits of the measure, that is to the reduction of detriment caused by an emergency.
- (4) Carrying out a radiation practice or practices involving exposure due to the presence of natural radiation sources exceeds dose limits for members of the public, the exposure of workers, apprentices, students and members of the public must be reduced in such a way that the sum of the doses received due to the carrying out of all the possible radiation practices does not exceed the dose limits set on the basis of this Act (the dose limits principle).
- (5) Nuclear materials and nuclear technologies must be used in such a way as to fulfil the obligations stated in international agreements on the prevention of nuclear weapons proliferation and to preclude unauthorized possession of nuclear goods, including spent fuel (the principle of peaceful use).
- (6) The user of a radiation source shall be responsible for radiation protection and the facility operator shall be responsible for the nuclear safety of a nuclear facility (the principle of primary responsibility).
- (7) The user of a radiation source shall cover all costs related to the radiation protection measures in accordance with this Act, the preparedness for emergencies and intervention measures, as well as the costs of mitigation of the consequences of an emergency (the causer-pays principle).
- (8) The operator of a radiation facility and the operator of a nuclear facility must be ready to implement intervention measures in case of emergencies (the preparedness principle).
- (9) If the mitigation of the consequences of an emergency and the covering the costs of this can not be assigned to a specific or determinable causer, or when it is contentious who the causer is, or if the consequences can not be reduced in any other way, the resources for the mitigation of the consequences of an emergency shall be provided by the state (the principle of subsidiary intervention).

- (10) Information on radioactivity in the environment, on exposure of members of the public and on the procedures and activities of state authorities, performers of public services and approval holders, relating to radiation protection and nuclear safety, is public (the publicity principle).

Article 5 (expert councils)

- (1) The minister competent for health and the minister competent for the environment shall appoint the following two expert councils for the provision of expert help to the ministry competent for the environment and the ministry competent for health, as well as to competent authorities and inspectors as determined by this Act:
- an expert council on issues relating to radiation and nuclear safety, to the physical protection of nuclear materials and facilities, to the safeguards of nuclear goods, to radioactivity in the environment, to the radiation protection of the environment, to intervention measures, to the mitigation of the consequences of emergencies, and to the use of radiation sources other than those used in health and veterinary care.
 - an expert council on issues relating to the radiation protection of people, to radiological procedures and to the use of radiation sources in health and veterinary care.
- (2) Each of the two expert councils from the previous paragraph shall consist of five members who are experts in the specific issues described in the previous paragraph.
- (3) The initial mandate for two of the expert council members shall be two years and for the other three members four years, and subsequently the mandate of all the council members shall expire every six years.

Article 6 (duties of the expert councils)

- (1) The expert councils mentioned in the previous Article shall have the following duties:
- giving opinions and making proposals during the drawing up regulations pursuant to this Act,
 - giving opinion on the annual report on radiation protection and nuclear safety,
 - giving opinions on the annual work plans of the competent administrative authorities and inspectors defined by this Act,
 - giving opinions and proposals on other issues relating to the topics they are experts for requested by authorities competent for administrative and inspectorial decision-making in accordance with this law.
- (2) The expert councils shall elaborate annual reports on their work in the previous year and convey them to the ministry competent for health and the ministry competent for the environment by 30 June of the current year.
- (3) The minister competent for health and the minister competent for the environment shall publish the reports mentioned in the previous paragraph in such a way as to make them accessible to the public.

- (4) The ministries referred to in the second paragraph of Article 9 of this Act shall cover the material costs and provide expert-administrative services for the two expert councils.
- (5) The minister competent for the environment and the minister competent for health shall lay down the working procedure for the councils, the frequency of their sessions, deadlines for elaborating opinions, and other matters important for the functioning of the expert councils, including the way in which the independence of the council members shall be guaranteed.

Article 7 (information publicity)

- (1) Information on radiation practices, use of radiation sources, radiation of natural sources, planning, construction and operation of radiation facilities and nuclear facilities, statistically processed doses of exposed workers and members of the public, management of radioactive waste and spent fuel, shipment into and out of the Member States of the EU, import, export and transit of radioactive waste or radioactive substances, radioactive contamination of the environment, foodstuff, feeding stuff and products of general use, emergencies, and protection and rescue plans for case of emergencies shall be public.
- (2) Procedures for access to information specified by the law shall be used for access to information described in the previous paragraph.

Article 8 (carrying out a radiation practice and the using radiation sources without a licence)

- (1) If it has been established that a radiation practice has been carried out or a radiation source has been used without a licence, or prescribed procedures relating a radiation source or radioactive waste were abandoned, the state must take all the measures within its competency to stop the violation of the provisions of this Act and prevent the possibility of uncontrolled exposure.
- (2) The costs of stopping the violations and of the prevention of uncontrolled exposure described in the previous paragraph, as well as the costs of the mitigation of the consequences to health and the environment, if these have occurred, are covered by the state if the person who has used or managed a radiation source or who has failed to follow the prescribed procedure for using a radiation source can not be determined or the person in question can not provide the resources for the removal of the said consequences.
- (3) The state shall have a right and a duty to recover the costs described in the previous paragraph if the person mentioned in the previous paragraph is identified at a later date.
- (4) On illegal use of a radiation source or on the failure to follow the prescribed procedures for using a radiation source described in the first paragraph of this Article, which could cause an emergency, the ministry competent for the environment and the ministry competent for health, each within its competency pursuant to this Act, must inform the public. The competent ministries from the previous sentence are via the ministry for foreign affairs or directly, if international agreements state so, obliged to also inform the competent authorities in neighbouring countries and international organisations if the consequences of the emergency mean a risk of health detriment for people or a risk to the environment in the countries in question.

2. CARRYING OUT RADIATION PRACTICES

2.1 Reporting an intention to carry out a radiation practices or to use a radiation source

Article 9 (reporting an intention)

- (1) A person who intends to:
- produce, process, use, store, carrying out shipment, bring into and out of the Member States of the EU, import, export or dispose of radioactive substances, or possess or handle them in any way,
 - produce, bring out of the Member States of the EU, import, maintain or carry out a practice using an device or equipment which itself or due to its constituent parts emits ionising radiation resulting from operating at a voltage more than 5 kV, or
 - carry out a practice defined by the Government as a radiation practice liable to licence
- must report the intention (hereinafter: reporting an intention).
- (2) The person described in the previous paragraph shall report the intention to the ministry competent for the environment except in the case of using radioactive substances, devices or equipment referred to in the second indent of the previous paragraph in health or veterinary care, or in the case of carrying out a radiation practice in health or veterinary care, the intention shall be reported to the ministry competent for health.
- (3) Notwithstanding the provisions of the previous paragraph, reporting an intention shall not be required for the use of:
- type approved sealed radiation sources which do not exceed dose rate limits during normal operation,
 - type approved electrical devices or equipment which do not exceed dose rates limits during normal operation,
 - cathode-ray tubes intended for the projection of images, when they comply with the prescribed conditions,
 - radioactively contaminated materials due to licensed discharges of waste radioactive substances into the environment,
 - radioactive substances or materials containing radioactive substances below the exemption levels, and
 - radioactive substances and materials containing radioactive substances for which the competent ministry referred to in the previous paragraph has determined that they are no longer subject to the present Act.
- (4) The Government shall define in more detail: radiation sources for which it is not required to report an intention as described in the first paragraph of this Article and related small quantities of radioactive substances or low activity concentrations, which do not exceed exemption levels; requirements regarding type testing of sealed radiation sources and electrical devices and equipment; and the conditions applying to cathode-ray tubes from the previous paragraph.

- (5) The Government shall define the clearance levels and the criteria on the basis of which the competent ministry referred to in the second paragraph of this Article may decide that radioactive substances are no longer subject to this Act.
- (6) The minister competent for the environment, shall define the technical requirements for the type approval of radiation sources, electrical devices and equipment in accordance with the regulations on the technical requirements for products and on establishing conformity. In the case of radiation sources and electrical devices and equipment used in radiological procedures or for examination in veterinary care, the technical requirements for type approval shall be determined by the minister competent for health.

Article 10
(content and format of the document reporting an intention)

- (1) The document reporting an intention shall contain at least the following information:
 - the name and the site of the company, institution or another organisation, or the self-employed individual who intent to carry out a radiation practice,
 - the name and the address of the person representing the person carrying out a radiation practice,
 - information on the radiation practice and the radiation source used, including the location,
 - details of the commencement and the duration of the carrying out of the radiation practice, or the time of the shipment from the Member States of the EU, import, purchase, sale, shipment into the Member States of the EU, export, removal or decommissioning of the radiation source.
- (2) The document reporting an intention must be submitted in the format defined by the minister competent for the environment and the minister competent for health.
- (3) The following is also considered as reporting an intention:
 - an application for a licence for shipment into and out of the Member States of the EU, to import, export and transit of nuclear materials, radioactive waste and spent fuel,
 - an application for a licence to import and export of radioactive substances,
 - an application for a licence to use a radiation source if the radiation source in question is the same with regard to the purpose of its use and the characteristics of the ionising radiation, as the radiation source for which the licensee has already obtained a licence,
 - an application for environmental protection accord in the case of carrying out a radiation practice in a radiation facility or in a nuclear facility.

2.2 Carrying out a radiation practice

Article 11
(licence to carry out a radiation practice)

- (1) Prior to the commencement of a radiation practice it shall be necessary to obtain a licence to carry out a radiation practice.
- (2) The licence to carry out a radiation practice shall be issued to a person who fulfils the conditions defined by this Act.

- (3) The licence to carry out a radiation practice shall be issued by the ministry competent for the environment for:
- the management and decommissioning of a radiation facility or a nuclear facility,
 - the deliberate addition of radioactive substances during the production and manufacture of consumers goods and for the import or export of such goods,
 - the use of X-ray sets, radiation sources and particle accelerators, except electron microscopes, if not used in health or veterinary care,
 - the disposal, processing and reuse of radioactive substances or materials which contain radioactive substances and originate from the use of radiation sources or from radiation practice in accordance with this Act, and for which there has been no decision from the ministry competent for the environment to indicate that they are no longer subject to this Act,
 - for the production or development of equipment or technology which are nuclear goods
 - the transport of nuclear materials, and
 - the maintenance, production, calibration and other similar work carried out on radiation sources if this is not included in practices described in the previous indents of this paragraph.
- (4) The licence to carry out a radiation practice shall be issued by the ministry competent for health for:
- the deliberate addition of radioactive substances at production and manufacture of medicinal products and the import or export of such medicinal products,
 - the deliberate administration of radioactive substances to persons for purpose of medical treatment or research,
 - the deliberate administration of radioactive substances to animals for veterinary examination, treatment or research, if this affects the exposure
 - the use of X-ray sets, radiation sources and particle accelerators in health or veterinary care, except electronic microscopes,
 - carrying out technical checks of radiation sources used in radiation practices in health and veterinary care,
 - the maintenance, calibration and other similar work carried out on radiation sources if this is not included in practices described in the previous indents of this paragraph.
- (5) If carrying out a radiation practice involves the operation or decommissioning of a radiation facility or a nuclear facility, the licence described in Article 79 of this Act shall be deemed as the licence to carry out a radiation practice, except if within the radiation facility radiation sources are used for carrying out a radiation practice in health or veterinary care.
- (6) The Government shall define in detail the radiation practices for which it shall be necessary to obtain a licence.

Article 12
(application for a licence to carry out
a radiation practice)

- (1) To an application for a licence to carry out a radiation practice data on the radiation protection organisation unit or the person responsible for radiation protection, an assessment of the radiation protection of exposed workers and technical documentation on the type of radiation source used, the method of use and the radiation protection measures relating to the type of radiation source used shall be enclosed.

- (2) The minister competent for the environment and the minister competent for health shall define in detail the content of the application for the licence to carry out a radiation practice and the scope and content of the technical documentation described in the previous paragraph.
- (3) A licence to carry out a radiation practice shall be issued by the ministry which is in accordance with this Act competent for issuing a licence to carry out a radiation practice if the ministry in question has established from the submitted documentation that all the prescribed conditions have been fulfilled.

2.3. The use of radiation sources

Article 13 (a certificate of entry in the register and a licence to use a radiation source)

- (1) Prior to the commencement of use of a radiation source, the person referred to in Article 9 of this Act must obtain a licence to use the radiation source or a certificate of entry in the register of radiation sources.
- (2) The licence to use a radiation source and the certificate of entry in the register of a radiation sources shall be issued by the ministry competent for the environment except in case the radiation source in question is to be used in health or veterinary care, the licence and the certificate shall be issued by the ministry competent for health.
- (3) The Government shall determine the types of radiation sources for which, prior to use, it shall be necessary to obtain a certificate of entry in the register of radiation sources and the types of sources for which it shall be necessary to obtain a licence to use.
- (4) In determining the sources described in the previous paragraph, the activity level of the radiation source, the characteristics of the radiation source regarding radiation safety, the probability for uncontrolled exposure, and the requirements and conditions regarding control due to radiation safety and physical and technical protection of the radiation sources, shall be considered.
- (5) The licence referred to in Article 79 of this Act shall apply to radiation sources within a radiation facility or a nuclear facility, except if the radiation practice carried out within the facility in question is in health or veterinary care.
- (6) The radiation source not classified according to the 3. paragraph of this article and not the radiation source described in previous paragraph can be put in use 30 days after the document reporting an intention has been sent to the competent ministry referred to in Article 9 of this Act.
- (7) Notwithstanding the provisions referred to in the previous paragraph, the ministry competent for issuing a licence to use a radiation source may with a decision prohibit or, for a maximum of three months, suspend the use of a radiation source and request additional information regarding the radiation source in question, if the authority establishes that the radiation source in question should be classified according to the third paragraph of this Article or that there is not enough information in the report of an intention to allow such a classification.

- (8) The time from a prohibition of use or a temporary suspension of use of a radiation source until the commencement or the continuation of the use as described in the previous paragraph shall not count as the period referred to in the sixth paragraph.
- (9) There shall be no right of appeal against a decision on the prohibition of or temporary suspension of the use of a radiation source.

Article 14

(application for a certificate of entry in the register of radiation sources)

- (1) An applicant's report on an intention to purchase a radiation source or to acquire a radiation source by another way shall be considered as an application for entry in the register of radiation sources.
- (2) The competent ministry shall enter the radiation source in the register and issue the applicant referred to in the previous paragraph a certificate of entry in the register of radiation sources if it is clear from the document reporting an intention that the applicant holds a licence for carrying out a radiation practice using the radiation sources subject to entry in the register of radiation sources.

Article 15

(application for a licence to use a radiation source)

- (1) To the application for a licence to use a radiation source an assessment of the radiation protection of exposed workers and the technical documentation on the radiation source, the conditions for the use and storage of the radiation source, radiation protection measures relating to the use, maintenance, the response to an emergency and waste management should be enclosed.
- (2) The application and documentation referred to in the previous paragraph shall include in particular:
 - a detailed description of the radiation source and of the premises in which it will be used,
 - a description of the radiation protection measures of individuals and for physical protection of the radiation source,
 - a plan for the management of radioactive waste, resulting from the use of the radiation source,
 - a description of discharges of waste radioactive substances into the environment,
 - a valid licence for carrying out a radiation practice, and
 - a proof that the intention to use the radiation source has been reported, if required by this Act.
- (3) The licence shall be issued by the competent ministry referred to in the second paragraph of Article 9 of this Act if it has established from the submitted documentation that all the conditions for the intended use of the radiation source have been fulfilled.
- (4) The minister competent for the environment and the minister competent for health shall determine in detail the content of the application for a licence to use a radiation source and the scope and the content of the technical documentation referred to in the first paragraph.

Article 16

(regulations relating to the use of a radiation source)

- (1) The minister competent for the environment and the minister competent for health shall determine the rules of conduct relating to the use and storage of specific types of radiation sources and the conditions for their use, as well as the radiation safety measures which must be taken by the users of these radiation sources.
- (2) In relation to specific types of radiation source used in radiological procedures, the minister competent for health shall determine the conditions for persons carrying out technical checks of radiation sources used in radiation practices in health and veterinary care, as well as the conditions for the qualifications of persons maintaining, calibrating and performing similar tasks on these radiation sources, for the obligation of regular monthly technical checks and other conditions for the use of these sources.

3. PROTECTION OF PEOPLE AGAINST IONISING RADIATION

3.1 General principles

Article 17 (obligations of persons carrying out radiation practices)

The person carrying out a radiation practice must:

- justify every new radiation practice and prove that the benefits due to new radiation practice will outweigh the health detriment to people,
- justify anew the carrying out the radiation practice for which a licence has already been given if new and important evidence and knowledge on its effectiveness or consequences to health appear,
- optimise the radiation protection of people and the environment in such a way that exposures, while taking into account economic and social factors, are as low as possible but still at reasonably achievable levels,
- use dose constraints in the optimisation of radiation protection,
- ensure that due to a radiation practice doses for exposed workers, apprentice, students and members of the public do not exceed the determined dose limits.

3.2 Assessment of justification

Article 18 (assessment of justification of radiation practice)

- (1) To an application for a licence to carry out a new type of a radiation practice or a licence for the use of a new type of radiation source or a new method of using an already tested radiation source an assessment of justification should be enclosed.
- (2) The ministry competent to issue a licence in accordance with this Act may also request that an assessment of justification is elaborated prior to the issuing a licence for the carrying out of already established radiation practices or for the use of already tested radiation sources if the competent ministry has obtained new and important evidence on the effects and consequences of the said practices.

- (3) The scope and content of the assessment of justification and the criteria for the use thereof in cases referred in the first and second paragraph of this Article shall be determined as a part of the procedure for the issuing the licence for the carrying out a radiation practice or a licence to use a radiation source on the basis of the importance of the evidence on the effects and consequences referred to in the previous paragraph.

3.3 Dose limits

Article 19 (dose limits)

- (1) The Government shall determine dose limits for exposed workers, apprentice, students, pregnant women, breast-feeding women and members of the public, the measures related to dose limits and the method to be used for calculation and the use of dose constraints in the radiation practice optimisation and planning.
- (2) The sum of doses received during the carrying out of a radiation practice by an exposed worker, an apprentice, a student, a pregnant or breast-feeding woman or a member of the public must not exceed the determined dose limits.
- (3) The determined dose limits do not apply to:
- the exposure of individuals as a part of their own medical examination or treatment,
 - the exposure of individuals who knowingly and willingly other than their professional activity helping in nursing and taking care for the comfort of a patient during a medical examination or treatment, and
 - the exposure of volunteers taking part in medical and bio-medical research who have been informed of the risks.
- (4) The Government shall also determine the calculation method and dose constraints to be used for the exposure of volunteers referred to in the previous paragraph.

Article 20 (prohibitions and other obligations relating to worker exposure)

- (1) It shall be prohibited to employ a person under 18 years of age in a post where the person would become an exposed worker.
- (2) As soon as a pregnant woman informs the employer that she is pregnant, he must move her to a post where she does not work with radiation sources. If a pregnant woman herself wishes to continue working with radiation sources, the employer has to ensure such working conditions that an equivalent dose for child to be born is as low as reasonably achievable and that this dose during the pregnancy will not exceed the dose limits for members of the public.
- (3) As soon as a breast-feeding woman informs the employer of her condition he must temporarily move her to a post, where there is no risk of radioactive contamination of her body.

- (4) The new posts referred to in the second and third paragraphs must not put a pregnant or breast-feeding woman in a less advantageous position regarding working conditions.

Article 21
(carrying out exceptional tasks)

- (1) Notwithstanding the determined dose limits, the ministry competent for health may allow that dose limits are exceeded in cases where individual workers are carrying out exceptional tasks, if the exposure is time limited and if the tasks are carried out in a confined and pre-determined working area. The licence referred to in the previous sentence must also define the maximum dose to which dose limits may be exceeded while carrying out exceptional tasks.
- (2) An employer may not order an exposed worker to carry out the exceptional task described in the previous paragraph without the worker's agreement.
- (3) The minister competent for health shall determine the conditions for the issuing the licence referred to in the first paragraph and the obligatory measures which must be taken to reduce the consequences of excessive exposure of the worker.

Article 22
(dose assessment)

The minister competent for health, in agreement with the minister competent for the environment, shall determine the methodology of assessment of doses resulting from external ionising radiation and doses resulting from an intake of radioactive substances into the body.

3.4 Protection of exposed workers

3.4.1 Measures aimed at reducing exposure in the workplace

Article 23
(basis of radiation protection)

- (1) Carrying out a radiation practice the employer must for the protection of workers, apprentices and students (hereinafter: radiation protection) ensure:
1. an assessment of the radiation protection of exposed workers and an optimisation plan for the radiation protection of people and the environment taking in to account all working conditions;
 2. a preliminary review of the plans for the facility premises and the equipment in the facility regarding radiation protection;
 3. the classification of working areas and their demarcation as supervised and controlled areas regarding the assessment of expected annual doses and the probability and extent of potential exposure;
 4. the classification of exposed workers into two categories regarding the probability and extent of potential exposure;
 5. the implementation of written technical, health and administrative proceeding related to the working or operation of a radiation, nuclear or less important radiation facility, or the use of a radiation source;

6. the training of exposed workers, apprentices and students using radiation sources or working in supervised and controlled areas, renewal of their knowledge and regular testing of qualifications in relation to the radiation protection procedures;
 7. informing exposed workers, apprentices and students about the technical, health and administrative proceeding relating to the operation, management or use of a radiation source;
 8. informing exposed workers, apprentices and students about health risks, and in the case of women, about the necessity of early notification of pregnancy or breast-feeding;
 9. the implementation of surveillance measures, measurements and assessments of exposure at workplaces in a variety of areas and working conditions, including personal dosimetry;
 10. protective equipment and examination of the serviceability of protective equipment as well as protection and rescue proceeding;
 11. regular calibration of measuring equipment, examining its operability and correct usage;
 12. the medical surveillance; and
 13. the immediate notification of the competent ministries about cases of dose limits being exceeded, of a contamination of the working premises or of an emergency.
- (2) Notwithstanding the obligations of the employer described in the previous paragraph, exposed workers, apprentices and students must, as far as possible, themselves contribute to the implementation of radiation protection measures, as determined by this Act.
- (3) The radiation practices which are likely to cause the exposure of workers exceeding the annual effective dose limits for members of the public or one tenth of the determined equivalent dose limits for eye lenses, the skin or extremities of exposed workers are subject to radiation protection measures referred to in the first paragraph of this Article.
- (4) The training of exposed workers, apprentices and students referred to in point 6 of the first paragraph may be carried out by persons who have obtained an approval to perform the work of an authorized radiation protection expert as described in Article 27 of this Act.
- (5) The minister competent for health, in agreement with the minister competent for the environment, shall define: the working conditions and obligations of employers relating to supervised and controlled areas regarding radiation protection; the obligations of employers relating to special radiation protection for apprentices and students; criteria for the classification and demarcation of working areas as described in point 3 of the first paragraph; the criteria for the classification of exposed workers in accordance with point 4 of the first paragraph; the scope, content and conditions for training, information provision and verification of qualifications of exposed workers, apprentices and students.

Article 24

(assessment of the radiation protection of exposed workers)

- (1) An employer must assure an assessment of the radiation protection of exposed workers, which gives a preliminarily assessment of the nature and the extent of radiation risks for exposed workers, apprentices and students, and elaborates a radiation protection optimisation plan at all working conditions of radiation practices.
- (2) For the facilities which are neither radiation nor nuclear facilities, the assessment of radiation protection of exposed workers must include a emergency plan, as well as protection and rescue measures in the case of an emergency.

- (3) The assessment of the radiation protection of exposed workers, approved by the ministry competent for health, should be enclosed to:
 - an application for a licence to carry out a radiation practice,
 - an application for a licence to use a radiation source,
 - an application for the extension of licences referred to in the first two indents of this paragraph.
- (4) The minister competent for health shall determine the content and the scope of the assessment of the radiation protection of exposed workers and the form of the application for the confirmation of the assessment of the radiation protection of exposed workers.

Article 25
(assessment of the radiation protection of
exposed workers in radiation and nuclear facilities)

- (1) If an employer operates a radiation facility or a nuclear facility, the assessment of the radiation protection of exposed workers shall be included in the safety report as a constituent part thereof.
- (2) The employer referred to in the previous paragraph must obtain from the ministry competent for health a confirmation of the assessment of the radiation protection of exposed workers prior to submitting a safety analysis report or any amendments thereof for approval.

Article 26
(review of an assessment of the radiation protection of
exposed workers)

- (1) An employer must ensure a review of the assessment of the radiation protection of exposed workers:
 - within the prescribed deadlines,
 - following a request by a competent inspector,
 - immediately after every emergency and
 - after the mitigation of the consequences of an emergency has been completed.
- (2) An employer conclude a review of the assessment of the radiation protection of exposed workers by a report.
- (3) If it follows from the report referred to in the previous paragraph that it is necessary to alter or supplement the protection measures with a view to improve the radiation protection of exposed workers, apprentices and students, the employer must draw up a proposal of the amendments to the radiation protection measures and in relation to this ensure that the assessment of the radiation protection of exposed workers is amended.
- (4) The amendments to the assessment of the radiation protection of exposed workers shall be valid when they are approved by the ministry competent for health.

- (5) The employer must start introducing the amended measures of radiation protection when the ministry competent for health approves the amendments to the assessment of the radiation protection of exposed workers.
- (6) The minister competent for health shall determine in detail the frequency of regular reviews and the conditions for reviews of assessment of the radiation protection of exposed workers, the deadlines for submitting the amendments to an assessment of the radiation protection of exposed workers for approval, the obligatory contents of the amendment to an assessment of the radiation protection of exposed workers and other conditions relating to the obligation to review.
- (7) There shall be no right to appeal against a decision on the rejection or acceptance of an assessment of the radiation protection of exposed workers.

Article 27
(authorized radiation protection experts)

- (1) Drawing up an assessment of the radiation protection of exposed workers and in relation to the working conditions for exposed workers, the extent of the implementation of the radiation protection measures in supervised and controlled areas, the examination of the effectiveness thereof, the regular calibration of measuring equipment and the examination of the serviceability of protective equipment, the employer must consult authorized radiation protection experts.
- (2) Authorized radiation protection experts shall be legal or natural persons who have obtained an approval from the ministry competent for health.
- (3) The approval referred to in the previous paragraph shall be issued for individual field of radiation protection or for several fields of radiation protection together, and for a maximum of five years.
- (4) The authorized radiation protection experts must report to the ministry competent for health at least annually, and more frequently on request.
- (5) The ministry competent for health shall withdraw its approval for an authorized radiation protection expert if the commission for examining the fulfilment of the conditions set out for authorized radiation protection experts, as described in Article 28 of this Act, during a regular verification review or an exceptional review on a initiative of a competent inspector, has established that the authorized radiation protection expert no longer fulfils the conditions on the basis of which the approval was issued.

Article 28
(acquisition of an approval for a radiation protection expert)

- (1) Legal or natural persons shall obtain an approval to carry out the tasks of an authorized radiation protection expert if for each individual field of radiation protection they appoint the experts responsible, and appoint one of them as the chief radiation protection expert, and if the aforementioned legal or natural persons fulfil the conditions for carrying out tasks of an authorized expert.
- (2) The chief radiation protection expert may be any individual who fulfils the following conditions:

- has completed university level study,
 - has acquired at least seven years working experience in the field of ionising radiation since completing university study.
- (3) The ministry competent for health shall ensure verification of conditions for carrying out tasks of an authorized radiation protection expert.
 - (4) The minister competent for health, in agreement with the minister competent for the environment, shall define the verification programme for the conditions referred to in the previous paragraph and shall appoint a special three-member expert commission, consisting of radiation protection experts, to verify the fulfilment of the aforementioned conditions.
 - (5) A foreign legal or natural person shall obtain an approval to carry out tasks of an authorized radiation protection expert if, pursuant to the regulations of the country in which the aforementioned person is registered for carrying out the tasks of radiation protection expert, this person has an approval equal to the one pertaining to radiation protection experts defined by this Act.
 - (6) The fulfilment of the conditions for foreign legal or natural persons as described in the previous paragraph shall be established in accordance with the procedure for the recognition of the qualifications of such persons as defined by the Act on the Recognition Procedure of Qualifications of EU Member State Citizens for performing Regulated Professions or Regulated Professional Activities in the Republic of Slovenia (Official Gazette RS, 21/2002).
 - (7) The minister competent for health, in agreement with the minister competent for the environment, shall determine in detail the method and the scope of regular and exceptional reports, as well as other conditions pertaining to the carrying out of tasks of an authorized radiation protection expert for specific fields of radiation protection.

3.4.2 Assessment of worker exposure

Article 29 (assessment of worker exposure)

- (1) Employer must ensure that worker exposure is regularly assessed and that radiation at workplace, intervention exposure or emergency exposure are measured and that the results are kept and reported to the ministry competent for health.
- (2) An assessment of workers exposure and measurements of radiation at workplace must be carried out by legal person who have obtained an approval from the ministry competent for health for carrying out the dosimetric tasks.

Article 30 (authorized dosimetric service)

- (1) Legal persons shall obtain approval to carry out dosimetric tasks if they have an organised dosimetric service and regularly employed responsible experts and appoint one them as the chief dosimetry expert.
- (2) A chief dosimetry specialist can be an individual who fulfils the following conditions:

- has completed university level study, and
 - has acquired at least five years work experience in the field of dosimetry since completing university study.
- (3) The verification of the fulfilment of the conditions for carrying out dosimetric tasks shall be ensured by the ministry competent for health.
 - (4) The minister competent for health shall define the verification programme for the conditions referred to in the previous paragraph and shall appoint a special three-member expert commission, consisting of experts in the field of dosimetry, to verify the fulfilment of the conditions.
 - (5) The approval referred to in the first paragraph shall be issued for a maximum of five years.
 - (6) The ministry competent for health shall withdraw an approval for an authorized dosimetric service when the commission verifying the fulfilment of the conditions for the performance of dosimetric tasks during a regular verification review or an exceptional review on the initiative of a competent inspector has established that the authorized dosimetric service no longer fulfils the conditions on the basis of which the licence was issued.
 - (7) The minister competent for health shall define in detail the bases for the organisation of dosimetric services and the evidences of dosimetry experts.

Article 31
(obligations of authorized dosimetric services)

- (1) Authorized dosimetric services must report to an employer and to the ministry competent for health on the measurements of the exposed worker's doses, including the results of measurements at workplaces which were used for the personal dose assessment.
- (2) Employer must ensure that the results of measurements of workers exposure are done by authorized dosimetric services are conveyed to an authorized medical practitioner carrying out medical surveillance of exposed worker, and that the exposed worker is informed about the dose he has received.
- (3) In the case of intervention or accidental exposure during an emergency, the authorized dosimetric service must ensure that if dose limits have been exceeded the results of assessment of workers exposure and the results of the dose measurements are available to the ministry competent for the environment and the ministry competent for health, as well as to the employer and to the authorized medical practitioner within the shortest possible time.
- (4) The minister competent for health shall prescribe in detail:
 - the conditions, method, scope and frequency of the assessment of radiation at workplace,
 - the method to be used for assessment of doses in cases when direct measurements are not possible,
 - the type and quality of the approved and type tested measuring equipment,
 - the method and scope of reports on the results of the assessment of worker exposure and the doses received in the case of the implementation of intervention measures and in the case of the licensed exceeding of dose limits due to the carrying out of exceptional tasks, and

- the method to be used for and the period of data storage pertaining to the assessment of worker exposure, which employer have to ensure.

Article 32
(data on worker exposure)

- (1) Data on personal doses of exposed workers may be conveyed to an authorized medical practitioner for further processing, and to the central records of personal doses as described in Article 33 of this Act only on the basis of a written consent of the exposed workers.
- (2) The written consent of an exposed worker giving permission for the data on his or her personal doses to be conveyed for further processing pursuant to the provisions of this Act, shall be ensured by the employer.
- (3) If an exposed worker, apprentice or student does not agree to sign the consent referred to in the previous paragraph, the employer must not assign him or her a post at which he or she would be exposed to ionising radiation.

Article 33
(records on personal doses of exposed workers)

- (1) For the radiation protection optimisation measures, assessment of justification for a specific radiation practices and adherence to the determined dose limits, records containing personal doses shall be set up for exposed workers carrying out radiation practices.
- (2) Records of personal doses of exposed workers shall be administrated by:
 - employers for personal doses of their own and outside workers;
 - authorized medical practitioners for personal doses of workers under their medical surveillance, and
 - the ministry competent for health for personal doses of all exposed workers.
- (3) Authorized dosimetric services must, within the specified time, convey data on personal doses of exposed workers to the central records of personal doses administrated by the ministry competent for health.
- (4) Records of personal doses of exposed workers shall contain the following information: the worker's name and surname, date of birth, place of birth, country of birth, sex, citizenship, profession, education, job title, the commencement and termination date of employment, a description of the post and the radiation source involved, the commencement and termination date of work with a radiation source, the assessed monthly dose, the cumulative dose and the method used for measurement as well as the data on doses due to emergency, implementation of intervention measures and the licensed exceeding of dose limits due to the carrying out of exceptional tasks.
- (5) Data on personal doses of exposed workers shall be kept until the worker has or would have attained age of 75 years, but not for less than 30 years after the termination of the work involving exposure.

- (6) The minister competent for health shall determine in detail the method to be used for administrating the data on personal doses of exposed workers, deadlines for the conveying the information to the central records of personal doses, the obligations and the method to be used for the passing on of information from the central records of personal doses to the ministry competent for the environment, to exposed workers and to employers. For exposed workers, the minister competent for health may also determine the content and form of a individual radiation document, into which the personal doses of a worker, as well as other data from the central records of personal doses, shall be entered.

3.4.3 Organisational measures for the protection of exposed workers

Article 34 (radiation protection organisational unit)

- (1) A person carrying out a radiation practice who operates a radiation or nuclear facility must ensure that a special radiation protection organisational unit responsible for implementing the radiation protection measures, is established.
- (2) The radiation protection organisational unit must function separately from other organisational units.
- (3) Several persons carrying out radiation practices referred to in the first paragraph of this Article may establish a joint radiation protection organisational unit for carrying out the tasks involved in radiation protection.
- (4) The minister competent for health, in agreement with the minister competent for the environment, shall determine the organisational framework of a radiation protection unit in the facilities described in the first paragraph, the scope and content of its work and the quality standards for the equipment to be used.

Article 35 (the person responsible for radiation protection)

- (1) A person carrying out a radiation practice who does not operate a radiation or nuclear facility must determine the person responsible for radiation protection.
- (2) The person responsible for radiation protection shall ensure the implementation and planning of radiation protection measures and co-operate with the competent ministries in matters of radiation protection.
- (3) A person carrying out a radiation practice must ensure the professional independence of the person responsible for radiation protection, as well as suitable working conditions.
- (4) A person carrying out a radiation practice must inform the ministry which has issued a licence for the carrying out of a radiation practice whom he has appointed of a person responsible for radiation protection and what authority this person has.

Article 36

(qualifications of persons carrying out the radiation protection)

- (1) Workers involved in radiation protection in a radiation protection organisational unit, and responsible persons for radiation protection shall be individuals who have completed university study or study at a higher education institution and who have passed a professional examination for the carrying out the tasks related to radiation protection.
- (2) The individuals referred to in the previous paragraph may also have an appropriate secondary technical-vocational education, which ensures they have the skills needed for the carrying out the tasks relating to radiation protection, if they have passed a professional examination.
- (3) The minister competent for health and the minister competent for the environment, in agreement with the minister competent for education, shall compile a list of educational programmes and define the relevant professional examination in the carrying out tasks relating to radiation protection, the method to be used for the appointment of examination commissions, the costs of the examination and the keeping of records on passed examinations.
- (4) The ministry competent for health shall set the professional examination in carrying out tasks relating to radiation protection.

Article 37**(protection of workers employed by outside undertaking)**

- (1) An outside undertaking of a radiation practice must himself or indirectly via a contract with an operator of the facility with radiation sources for workers employed by outside undertaking, ensure:
 - that doses received by the workers do not exceed the determined dose limits,
 - that workers are suitably qualified and informed about radiation protection measures,
 - that the exposure of workers is assessed in accordance with the provisions of this Act,
 - that the information on workers personal doses is conveyed to the central records of personal doses,
 - that workers are subject to medical surveillance within the prescribed scope, and
 - that all the radiation protection measures in accordance with the provisions of this Act are carried out.
- (2) An operator of a facility in which workers employed by an outside undertaking are working shall be directly responsible for the radiation protection of these workers to an extent directly connected to the characteristics of the controlled area and the work within this area.
- (3) An outside undertaking must, prior to the commencement of work within a controlled area, convey to the facility operator the exposed workers' personal data, medical assessments of fitness for the work, the date of the last medical examination, doses received within the last five years and the cumulative dose.
- (4) If the outside undertaking is a foreign legal person, the facility operator must convey the data on exposed workers referred to in the previous paragraph to the ministry competent for health so that the data is entered into the central records of personal doses.
- (5) The facility operator must not commence the work carried out by exposed workers employed by an outside undertaking if he has not conveyed the data described in the third paragraph of this Article,

or if the exposed worker in question is not registered in the central records of personal doses, or if it is clear from the data received that the workers employed by the outside undertaking can not carry out work in a controlled area pursuant to this Act.

- (6) Exposed workers employed by an outside undertaking must, as far as possible, themselves contribute to the implementation of radiation protection as determined by this Act.
- (7) An outside undertaking who is a foreign legal person may carry out work within a controlled area if the outside undertaking in question has obtained a license for carrying out a radiation practice pursuant to this Act or has in the country of origin obtained a licence for the carrying out a radiation practice under conditions and in accordance with a procedure equal to the conditions and the procedure for the obtaining of a licence for carrying out of a radiation practice pursuant to this Act.
- (8) For an outside undertaking the ministry competent for the environment shall approve the fulfilment of conditions described in the previous paragraph except for persons carrying out radiation practices within health care the fulfilment of conditions is approved by the ministry competent for health.
- (9) The minister competent for health, in agreement with the minister competent for the environment, shall define in detail for facilities operators and for outside undertakings the obligations relating radiation protection of exposed workers employed by outside undertakings, and the method to be used for conveying and keeping the data on personal doses of exposed workers employed by an outside undertaking in the central records of personal doses.

Article 38

(allocation of workers and appeal against allocation)

- (1) An employer may not allocate a worker to a post within a controlled area unless the employer has ensured that the dosimetric service has carried out measurements of worker's doses or if the worker is not registered in the central records of personal doses.
- (2) If a radiation protection organisational unit or a person responsible, or a worker or an authorized medical practitioner deems that, with regard to the allocation of a worker to a post within a controlled area ordered by an employer, the basic radiation protection measures have not been adhered to, they may appeal against such an allocation.
- (3) The appeal referred to in the previous paragraph must be submitted to the ministry competent for health within eight days of the allocation of the worker in question.
- (4) The ministry competent for health shall decide on the appeal against an allocation of a worker on the basis of an opinion given by a medical commission appointed by the minister for health for the drawing up of opinions relating to the settling of objections.

3.4.4 Medical surveillance of exposed workers

Article 39

(medical surveillance of exposed workers)

- (1) The medical surveillance of exposed workers shall be based on the principles that govern occupational medicine generally.
- (2) The medical surveillance of exposed workers shall be carried out by authorized medical practitioners.
- (3) An employer may not employ or allocate a worker for any period of time to a specific post of exposed worker, if on the basis of medical findings the worker in question is unfit for employment in such a post.
- (4) The medical surveillance of exposed workers referred to in the second paragraph must be to the full prescribed extent ensured by the employer.
- (5) An employer must ensure special health surveillance of exposed workers whenever one of the dose limits has been or is suspected to be exceeded, or following a request by the ministry competent for health if the ministry suspects that overexposure has occurred.
- (6) The minister competent for health shall determine the extent of medical surveillance of exposed workers working in a supervised and controlled area, the criteria for deciding upon special medical surveillance, the decontamination and further treatment of exposed workers in cases dose limits being exceeded.

Article 40

(medical surveillance after the cessation of the work)

- (1) The minister competent for health shall define the criteria on the basis of which an authorized medical practitioner may assert medical surveillance after the worker in question has finished to work as an exposed worker in the form of further medical surveillance, decontamination measures or other measures relating to health care.
- (2) Medical surveillance after cessation of work shall be ordered by the ministry competent for health upon the request of an authorized medical practitioner, and the surveillance must be ensured by the employer at whom the worker in question was exposed to ionising radiation.

Article 41

(medical records of exposed workers)

- (1) Medical records of exposed workers shall be administrated and updated in accordance with the regulations on records relating to the field of health care as long the worker in question carries out tasks of an exposed worker, and the records shall be kept until an exposed worker has or would have attained the age of 75, but not for less than 30 years after the cessation of the work related to a radiation practice.
- (2) Medical records of exposed workers must, in addition to the information prescribed in relation to records in the field of health care, contain information on the type of work carried out within the scope of a radiation practice, results of health examinations prior to the employment or allocation to an exposed post, information on regular health examinations and on received personal dose data.

- (3) The minister competent for health shall determine the content of and the method to be used for administrating the medical records of exposed workers and the method to be used for the keeping the records throughout the period specified by this Act.

Article 42

(a request for a review of the assessment of fitness for work and the ordered measures of medical surveillance)

- (1) An exposed worker, an employer or an organisational unit or person responsible for radiation protection may submit a request for a review of a medical assessment of fitness for work as drawn up by an authorized medical practitioner.
- (2) An exposed worker or an employer may submit a request for a review of the ordering of exceptional health examinations due to the exceeding of dose limits as ordered by an authorized medical practitioner.
- (3) The requests for a review referred to in the previous paragraphs shall be assert in accordance with the regulations on preventive medical surveillance of workers.

3.4.5 Organisation of medical surveillance

Article 43

(providers of medical surveillance)

- (1) Medical surveillance of exposed workers shall be carried out within the framework of the public health care network.
- (2) Authorized medical practitioners who are authorized by the minister competent for health to carry out the medical surveillance of exposed workers shall be the providers of health care.
- (3) The minister competent for health shall determine the conditions which must be fulfilled by the authorized medical practitioners.

Article 44

(medical surveillance in the case of an emergency)

- (1) Medical surveillance of exposed workers and the population in the case of an emergency shall be ensured by the state.
- (2) The government shall determine in the implementation plan for the measures related to the medical surveillance of exposed workers and the population in the case of emergencies the persons responsible for implementing the measures related to medical surveillance and the extent of the resources for this, the obligations of persons carrying out a radiation practice to the financing of medical surveillance in the case of emergencies, and other conditions important for the effectiveness of measures relating to medical surveillance.

3.4.6 *Exposure due to the presence of natural radiation sources*

Article 45 (systematic surveillance of living and working environment)

- (1) The ministry competent for health shall ensure protection against increased exposure of workers and members of the public to radiation resulting from natural radiation sources by systematic surveillance of living and working environment.
- (2) The protection referred to in the previous paragraph shall be ensured:
 - where workers or members of the public are exposed to radon or thoron progeny, gamma radiation or any other exposure resulting from natural radiation sources in living and working environments, such as for example spas, caves, mines, underground locations and in certain areas on the surface,
 - where materials or waste, which are usually not considered radioactive but do contain naturally present radio-nuclides, accumulate or are stored or disposed,
 - during air transports.
- (3) The government shall adopt a programme of systematic surveillance of living and working environments relating to the areas referred to in the previous paragraph, and of awareness raising among the population on the importance of measures for the reduction of the presence of natural radiation sources.

Article 46 (measures to reduce the exposure of workers and members of the public)

- (1) If on the basis of the systematic surveillance referred to in the previous Article it is established that the exposure of individuals due to natural radiation sources exceeds dose limits for members of the public, the ministry competent for health shall order the employer or operator of the facility and devices in question implementing of measures for reducing the exposure of workers and members of the public as well as measures for the protection of exposed workers within the scope of and in a way applying to persons carrying out radiation practices.
- (2) If workers or members of the public are exposed to radon, the measures described in the previous paragraph shall apply when the doses received exceed values specified by the minister competent for health.
- (3) If air crews are exposed to cosmic radiation exceeding dose limits for members of the public, the ministry competent for health shall order the air carrier:
 - to draw up an assessment of the exposure of workers,
 - to implement a work allocation which reduces as much as possible the doses of exposed crews,
 - to establish a method for the obligatory informing of workers on risks due to exposure to cosmic radiation and
 - to enforce provisions relating to pregnant women as described in Article 20 of this Act.

- (4) When the doses referred to in the second paragraph of this Article are exceeded in childcare, cultural, health or educational facilities, the financial resources related to the carrying out of measures aimed at the reduction of exposure referred to in the first paragraph of this Article shall be ensured by the state.

3.5 Medical exposure

Article 47 (medical exposure)

- (1) Radiological procedures in medical diagnostics, treatment, research and medico-legal procedures may be carried out by persons holding a licence for the carrying out of a radiation practice issued by the ministry competent for health, and having a programme for the planning, referral, approval and performance of radiological procedures (hereinafter: programme of radiological procedures) approved by the ministry competent for health.
- (2) Only radiation sources for which the ministry competent for health has issued a certificate of entry in the registry of radiation sources or a licence to use a radiation source may be used in radiological procedures.

Article 48 (programme of radiological procedures)

- (1) A programme of radiological procedures referred to in the first paragraph of previous Article must contain:
- a list of radiological procedures the holder of a licence intends to carry out, and the criteria for referrals for these procedures, together with the assessment of the doses received in all standard diagnostic radiological procedures,
 - a list of radiation sources the licence holder intends to use,
 - a description of the administration and storage of the data on radiological procedures,
 - a programme of quality assurance and quality control of radiological procedures,
 - a list of the practitioners responsible for radiological procedures,
 - a list of the authorized medical physics experts responsible for the optimisation of radiological procedures, for the assessment of patients exposure and for ensuring the quality of radiation protection, and
 - a list of radiology technicians.
- (2) The ministry competent for health shall approve a programme of radiological procedures for a maximum of five years.
- (3) The minister competent for health shall define in detail the radiological procedures for which it shall be necessary to obtain approval of a programme of radiological procedures, and the standard diagnostic radiological procedures for which it shall be necessary to supply an assessment of doses received. The minister shall also determine the form and scope of a programme of radiological procedures, and the procedures relating to the planning, referral, approval and carrying out of radiological procedures, as well as the method to be used for and the extent of reporting on the exposure of patients resulting from radiological procedures.

Article 49
(authorized medical physics experts)

- (1) Tasks of authorized medical physics experts may be carried out by persons who have obtained from the ministry competent for health an approval for the carrying out the tasks in the field of medical physics.
- (2) An authorized medical physics expert may be any individual who fulfils the following conditions:
 - has completed university level study ensuring appropriate knowledge in the field of medical physics and
 - has acquired at least five years work experience in the field of medical physics.
- (3) The ministry competent for health shall carry out the tasks relating to the examination of the fulfilment of the conditions for carrying out the work of an authorized medical physics expert.
- (4) The minister competent for health shall determine the programme of verifying the fulfilment of the conditions referred to in the previous paragraph, and appoint a special expert commission to examine these conditions.
- (5) The approval referred to in the first paragraph shall be issued for a maximum of five years.
- (6) Authorized medical physics experts must report on their work to the ministry competent for health at least once a year, or more frequently if requested.
- (7) The ministry competent for health shall withdraw the approval from an authorized medical physics expert if the commission for examining the fulfilment of the conditions described in the fourth paragraph, during a regular verification review or an exceptional review on the initiative of a competent inspector, has established that the authorized medical physics expert in question no longer fulfils the conditions on the basis of which the approval was given.

Article 50
(conditions for carrying out a radiological procedure)

- (1) A specific radiological procedure may be carried out only following a referral by a prescriber and the approval of the practitioner responsible for the radiological procedure in question, who is entitled to take clinical responsibility for the procedure.
- (2) A radiological procedure for medic-legal purposes may be carried out when the practitioner responsible for the radiological procedure deems that the procedure may benefit the person under investigation, and if the person in question agrees to the procedure.
- (3) The practitioner responsible for a radiological procedure, while taking into account the objective and the aim of the procedure and in co-operation with a radiology technician, shall ensure such conditions that the procedure is carried out with least detriment to the patient.
- (4) A radiology technician or a person performing a radiological procedure shall carry out the radiological procedure in accordance with the conditions of good radiological practice.

- (5) In relation to radiological procedures it is necessary to ensure that:
- the expected benefit of the procedure is justified in comparison to the risk or detriment to people's health,
 - the exposure of patients during diagnostic procedures is optimised so that the received dose is as low as can reasonably be achieved while taking into account the expected aims of the procedure,
 - the dose received during radiotherapy is planned for each patient separately in such a way that exposure outside clinical volumes is as low as can reasonably be achieved in accordance with the purpose of the therapy,
 - during a diagnostic procedure, the approved diagnostic reference levels are not exceeded in average.
- (6) The ministry competent for health shall ensure the establishment of diagnostic reference levels for all standard diagnostic radiological procedures by means of a systematic examination of typical doses received by patients during these procedures.
- (7) Diagnostic reference levels shall be determined by the minister competent for health on the basis of the results of systematic examinations referred to in the previous paragraph while taking into account the opinion given by the expert council for issues of protection of individuals against ionising radiation, of radiological procedures and the use of radiation sources in health and veterinary care.
- (8) The minister competent for health shall determine in detail: the conditions relating to the carrying out the systematic screening programme, bio-medical and medical research, medico-legal procedures, special radiological procedures for children and pregnant and breast-feeding women, as well as voluntary help in the care for patients; the content of obligatory education and training for persons carrying out radiological procedures; the criteria for the acceptability of the equipment used in radiological procedures; special procedures for radiotherapy, diagnostic and intervention radiology and nuclear medicine; programmes for ensuring the quality and form of expert supervision.

Article 51
(evaluation and review of radiological procedures)

- (1) A person carrying out a radiation practice relating to radiological procedures must regularly, fully and systematically evaluate and review the radiological procedures with regard to the criteria described in the fourth paragraph of the previous Article.
- (2) The minister for health shall determine the frequency, scope and method to be used for the evaluation and review of radiological procedures and the method to be used for and the frequency of reporting.
- (3) Notwithstanding the prescribed frequency of evaluations and reviews of radiological procedures, a person carrying out radiological procedures must ensure a review of the programme of radiological procedures immediately after every emergency for which a removal of the consequences has been ordered pursuant to this Act.
- (4) The minister competent for health shall also determine examples of emergencies during radiological procedures, when the ministry competent for health shall order an evaluation and review of the radiological procedure.

Article 52
(report on the evaluation and review
of radiological procedures)

- (1) A person carrying out a radiation practice relating to radiological procedures shall draw up a report on the evaluation and review of radiological procedures.
- (2) A person carrying out a radiation practice shall draw up a proposal of changes to the programme of radiological procedures when, on the basis of the report referred to in the previous paragraph, it is judged that the programme is not appropriate with regard to the criteria relating to the lowest possible harm to the patient.
- (3) The report referred to in the first paragraph and the proposal of changes to the programme of radiological procedures described in the previous paragraph must be approved by the ministry competent for health.

Article 53
(records on personal doses resulting from
radiological procedures)

- (1) Records on radiological procedures carried out shall be set up and administrated in order to facilitate the evaluation of a justification for radiological procedures.
- (2) Records on radiological procedures carried out shall be administrated by persons carrying out radiological procedures and the ministry competent for health.
- (3) Records on radiological procedures shall contain the following data: patient name, health insurance number, date of birth, date of the procedure, type of procedure, and information on the carrying out of the procedure which will serve as a basis on which the received dose is calculated.
- (4) The ministry competent for health shall administrate central records of radiological procedures.
- (5) Persons carrying out radiological procedures must convey the information on the radiological procedures to the central records of radiological procedures.
- (6) Data on radiological procedures may be conveyed on for further processing and to the central records of radiological procedures only on the basis of a written consent from the patient in question or his or her lawful representative.
- (7) The written consent referred to in the previous paragraph shall be ensured by the person carrying out the radiological procedures. The consent may refer to a particular radiological procedure or to all the radiological procedures carried out during a particular period of treatment.
- (8) Every patient or a lawful representative thereof shall have a right to obtain from the practitioner responsible for the radiological procedure in question information on the doses the patient has received during radiological procedures.

- (9) Data on radiological procedures carried out shall be kept for at least five years after a patient's death, but not for less than 30 years after the radiological procedure has been carried out.
- (10) The minister competent for health shall define in detail the content, scope deadlines for reporting, as well as the method to be used for administrating the data on radiological procedures.

3.6 The report on the estimation of doses received by the population

Article 54 (the report on the assessment of doses received by the population)

- (1) Every year, the ministry competent for health shall draw up a report on the assessment of doses received by the population which will be a constituent part of the report on ionising radiation protection and nuclear safety.
- (2) The report on the assessment of doses received by the population must include:
 - a realistic assessment of doses the population as a whole and individual reference groups have received due to carrying out radiation practices,
 - a definition of typical reference groups of the population considering the actual pathways of the transfer of radioactive substances,
 - an assessment of doses resulting from external radiation and an assessment of doses resulting from internal radiation due to the intake of radio-nuclides.
- (3) For drawing up the estimation of the doses received by the population the following shall be used:
 - the monitoring of radioactivity in the environment referred to in Article 123 and the monitoring in case of increased radioactive contamination referred to in Article 90 of this Act,
 - the systematic surveillance of living and working environments for radiation resulting from natural radiation sources,
 - the operational monitoring of radioactivity of radiation and nuclear facilities due to permitted discharges of waste radioactive substances into the environment,
 - records on personal doses of exposed workers,
 - records on the radiological procedures carried out.
- (4) The minister competent for health shall, in relation to the drawing up of the report on the estimation of doses received by the population, determine the method to be used for data collection and administering the documentation relating to the measurements of external doses, the methodology for assessing the intake of radio-nuclides and radioactive contamination, as well as the methodology for evaluating doses received by reference groups of the population and the population as a whole.

4. RADIATION AND NUCLEAR SAFETY

4.1 The classification of facilities

Article 55
(classification of facilities)

- (1) With regard to the prescribed measures relating to radiation or nuclear safety, facilities shall be classified into nuclear facilities, radiation facilities and less important radiation facilities.
- (2) The Government shall determine the criteria for the classification of facilities into radiation facilities and less important radiation facilities.

Article 56
(decision on the status of a facility)

During the procedure for the acquisition of a licence for construction or for the carrying out of construction work or for decommissioning, the ministry competent for the environment shall issue the investor with the following decisions relating to the radiation or nuclear facility:

- a temporary decision on the status of a nuclear or radiation facility during the procedure for giving environmental protection approval,
- a decision on the status of a nuclear or radiation facility prior to the commencement of construction during the procedure for giving approval for the construction or for the carrying out of construction work,
- a decision on the cessation of the status of a nuclear or radiation facility after decommissioning in accordance with the procedures pursuant to this Act.

4.2 Ensuring radiation and nuclear safety

Article 57
(prohibition and ensuring safety of a facility)

- (1) A nuclear facility, a radiation facility or a less important radiation facility may not be constructed, tested, operated or used in any other way, or permanently cease to be used without a prior approval or licence pursuant to this Act.
- (2) The safety of a facility referred to in the previous paragraph, including the safety of radioactive substances, radioactive waste or spent fuel management which are found or produced in a facility, must be ensured by the operator.

Article 58
(experts for radiation and nuclear safety)

- (1) Operators of radiation or nuclear facilities must consult authorized experts for radiation and nuclear safety with regard to specific issues related to radiation and nuclear safety.
- (2) Authorized experts for radiation and nuclear safety shall be legal entities or natural persons who have obtained a licence from the ministry competent for the environment.

- (3) The licence referred to in the previous paragraph shall be issued for individual fields of radiation and nuclear safety or for a number of fields of radiation and nuclear safety together for a maximum period of five years.
- (4) Authorized experts for radiation and nuclear safety must annually report upon their work to the ministry competent for the environment, and more frequently upon the ministry's request.
- (5) The ministry competent for the environment shall withdraw the licence for an authorized expert for radiation and nuclear safety when the commission for examining the fulfilment of the conditions for authorized experts for radiation and nuclear safety, as described in Article 59 of this Act, during the course of a regular verification review or an exceptional review instigated by a competent inspector, has established that the authorized expert in question no longer fulfils the conditions on the basis of which the licence was issued.

Article 59
(acquisition of a licence for an authorized expert
for radiation and nuclear safety)

- (1) Legal entities and natural persons shall obtain a licence for carrying out the work of an authorized expert for radiation and nuclear safety, when for each individual field of nuclear and radiation safety they intend to obtain the licence for, the aforementioned legal entities and natural persons nominate responsible specialists and designate one of the specialists as the competent leader for the field of nuclear and radiation safety, and when they fulfil the specified conditions for carrying out the work of an authorized expert.
- (2) The competent specialist for nuclear and radiation safety may be any individual who fulfils the following conditions:
 - has completed university level study,
 - has acquired at least seven years work experience in the field of radiation and nuclear safety since completing university study.
- (3) The verification of the conditions for carrying out the work of an authorized expert for radiation and nuclear safety shall be ensured by the ministry competent for the environment.
- (4) The minister competent for the environment shall determine the verification programme referred to in the previous paragraph and appoint a special three-member expert commission, consisting of specialists in the field of nuclear and radiation safety, to examine the fulfilment of these conditions.
- (5) A foreign legal person or natural person shall obtain a licence for carrying out the work of an authorized expert for radiation and nuclear safety when, pursuant to the regulations of the country in which the aforementioned person is registered for assessing radiation and nuclear safety, this person has licence as required for authorized experts for radiation and nuclear safety equal to that in accordance with this Act.
- (6) The fulfilment of the conditions for foreign legal entities or natural persons as described in the previous paragraph shall be established in accordance with the procedure for the recognition of the qualification of such persons as defined by the Act Regulating the Procedure for Recognition of Qualifications of Citizens of EU Member States Concerning Access to Regulated Professions in the Republic of Slovenia (Official Gazette of the RS, no. 21/2002).

- (7) The minister competent for the environment shall define in detail the records of authorized experts, the format and extent of regular and exceptional reports and other conditions authorized experts for individual fields of radiation and nuclear safety must fulfil in relation to assessing radiation and nuclear safety.

Article 60
(the use of experiences gained
during operational events)

- (1) A operator of a radiation or nuclear facility must ensure that programmes of recording and analysing operational experience at nuclear facilities are implemented.
- (2) In the assessment, examination and improvement of radiation and nuclear safety the operator of a radiation or nuclear facility must take into account the conclusions of the programmes referred to in the previous paragraph.
- (3) The minister competent for the environment shall determine the format and the frequency of reports on the implementation of the programmes of recording and analysing operational experience at radiation or nuclear facilities.

Article 61
(provision of financial resources)

- (1) The operator of a radiation or nuclear facility must have sufficient financial resources guaranteed throughout the operating lifetime of a facility for implementing the prescribed measures of radiation or nuclear safety.
- (2) The financial resources referred to in the previous paragraph must be sufficient also for the payment of all the costs of radioactive waste management occurring as a result of the operation of a facility, of spent fuel management and, in the case of a nuclear facility, also of decommissioning.
- (3) The financial resources referred to in the first paragraph of this Article must be guaranteed to the operator by the current owner of the facility to the level of all the operational costs and the costs of maintenance investment, including investment in technological renewal relating to the measures of radiation or nuclear safety.
- (4) The Government shall define the form of warranties and the method to be used for the enforcement of the warranties of financial resources needed for the cessation of operation and decommissioning of a facility, in the case of subsidiary measures taken by the state due to the bankruptcy of the operator, in the case of a liquidation of the operator or if the operator fails to implement the measures of radiation or nuclear safety.
- (5) If the construction of a repository or a decommissioning of a nuclear facility is financed from the resources of an earmarked fund, founded on the basis of a law, the financial resources from the first paragraph, needed for the cessation of the operation or for the decommissioning of a facility, shall be ensured in accordance with the regulations on the financing of the construction of a repository of radioactive waste and the decommissioning of a nuclear facility.

- (6) The suitability of ensuring financial resources, the amount thereof and the forms of warranties, as well as the method to be used for the enforcement of a warranty, shall be assessed by the ministry competent for the environment during the procedure for the issuing of a licence for the operation of a radiation or a nuclear facility.

Article 62
(workers qualifications)

- (1) Throughout the operating lifetime of a radiation or nuclear facility the operator thereof must ensure a sufficient number of qualified workers with suitable education, who are qualified and additionally trained for all the work activities relating to radiation and nuclear safety.
- (2) The work and the tasks involved in managing the technological process in a facility referred to in the previous paragraph and of the supervision of this process may be carried out by workers who fulfil the prescribed conditions with regard to their professional qualifications, psycho-physical characteristics and non-addiction to alcohol or drugs.
- (3) An employer must ensure regular updating of the professional knowledge possessed by the qualified workers and check their qualifications, psycho-physical characteristics and non-addiction to alcohol or drugs.
- (4) A qualified worker shall prove the fulfilment of conditions for the work and tasks referred to in the second paragraph with a licence issued to the worker by the ministry competent for the environment.
- (5) The licence for carrying out the work and tasks referred to in the second paragraph shall be issued for a maximum of five years.
- (6) The ministry competent for the environment shall appoint a special expert commission to examine the fulfilment of the conditions laid down for workers carrying out the work and tasks referred to in the second paragraph.
- (7) The licence for carrying out the work and tasks referred to in the second paragraph shall be issued for a specified period on the basis of a report by the commission examining the fulfilment of the prescribed conditions on a successfully conducted examination of a worker in relation to the conditions for carrying out the work and tasks specified in the second paragraph.
- (8) The ministry competent for the environment shall withdraw a licence for carrying out the work and tasks referred to in the second paragraph when the commission for examining the fulfilment of the prescribed conditions, during a regular verification review or an exceptional review investigated by a competent inspector, has established that a worker no longer fulfils the conditions on the basis of which the licence was granted.
- (9) The minister competent for the environment, in agreement with the minister competent for health, shall determine the work and the tasks for which workers must fulfil the conditions specified in the second paragraph, define in detail the conditions regarding professional qualifications, psycho-physical characteristics and non-addiction to alcohol and drugs, the method to be used for the examination of the fulfilment of these conditions, the frequency of regular verification reviews and the composition of the commission examining the fulfilment of the prescribed conditions.

Article 63
(quality assurance)

- (1) A operator of a radiation or nuclear facility must implement in a planned and systematic way measures for the fulfilment of quality requirements for constituent parts, for management and control systems of technological processes, or for constructions, including computer software and related services.
- (2) The operator referred to in the previous paragraph must, with a view to quality assurance, set up and implement a quality assurance programme.
- (3) The minister competent for the environment shall determine in detail the requirements relating to the content and the form of a quality assurance programme.

4.3 Use of land

Article 64
(location of a nuclear facility)

- (1) The planning of the location of nuclear facilities and the conditions for their location in a spatially and functionally contained area shall be carried out with the national site development plan.
- (2) The foundation for the national site development plan for each nuclear facility shall be the long-term spatial development plan of the Republic of Slovenia.
- (3) The minister competent for the environment shall be responsible for the drawing up of a national site development plan.

Article 65
**(analysis of the safety of an area for the location
of a nuclear facility)**

- (1) The choice of an area for the location of a nuclear facility shall be based on a special safety analysis, which will be used to assess:
 - all the factors in the area for the location of the nuclear facility which may affect the nuclear safety of the facility during its operating lifetime and
 - the effects of the operation of the facility on the population and the environment.
- (2) The detailed contents and the scope of the analysis referred to in the previous paragraph shall be defined during the procedure for the drawing up of the national site development plan referred to in the previous Article by the ministry competent for the environment.

Article 66
(environmental protection approval)

- (1) In order to obtain a licence for the use of land it shall be necessary to obtain environmental protection approval for a radiation or nuclear facility. The regulatory authority competent for giving environmental protection approval shall also, during a preliminary procedure, determine the conditions relating to radiation and nuclear safety and the content of the part of the report on the effects on the environment relating to radiation and nuclear safety.
- (2) The conditions, the scope and the content of the report on the effects on the environment referred to in the previous paragraph shall be drawn up by the regulatory authority competent for giving environmental protection approval on the basis of a proposal by the ministry competent for the environment.

Article 67
(preliminary approval of radiation and nuclear safety)

- (1) During the procedure for the issuing of a licence for the use of land, the regulatory authority competent for giving environmental protection approval must, prior to the issuing, obtain from the ministry competent for the environment preliminary approval for the radiation and nuclear safety of a radiation or nuclear facility.
- (2) The preliminary approval of radiation and nuclear safety referred to in the previous paragraph may include requirements for a supplementation to or an alteration of the report on the effects on the environment and the proposed conditions for environmental protection approval.
- (3) With the proposed conditions for environmental protection approval the following shall be determined in the preliminary approval:
 - the scope and content of the project to be carried out according to the regulations on the construction of facilities in the case of a construction or decommissioning of a facility, or of a project for carrying out mining work according to the regulations on mining in the case of mining work involving extraction or a cessation of extraction of nuclear raw materials,
 - the levels of authorized burden on the environment due to ionising radiation,
 - the extent of the area of limited use of land due to the implementation of the measures of radiation and nuclear safety, and the limitation of the use of the land within this area, and
 - other specified conditions of nuclear and radiation safety.

4.4 Construction and carrying out of construction and mining work

Article 68
(construction affecting nuclear safety)

- (1) An investor must attach to the application for a licence to build a facility or carry out construction work due to which measures of nuclear safety must be implemented an approval from the ministry competent for the environment.
- (2) The construction of a facility or the carrying out of construction work referred to in the previous paragraph shall include:
 - the construction, reconstruction or decommissioning of a facility and

- the carrying out of construction work in an area of limited use due to a nuclear facility, which affects nuclear safety.
- (3) The Government shall determine the content of the project documentation for the construction of a nuclear facility and the carrying out of construction work in an area of limited use, and the criteria for defining areas of limited use due to a nuclear facility, the criteria for a prohibition of construction in these areas and the type of construction in these areas for which it shall be necessary to attach to the application for a licence for the construction of a facility or the carrying out of construction work an approval from the ministry competent for the environment.

Article 69
(constructions affecting radiation safety)

- (1) An investor must attach to an application for a licence for a construction of a facility or for carrying out construction or mining work, due to which measures for radiation safety must be implemented, an approval from the ministry competent for the environment, except in the case of a less important radiation facility intended for carrying out a radiation practices in health or veterinary care, for which an approval from the ministry competent for health should be attached.
- (2) The following shall be deemed a construction of a facility or carrying out of construction or mining work referred to in the previous paragraph:
- the construction or decommissioning of a radiation source,
 - carrying out mining work with a purpose of exploiting or ceasing to exploit nuclear mineral raw materials,
 - the construction or decommissioning of a facility for extraction, processing or enrichment of nuclear mineral raw materials,
 - the construction of a repository for mining tailings or hydro-metallurgical tailings, appearing in the extraction of nuclear raw materials, and
 - the construction or decommissioning of a less important radiation facility.
- (3) The Government shall determine the content of the project documentation for a construction of a facility and the carrying out of construction work or mining work referred to in the first paragraph.

Article 70
(information on the use of land affecting radiation and nuclear safety)

- (1) An investor who intends to construct facilities or carry out construction or mining work referred to in Articles 68 and 69 of this Act may request from the ministry competent for giving approval to the construction of a facility or to the carrying out of construction or mining work in accordance with this Act the information relating to the conditions the intended construction must fulfil with regard to radiation and nuclear safety.
- (2) The information referred to in the previous paragraph must be conveyed within ninety days of the competent regulatory authority receiving a request.

Article 71

**(approval of the construction or decommissioning
of a facility)**

- (1) An investor intending to construct or decommission a radiation or nuclear facility must attach to an application for the approval described in Articles 68 and 69 of this Act and to project documentation a safety analysis report and the opinion of an authorized expert for radiation and nuclear safety.
- (2) A safety analysis report must indicate the following with regard to the facility being constructed or decommissioned:
 - the basic safety and design approaches,
 - the location of the facility including an analysis of the location,
 - the technical characteristics of the facility including a description of radioactive substances or nuclear materials and other radiation sources,
 - protection against ionising radiation, including the evaluation of the protection of exposed workers against radiation,
 - the assessment of the exposure of the population and the environment,
 - the organisation of work, including programmes of technical training and the organisation of radiation protection,
 - the radioactive waste and spent fuel management,
 - physical protection of the facility,
 - the plan of protection and rescuing of the facility in accordance with the regulations on the protection against natural and other accidents, or a special plan of protection and rescuing of the facility in the case of a facility for which, pursuant to the regulations on the protection against natural and other accidents, it is not necessary to draw up a plan of protection and rescuing of a facility,
 - in the case of a construction of a facility, programmes of trial operation,
 - in the case of a nuclear facility, a safety analysis,
 - operational conditions and limitations for safe operation during the period of trial operation and during regular operation,
 - quality assurance,
 - the anticipated discharge of radioactive substances into the environment,
 - the programme of meteorological measurements and operational monitoring of radioactivity and
 - in the case of a repository, the long-term supervision plan.
- (3) In the case of a decommissioning of a facility, the content of the safety analysis report shall refer to the decommissioning of the facility and the related measures for radiation or nuclear safety.
- (4) A person intending to construct or decommission a facility must ensure that the safety analysis report is amended when changes of the situation referred to by the safety analysis report arise during the construction or decommissioning of the facility or during the period of trial operation.
- (5) The approval referred to in Articles 68 and 69 of this Act shall be given to a project with a view to the acquisition of a construction licence.
- (6) The ministry competent for the environment shall approve the safety analysis report during the procedure for the giving of the approval referred to in the previous paragraph.
- (7) The minister competent for the environment shall determine in detail the content of the project documentation referred to in the first paragraph and the content of the safety analysis report.

Article 72
(physical protection plan)

An investor must attach to the safety analysis report described in the previous Article the plan of physical protection described in Article 119 of this Act as a separate and secret document in accordance with the regulations on secrecy of information.

Article 73
(disposal of spent fuel and radioactive waste)

- (1) If an application for approval refers to a construction of a facility for the disposal of spent fuel or of radioactive waste, the investor must in addition to the project documentation and the safety analysis report referred to in Article 71 of this Act attach the following:
 - a safety analysis report relating to the period after the closure of the repository facility,
 - the opinion of an authorized expert for radiation and nuclear safety,
 - financial warranties for carrying out all the necessary tasks until the closure of the repository,
 - financial warranties for the payment of the costs of long-term supervision of the repository after the closure thereof,
 - a statement on the free of cost transfer of the ownership of the pieces of land occupied by the repository to the state and the plan of transfer.
- (2) In the safety analysis report on the repository facilities relating to the time period following the closure thereof all the possible risks due to the spent fuel or radioactive waste shall be assessed, as well as the exposure of the population after the closure and the exposure of the workers working at the repository during the maintenance thereof and the long-term supervision of the repository facility after the closure.
- (3) The plan of long-term supervision of the repository facilities must include the following:
 - the extent and content of the operational monitoring of radioactivity at the repository, the monitoring of natural phenomena affecting the long-term stability of the repository, and the functioning of individual parts of the repository,
 - the criteria on the basis of which decisions on carrying out maintenance work at the repository shall be made dependent on the results of the operational monitoring referred to in the previous indent and on inspection control.
- (4) The approval referred to in the first paragraph shall be issued to a project with a view to the acquisition of a construction licence.
- (5) The ministry competent for the environment shall define in detail the content of the safety analysis report for repository facilities relating to the time after the closure thereof and the content of the plan of long-term supervision of repository facilities in the proposed conditions for the environmental protection approval.

Article 74
(other regulations)

The minister competent for the environment and the minister competent for health, in agreement with other competent ministers, shall define the rules of conduct for radiation and nuclear facilities and for less important radiation facilities, and the technical requirements and forms of mandatory conduct relating to radiation and nuclear safety.

Article 75
(approval of mining work)

- (1) Prior to obtaining a licence to carry out mining work with a view to extracting or ceasing to extract nuclear mineral raw materials and the related construction or carrying out of construction work, an investor must obtain approval from the ministry competent for the environment for the following:
 - the construction or abandonment of a mining facility used for the extraction of nuclear mineral raw materials,
 - the construction or decommissioning of a mining facility for the processing or enrichment of the nuclear mineral raw materials, such as crushing, sieving and separating by physical or physical-chemical processes,
 - the construction or closure of a repository of mining or hydro-metallurgical tailings, appearing during the processing of nuclear mineral raw materials.
- (2) It shall be necessary to attach to an application for the approval referred to in the previous paragraph in particular the following:
 - documentation defined in the regulations on mining,
 - a safety analysis report, from which it is clear that in the planning of the mining work, the regulations from the field of radiation safety and the conditions on radiation safety contained in the environmental protection approval have been adhered to,
 - an opinion from an authorized expert for radiation and nuclear safety.
- (3) The approval referred to in the first paragraph shall be issued to a project with a view to the acquisition of a licence for carrying out mining work.
- (4) The ministry competent for the environment shall define in detail the content of the safety analysis report in the proposal of the conditions for the environmental protection approval.

Article 76
(a repository of mining and hydro-metallurgical tailings)

- (1) An investor must, in addition to the project documentation and the safety analysis report referred to in Article 71 of this Act, attach the following to the application for an approval for the construction of a repository of mining or hydro-metallurgical tailings, appearing in the extraction of nuclear mineral raw materials:
 - a safety analysis report relating to the time when the repository is in operation as well as following the closure of the repository,
 - an opinion of an authorized expert for radiation and nuclear safety,
 - financial warranties for carrying out all the necessary tasks until the closure of the repository,
 - financial warranties for the payment of the costs of long-term supervision of the repository, and

- a statement on the free of cost transfer of the ownership of the pieces of land occupied by the repository to the state and the plan of the transfer.
- (2) In the safety analysis report on the repository of mining or hydro-metallurgical tailings, all the possible risks due to the disposed radioactive substances, as well as the exposure of the population and the exposure of exposed workers working at the repository during the operation thereof and after the closure of the repository, must be assessed.
 - (3) The plan of long-term supervision of the repository of mining or hydro-metallurgical tailings must include the following:
 - the extent and content of the operational monitoring of radioactivity at the repository, the monitoring of natural phenomena affecting the long-term stability of the repository, and the functioning of individual parts of the repository,
 - the criteria on the basis of which decisions on the carrying out of maintenance work at the repository shall be made dependent on the results of the operational monitoring referred to in the previous indent and on inspection control.
 - (4) The ministry competent for the environment shall approve the plan of long-term supervision of the repository of mining or hydro-metallurgical tailings during the procedure for the issuing of the approval referred to in the previous paragraph.
 - (5) The ministry competent for the environment shall define in detail the content of the safety analysis report and the content of the plan of long-term supervision of the repository in the proposal of the conditions for environmental protection approval.

Article 77
(issuing an approval)

- (1) The approval referred to in Articles 68 and 69 of this Act shall be issued within 90 days of receiving a completed application.
- (2) In the case of an approval of the construction of a facility, the conditions of the trial operation and the method to be used for and duration thereof may also be defined in the approval.
- (3) An approval shall cease to apply if within two years after the day on which the approval becomes final the construction or decommissioning of a facility referred to in Article 68 and 69 of this Act or the mining work referred to in Article 75 of this Act have not commenced.

4.5 Trial operation of radiation and nuclear facilities

Article 78
(trial operation of radiation and nuclear facilities)

- (1) After the construction work is completed, every radiation or nuclear facility must first undergo a period of trial operation.
- (2) Prior to commencing a period of trial operation of a radiation or nuclear facility it shall be necessary to obtain approval from the ministry competent for the environment.

- (3) It shall be necessary to attach to an application for approval for the commencement of a period of trial operation a safety analysis report, which must be supplemented in accordance with the changes occurring during the construction, an opinion from an authorized expert or authorized organisation for radiation and nuclear safety and other prescribed documentation.
- (4) The ministry competent for the environment shall approve the safety analysis report and the documentation referred to in the previous paragraph during the procedure for the giving of approval for the commencement of trial operation.
- (5) The minister competent for the environment shall define in detail the content of the application for approval for the commencement of a period of trial operation and the content of the documentation referred to in the third paragraph.
- (6) The ministry competent for the environment shall approve trial operation for a fixed period, which may not exceed two years.
- (7) The approval of trial operation may be extended following an application submitted by the holder of the approval when all the conditions laid down for giving an approval after the approval has expired are fulfilled.
- (8) There shall be no right of appeal against the rejection or acceptance of an approval for the commencement of a trial operation.

4.6 Operation of radiation and nuclear facilities

Article 79
(licence for the operation, the completion of a decommissioning
and the closure of a repository)

- (1) An investor or operator, who intends to:
 1. commence or cease operating a nuclear facility,
 2. commence or cease operating a radiation facility,
 3. commence the disposal of spent fuel in a repository of spent fuel or of radioactive waste in a repository of radioactive waste,
 4. close a repository of spent fuel or radioactive waste,
 5. commence or complete the decommissioning of a nuclear facility,
 6. commence or complete the decommissioning of a radiation facility,
 7. complete mining work in order to cease the extraction of nuclear mineral raw materials,
 8. commence disposal of mining or hydro-metallurgical tailings, appearing in the extraction of nuclear mineral raw materials,
 9. close a repository of mining or hydro-metallurgical tailings, appearing in the extraction of nuclear mineral raw materials,

must obtain a licence from the ministry competent for the environment.

- (2) A licence relating to the operation of a facility and a completion of a decommissioning of a facility or a closure of a repository referred to in the previous paragraph shall be issued:
- after a licence for the use of a facility issued in accordance with the regulations on the construction of facilities has been obtained in cases of the commencement of the operation as referred to in points 1 and 2 or the commencement of disposal as referred to in point 3 of the previous paragraph,
 - after the fulfilment of all the conditions for the cessation of the operation of a facility or a repository in cases of the cessation of the operation referred to in points 1 and 2, or the closure of a repository referred to in point 4 of the previous paragraph,
 - after the fulfilment of all the conditions relating to the decommissioning of a facility in cases of the decommissioning referred to in points 5 and 6 of the previous paragraph,
 - after the fulfilment of all the conditions relating to the cessation of mining work in cases of the cessation of mining work referred to in point 7, and the closure of a repository referred to in point 9 of the previous paragraph.
- (3) The conditions referred to in the previous paragraph shall be determined by the ministry competent for the environment in the approval described in Articles 68 and 69 of this Act.
- (4) In cases of a cessation of mining work referred to in point 7 and in cases of the closure of a repository referred to in point 9 of the first paragraph of this Article, the licence referred to in the first paragraph shall be the condition for obtaining the final decision on the cessation of rights and obligations pursuant to the regulations on mining.

Article 80
(application for a licence)

- (1) It shall be necessary to attach to the application for a licence referred to in Article 79 of this Act a safety analysis report, an opinion from an authorized expert for radiation and nuclear safety and other prescribed documentation.
- (2) A safety analysis report must be amended in accordance with the changes which have occurred during trial operation and the time of the construction or decommissioning of a facility, or during the time of carrying out mining work in case of the exploitation or the cessation of the exploitation of nuclear mineral raw materials.
- (3) At the request of the ministry competent for the environment an investor must for each item in the safety analysis report important for radiation and nuclear safety, attach to the application for a licence an expert opinion from an authorized expert for radiation and nuclear safety.
- (4) A licence shall be issued by the ministry competent for the environment within ninety days of receiving a completed application after the administration has concluded from the submitted reports, plans and other prescribed documentation and from the information on the trial operation that all the conditions for radiation and nuclear safety have been fulfilled.
- (5) The person who has obtained a licence for the closure of a repository of spent fuel, radioactive waste or mining and hydro-metallurgical tailings must ensure the maintenance and supervision of the repository in accordance with the conditions laid down in the safety analysis report.

- (6) The minister competent for the environment shall define in detail the content of the application for a licence and the content of the documentation referred to in the first paragraph in regard to the risk level for each type of facility.

Article 81
(periodic safety review)

- (1) The operator of a radiation or nuclear facility (hereinafter: operator) must ensure regular, full and systematic assessment and examination of radiation or nuclear safety of a facility by periodic safety review.
- (2) The minister competent for the environment shall determine the frequency, content and extent, duration and the method to be used for the carrying out of periodic safety review and the method to be used for reporting on the inspections.
- (3) The regulation referred to in the previous paragraph shall also define the cases in which the ministry competent for the environment itself shall order periodic safety review when new and important evidence on the radiation or nuclear safety of a facility has come to light.
- (4) There shall be no right of appeal against the decision on periodic safety review referred to in the previous paragraph.

Article 82
(report on an periodic safety review)

- (1) The operator must draw up a report on the periodic safety review and hand it to the ministry competent for the environment for approval.
- (2) When it follows from a report on an periodic safety review that it shall be necessary to change the conditions of operation or the limitations from the safety analysis report with a view to improving radiation or nuclear safety, the operator must draw up a proposal for the necessary changes.
- (3) A operator must also attach to an application for a confirmation of a report on an periodic safety review an opinion from an authorized expert for radiation and nuclear safety.
- (4) The approved report on an periodic safety review shall be the condition for renewing a licence for the operation of a facility referred to in Article 79 of this Act.

Article 83
(approval of changes)

- (1) With respect to every intended change relating to the facility or to the management method used or to the operation of the facility, including maintenance work, inspection, testing or the introduction of a technical, organisational or any other change relating to the aforementioned tasks (hereinafter: change), which affect or could indirectly affect the content of the safety analysis report, the operator must evaluate the intended change in relation to its significance for radiation or nuclear safety.

- (2) With respect to their significance for radiation or nuclear safety, changes may be:
 1. such that it shall be necessary only to notify the competent ministry,
 2. such that the intention of their implementation must be reported to the ministry competent for the environment,
 3. of significance for radiation or nuclear safety and for the implementation of which a licence from the ministry competent for the environment must be obtained.
- (3) A operator must attach to the proposal of changes referred to in point 3 of the previous paragraph a proposal for the amendments to the safety analysis report and an expert opinion from an authorized expert for radiation and nuclear safety.
- (4) A operator may commence the implementation of the proposed changes referred to in point 2 of the second paragraph after the ministry competent for the environment has confirmed in writing that it shall not be necessary to obtain approval for the changes.
- (5) If a operator has introduced changes on the basis of a notification of a proposal of changes, the operator must submit to the ministry competent for the environment at the latest six months after the work has been carried out a plan of the implemented changes.
- (6) If a operator has introduced changes on the basis of reporting an intention to introduce the proposed changes, the operator must submit to the ministry competent for the environment at the latest six months after the work has been carried out an amended safety analysis report.
- (7) The minister competent for the environment shall determine the methodology to be used for the assessment and classification of the changes, as well as the method to be used to report the intention to introduce the changes and the form the notification of the changes should take.

Article 84
(approval of significant changes)

- (1) The ministry competent for the environment shall approve the proposed changes significant for radiation or nuclear safety within 90 days of receiving the completed application by means of a decision in which the ministry competent for the environment shall also order the drawing up of the amendments to the safety analysis report and, if necessary, the administration shall also determine the method, extent and the deadlines in relation to the introduction of the changes relating to the safety analysis report.
- (2) A operator must commence introducing the changes referred to in the previous paragraph when the ministry competent for the environment approves the amendments of the safety analysis report.
- (3) There shall be no right of appeal against the decision on the rejection or approval of the proposed changes significant for radiation or nuclear safety.

Article 85
(approval of construction, reconstruction or removal)

If there is an intention to construct, reconstruct or remove a facility within the area of a radiation or nuclear facility, approval from the ministry competent for the environment must be obtained prior to the issuing of a licence for the aforementioned construction, notwithstanding whether or not the construction affects radiation or nuclear safety.

Article 86
(exceptional review of a safety analysis report)

- (1) A operator must evaluate and verify the safety of the facility and ensure a review of the concordance of the safety analysis report with the conclusions of the evaluation and verification of safety:
 - directly after an emergency at the facility and
 - after the completion of the work relating to the mitigation of the consequences of an emergency.
- (2) When it can be concluded from the evaluation and verification of safety that it is necessary to change or improve operational conditions and the limitations contained in the safety analysis report, the operator must draw up a proposal of the changes and of amendments to the safety analysis report, and proceed in the way described in Articles 83 and 84 of this Act.

Article 87
(reporting on the operation of facilities)

- (1) The operator of a radiation or nuclear facility must report regularly to the ministry competent for the environment on the operation of the facility.
- (2) Notwithstanding the provisions in the previous Article, a operator must give exceptional reports to the ministry competent for the environment on the following:
 - equipment faults which could cause an emergency, emergencies and measures taken for the mitigation of the consequences of the faults or emergencies,
 - mistakes made by workers while handling or operating a facility, which could cause an emergency,
 - deviations from operational conditions and limitations, and
 - all other events or operational circumstances which significantly affect the radiation or nuclear safety of the facility.
- (3) The minister competent for the environment shall define for each type of nuclear or radiation facility the content, extent and frequency of regular reports, as well as the content and the extent of exceptional reports referred to in the previous paragraph, and the deadlines for the reports.

4.7 Radioactive contamination

Article 88
(limits)

- (1) The Government shall lay down the limits of the radioactive contamination of the air, surface or subterranean waters intended for the processing of drinking water, radioactive contamination of the human body, surfaces in the work premises, the ground, feeding stuff, personal hygiene and personal care products, tobacco and tobacco products, building materials and other goods.
- (2) In the regulation referred to in the previous paragraph the Government shall also define the limits for foodstuff and feeding stuff in the case of an emergency at a nuclear facility or another emergency, which may cause a contamination of foodstuff or feeding stuff.
- (3) In relation to the limits, the Government shall also lay down the conditions for the use of water, feeding stuff, foodstuff and products aimed at various population categories, obligations on the part of the producers or manufacturers of individual types of products, and other mandatory measures relating to the reduction of the use of living and working environments contaminated with radioactivity, as well as foodstuff, water, feeding stuff and products.

Article 89
(prohibition of use)

- (1) Intentional adding of radioactive substances during the production or manufacture of feeding stuff, foodstuff, toys, jewellery and cosmetics, and importing or exporting such goods shall be prohibited.
- (2) The use of living and working environments and the allowing for the sale and use of water, foodstuff, feeding stuff and products shall not be authorized when these are contaminated with radio-nuclides so that the activity concentrations exceed the limits referred to in the previous Article.

Article 90
(monitoring radioactive contamination)

- (1) The minister competent for the environment and the minister competent for health and, in the case of foodstuff and feeding stuff, also the minister competent for agriculture and the veterinary service, shall determine the scheme of emergency monitoring in cases of increased radioactive contamination of the air, drinking water, water, ground, foodstuff, feeding stuff or individual products or materials, the monitoring programme, as well as the method to be used for reporting and informing the public.
- (2) The minister competent for the environment and the minister competent for health and, in the case of foodstuff and feeding stuff, also the minister competent for agriculture, shall determine the content and the conditions for the acquisition of a document with which the holder thereof shall prove that foodstuff, feeding stuff, individual products or waste are not contaminated with radioactivity.
- (3) In relation to cases of increased radiation contamination, the minister competent for the environment, in agreement with the minister competent for health, shall define the method to be used for passing on monitoring information to the system of observation, for information provision and for the setting off of alarms in cases of natural or other accidents.

Article 91
(decontamination)

- (1) The minister competent for the environment, in agreement with the minister competent for protection against natural and other accidents and the minister competent for health, shall determine the means and method to be used for decontamination with regard to the type and the extent of radioactive contamination.
- (2) In the case of radioactive contamination resulting from an emergency, the decontamination must be ensured by the user of a radiation source within the framework of the mitigation of the consequences of an emergency in the way ordered as an exceptional measure as referred to in Article 125 of this Act.
- (3) If radioactive contamination resulting from the use of a radiation source is not the consequence of an emergency, the user of a radiation source must carry out decontamination in the way defined in the regulation referred to in the first paragraph, as well as notify the ministry competent for the environment or the ministry competent for health in cases of carrying out a radiation practices in health or veterinary care.

Article 92
**(other measures related to increased
radioactive contamination)**

- (1) In case of increased radioactive contamination on the territory of the EU Member States, the instruments of the EU that are applied on the territory of the EU directly regulate ban, temporary limits and more rigid conditions for the control of shipments within the EU, import or export of foodstuff, feeding stuff and agricultural products and scheme and responsibility.

4.8 Radioactive waste and spent fuel management

Article 93
**(radioactive waste and
spent fuel management)**

- (1) The holder of radioactive waste and spent fuel must ensure that:
 - the radioactive waste and spent fuel are handled in the way prescribed and
 - the transfer of the burden of disposal of radioactive waste and spent fuel to future generations is avoided as far as possible.
- (2) The person responsible for the occurrence of radioactive waste and spent fuel must ensure that the wasted radioactive substances occur within the smallest possible quantities.
- (3) The costs of radioactive waste and spent fuel management shall be paid by the person responsible for the occurrence of the radioactive waste or the holder of the waste when he has taken the possession of it from the person responsible for the occurrence of it, or acquired it in any other way.

- (4) If the person responsible for the occurrence of radioactive waste or spent fuel is not known, the state shall take the responsibility for the radioactive waste management.
- (5) The ministry competent for the environment shall maintain the central records of radioactive waste and spent fuel occurring on the territory of the Republic of Slovenia.
- (6) The holder of radioactive waste and spent fuel must pass on the information on the occurrence of radioactive waste and spent fuel to the central records of radioactive waste and spent fuel.
- (7) The minister competent for the environment shall classify radioactive waste with regard to the level and type of radioactivity, and determine the radioactive waste and spent fuel management, the extent of reporting on the occurrence of radioactive waste and spent fuel and the method to be used for and the extent of maintaining the central records of the occurrence of radioactive waste and spent fuel and of administrating the records of stored and disposed off radioactive substances and spent fuel.

Article 94

(the commercial public service for the radioactive waste management)

The taking over of, the collecting and transportation, the preliminary treatment of and storing prior to disposal and the disposal of radioactive waste and spent fuel, which does not constitute waste, or spent fuel from energy producing nuclear facilities, shall be mandatory state commercial public services.

Article 95

(the state commercial public service for the disposal of waste from energy producing nuclear facilities)

- (1) The treatment of radioactive waste and spent fuel prior to disposal and the disposal of radioactive waste and spent fuel from energy producing nuclear facilities shall be mandatory state commercial public services.
- (2) The state public services referred to in the previous paragraph shall be financed from a special earmarked fund, founded by the Act on the Fund for the Financing of the Decommissioning of the Krško Nuclear Plant and the Disposal of Radioactive Waste from the Krško Nuclear Plant (Official Gazette of the RS, no. 75/1994).

Article 96

(repositories of mining and hydro-metallurgical tailings)

The long-term supervision and maintenance of the repositories of mining and hydro-metallurgical tailings appearing in the extraction of nuclear mineral raw materials shall be public state services.

Article 97

(public commercial institution)

- (1) The mandatory public state services referred to in Articles 94, 95 and 96 of this Act shall be carried out by the public commercial institution for radioactive waste.

- (2) Notwithstanding the obligations to pass on for further radioactive waste and spent fuel management to the institution performing the mandatory state commercial public service, the person responsible for the occurrence of waste may, for a fixed period, store and treat radioactive waste and spent fuel in the location of the occurrence thereof, when the aforesaid person has obtained a licence for this from the ministry competent for the environment.

Article 98
(national programme of radioactive waste
and spent fuel management)

- (1) The national programme of radioactive waste and spent fuel management in accordance with this Act shall be adopted by the National Assembly as a part of the national programme for the protection of the environment pursuant to the regulations on environmental protection.
- (2) The technical groundwork for the national programme referred to in the previous paragraph, together with a detailed description of the measures relating to the reduction of the occurrence of radioactive waste, to the treatment thereof prior to disposal and to its disposal, and the measures relating to the treatment and disposal of spent fuel, shall be carried out and communicated to the ministry competent for the environment by the commercial public institution for radioactive waste.
- (3) The operative programmes within the national programme of the of radioactive waste and spent fuel management shall be drawn up by the commercial public institution and adopted by the Government.
- (4) The operative programmes referred to in the previous paragraph shall be adopted for a maximum of four years.

Article 99
(national infrastructure facilities)

- (1) A facility intended for the commercial public service of radioactive waste management in accordance with this Act, the commercial public service of disposal of radioactive waste and spent fuel from nuclear facilities, or the commercial public service of the disposal of mining or hydro-metallurgical tailings (hereinafter: national infrastructure facility) shall be owned by the state.
- (2) The construction of national infrastructure facilities shall be in the public interest.
- (3) A national infrastructure facility referred to in the first paragraph and the site on which it is built shall obtain the status of a nuclear or radiation facility by means of a decision, issued on the basis of a Government order, by the ministry competent for the environment.
- (4) The immovable property referred to in the previous paragraph shall not be subject to legal transactions.
- (5) Immovable property which is not given the status of a nuclear facility in accordance with the third paragraph but is needed in the everyday functioning of a nuclear facility may be sold, alienated in some other way, or encumbered only following Government approval.

- (6) A contract concluded in contradiction with the previous paragraph shall be void.
- (7) If the owner of an immovable property referred to in the fifth paragraph is a legal person or sole trader the immovable property in the case of bankruptcy or liquidation of the owner becomes state property, notwithstanding the provisions of the regulations on the bankruptcy procedure. It shall be impossible to usurp the immovable property referred to in the fifth paragraph.

4.9 Shipment into and out of the Member States of the EU, import, export and transit of nuclear and radioactive substances and radioactive waste

Article 100

(licence for the shipment into and out of the Member States of the EU, import, export, of nuclear and radioactive substances and transit of nuclear materials)

- (1) It shall be necessary to obtain a licence from the ministry competent for the environment for the shipment into and out of the Member States of the EU and for the import and export of nuclear and radioactive substances, except for the radioactive substances used in health and veterinary care, in the case of which the licence shall be issued by the ministry competent for health.
- (2) The shipment of radioactive substances into and out of the Member States of the EU are regulated by the instruments of the EU that are applied on the territory of the EU directly. .
- (3) It shall be necessary to obtain a licence from the ministry competent for the environment for the transit of nuclear materials and radiation sources with a significant activity.
- (4) During the procedure for the issuing of the licence referred to in the first and third paragraph, the measures of radiation and nuclear safety throughout the duration of the shipment of radioactive substances on the territory of the Republic of Slovenia shall be evaluated.
- (5) A licence for the shipment from the Member States of the EU and for the import of nuclear materials and for the import of radioactive substances shall be issued only when the consignee of these substances holds a licence for the carrying out of a radiation practice.

Article 101

(licence for the shipment into and out of the Member States of the EU, import, export or transit of radioactive waste and spent fuel)

- (1) It shall be necessary to obtain a licence from the ministry competent for the environment for the shipment into and out of the Member States of the EU, import, export or transit of radioactive waste and spent fuel.
- (2) During the procedure for issuing a licence referred to in the previous paragraph the ministry competent for the environment shall evaluate the measures related to radiation and nuclear safety throughout the duration of the shipment of radioactive waste and spent fuel from the place of origin to the place of final destination.
- (3) The licence for the shipment into the Member States of the EU and for the export referred to in the first paragraph of this Article shall be issued by the ministry competent for the environment if a consent to the shipment has been given by the competent regulatory authority in the destination country of the radioactive waste or spent fuel, as well as by the competent authorities in the

countries the shipment is supposed to travel across, and if all the conditions pertaining to the person carrying out shipment of radioactive waste and spent fuel into the Member States of the EU or is exporting them, with regard to receiving the radioactive waste or spent fuel in case of the shipment being refused, have been fulfilled.

- (4) The transit licence referred to in the first paragraph shall be issued by the ministry competent for the environment if all the consents from the competent authorities in the country of origin and in the destination country as well as the countries through which the shipment is supposed to travel have been given and if the sender of radioactive waste or spent fuel has a licence from the country of origin for the return of the shipment to the place of origin in case the shipment is refused by the consignee.
- (5) The licence for the shipment from the Member States of the EU and import referred to in the first paragraph shall be issued by the ministry competent for the environment if the importer proves that the radioactive waste or spent fuel is guaranteed to be handled in accordance with the regulations, and if the importer has the licence from the country of origin for returning the shipment to the place of origin in case the shipment is refused, and when the ministry competent for the environment has obtained all the consents from the competent authorities in the country of origin and the countries across which the shipment is supposed to travel.
- (6) When the ministry competent for the environment has issued a licence for the shipment into and out of the Member States of the EU and the export, import or transit of radioactive waste or spent fuel, it must notify competent authorities in the countries of origin or the destination country, and obtain consent of the competent authorities in the countries the shipment is supposed to travel through.
- (7) A person carrying out shipment of radioactive waste or spent fuel into the Member States of the EU or is exporting them must report to the ministry competent for the environment the delivery of a shipment at the latest within two weeks of the arrival of the shipment at the point of delivery.

Article 102 **(issuing a licence)**

- (1) A licence for the shipment into and out of the Member States of the EU, import, export or transit of radioactive waste, spent fuel and nuclear materials and for the import and export of nuclear and radioactive substances shall be issued for one or more shipments for a maximum of three years.
- (2) The ministry competent for the environment may refuse to issue a licence for the import, export or transit of radioactive waste and spent fuel if it has established that the country of export or the country receiving the shipment does not have the technical, legal or administrative resources necessary for the safe radioactive waste or spent fuel management.
- (3) The issue of a licence referred to in the first paragraph of this Article shall not affect any other responsibility regarding radiation or nuclear safety in accordance with this Act on the part of the holder, carrier, owner or consignee or any other person involved in the transport of a shipment.
- (4) The sending of radioactive waste and spent fuel with the intention of disposal it at a location south of longitude 60° South, shall be prohibited.

- (5) Radioactive waste, spent fuel, nuclear and radioactive substances shall be transported in packagings in accordance with the regulations pertaining to the field of the transport of dangerous goods.

Article 103
(financial warranties and other conditions)

- (1) In addition to the insurance stipulated by customs regulations, a person carrying out shipment into and out of the Member States of the EU or is exporting, importing radioactive waste, spent fuel or nuclear material must ensure for each shipment thereof financial warranties to a level which guarantees the payment of the expenses of:
- the refusal of the shipment by the competent regulatory authority in the destination country or
 - the management ordered by the ministry competent for the environment if it has established that there is no assurance that the radioactive waste shipped from the Member States of the EU or imported is being handled in the manner pursuant to this Act.
- (2) The Government shall determine the amount of and the nature of the financial warranty referred to in the first paragraph.
- (3) The minister competent for the environment shall define the format of the report relating to the sending of radioactive waste, spent fuel, nuclear materials or radioactive substances, the method to be used for the notification of competent ministries and authorities in other countries, the appropriate conduct in the case of repeated shipments, the format and deadlines for reports on the completed shipments, the conditions regarding nuclear and radiation safety and other conditions relating to shipment into and out of the Member States of the EU, import, export and transit. The minister competent for the environment shall also determine the radiation sources with a significant activity, for which it shall be necessary to obtain a licence prior to transit.
- (4) The minister competent for the environment may in agreement with the minister competent for health regulate in greater detail particular questions necessary for the implementation of the EU instruments that regulate the shipment of radioactive substances and are applied on the territory of the EU directly.

4.10 Intervention measures

Article 104
(emergencies)

- (1) For each individual radiation source the Government shall define the criteria for classifying emergencies occurring during the operation of a facility or during the use of a radiation source in emergency classes with regard to the possible consequences and the extent of intervention measures.
- (2) Within the plan for protection and rescue of a facility the operator of a radiation or nuclear facility must on the basis of the specified criteria referred to in the previous paragraph indicate the classification of the likely emergencies and in relation to each emergency class, plan the extent of intervention measures.

- (3) On the basis of a classification of likely emergencies, the operator of a radiation or nuclear facility must ensure during an emergency the technical and other conditions for assuring an assessment of the consequences of the emergency and decision-making as to the extent of the necessary intervention measures. The qualifications of the operator for drawing up assessments and making decisions referred to in the previous sentence shall be shown in the safety analysis report.

Article 105
(protection and rescue plan)

In the drawing up of protection and rescue plans and during the implementation of the planned intervention measures it shall be necessary to ensure:

- that the reduction of health detriment to people due to the intervention justifies the costs and the harm caused by the intervention measures,
- that the form, scale and duration of intervention measures are optimised so that the reduction of the health detriment to people is maximised compared to the increased harm resulting from the implementation of intervention measures, and
- that the determined dose limits for emergency exposure and intervention levels are taken into account.

Article 106
(intervention planning)

- (1) The operator of a radiation or nuclear facility must pass on to those responsible for protection and rescue all the available technical data on the radiation source and information from the safety analysis report needed for the drawing up of the national and local protection and rescue plan.
- (2) The Government shall determine:
- intervention levels,
 - dose limits for exposed emergency workers due to the implementation of intervention measures,
 - criteria for determining the planning zones for intervention measures with regard to the emergency class,
 - the scope and conditions relating to the monitoring of radioactive contamination, the protection of individuals against radiation and health surveillance, and
 - other conditions regarding the planning and implementation of intervention measures related to intervention levels.
- (3) The provisions described in the previous paragraph shall apply also to the planning of intervention measures when the user of a radiation source can not be determined or if the subject who caused the emergency is not on the territory of the Republic of Slovenia.
- (4) The minister competent for the environment, in agreement with the minister competent for health, shall determine for each individual type of radiation source the method in which intervention levels shall be taken into account during the drawing up of protection and rescue plans.

Article 107
(the protection and rescue plan for a facility)

The operator of a facility must maintain emergency preparedness and in the case of an emergency implement the intervention measures which are in accordance with the protection and rescue plan for the facility and implement the measures in the national and local protection and rescue plans referring to the affected facility.

Article 108
(informing the public during emergencies)

- (1) Operators and those involved in the implementation of the measures in accordance with the local and national protection and rescue plans must regularly inform the public about the significant facts related to the protection and rescue plans.
- (2) In the case of an emergency in accordance with this Act, an operator must ensure that the ministry which has issued the licence for the carrying out a radiation practices is notified of the event within the shortest possible time, as well as other authorities competent for the matter in accordance with the regulations on the protection against natural and other accidents.
- (3) In the case of the transport of nuclear materials, radioactive substances, spent fuel or radioactive waste, the shipper of radioactive substances shall have the duty of notifying the competent authorities in accordance with the previous paragraph.
- (4) Regulations from the field of protection against natural and other accidents shall apply to the method to be used for and the extent of informing the public and the competent ministries and authorities in accordance with this Article and to the procedure for regular review and confirmation of statements to the public on the important facts from the protection and rescue plans.

Article 109
(international notification and co-operation)

- (1) In the case of an emergency which is likely to cause health detriment to people on the territory of other countries, the ministry competent for the environment must ensure the notification in accordance with international agreements.
- (2) The Government shall decide on the acceptance of assistance from other countries and the International Atomic Energy Agency and on the provision of assistance to other countries in the case of emergencies.

5. ISSUING, RENEWAL, AMENDMENT, WITHDRAWAL AND EXPIRY OF LICENCES

5.1 Issue and renewal of a licence

Article 110
(the content of a licence)

- (1) The licence for carrying out a radiation practices referred to in Article 11 of this Act must contain:
 - details of the licence holder,

- a detailed description of the carrying out of the radiation practice,
 - the period within which the radiation practice must commence,
 - the duration of the validity of the licence,
 - the steps the licence holder must take after the licence expires,
 - deadlines and conditions for a repeated examination of the evaluation of the protection of exposed workers against radiation,
 - other obligations the licence holder must fulfil pursuant to this Act and the regulations issued on the basis of this Act.
- (2) The licence for the use of a radiation source referred to in Article 13 of this Act must include:
- details of the licence holder,
 - a detailed description of the type, scope and purpose of the use of a radiation source and registration codes from the register of radiation sources,
 - the duration of the validity of the licence,
 - the method of use of the radiation source,
 - obligations regarding technical checks and the maintenance of the radiation source,
 - the steps the licence holder must take after the licence expires,
 - other obligations the licence holder must fulfil pursuant to this Act and the regulations issued on the basis of this Act.
- (3) The licence for the operation of a facility, a completion of a decommissioning or the closure of a repository referred to in Article 79 of this Act must contain:
- details of the operator,
 - a detailed description of the type, scope and the purpose of the use of the facility and the registration codes from the register of radiation and nuclear facilities,
 - the duration of the validity of the licence,
 - the operational conditions and limitations relating to the safety analysis report,
 - obligations relating to periodic safety review,
 - the steps the licence holder must take after the licence expires,
 - the method to be used for the financial warranties,
 - the deadlines and conditions for a repeat review of the evaluation of the protection of exposed workers against radiation and the protection and rescue plan,
 - other obligations the licence holder must fulfil pursuant to this Act and the regulations issued on the basis of this Act.

Article 111
(the issue and extension of the licence)

- (1) The licence referred to in the previous article (hereinafter: licence) shall be issued by the ministry competent for this matter pursuant to this Act for a maximum of ten years, except in the case of a licence for the completion of a decommissioning of a facility or the closure of a facility.
- (2) The criteria for determining the duration of the validity of each individual licence referred to in the previous paragraph shall be determined by the Government by taking into account in particular the technological duration of the apparatuses and facilities, as well as the time within which it is expected that due to technological advances the nuclear or radiation safety will improve considerably for the same use of radiation sources.

- (3) The licence referred to in the first paragraph may be renewed on the basis of an application by the licence holder if all the conditions prescribed for obtaining a licence are fulfilled when the licence expires.
- (4) The provisions applying to acquisition of a licence in accordance with this Act shall be used *mutatis mutandis* for renewing a licence.

5.2 Amending a licence

Article 112 (amending a licence)

- (1) A licence may be amended on the initiative of the licence holder or *ex officio*.
- (2) In addition to the documents required when applying for a licence, a licence holder must attach to the proposal for an amendment of the licence the valid licence which is to be amended and the proposal as to which part of the licence should be amended.
- (3) When the procedure for amending a licence starts *ex-officio*, it shall be necessary to forthwith inform the licence holder about the procedure and the reasons for commencing the procedure.
- (4) A licence shall be changed *ex officio*:
 - when the specified conditions relating to the nuclear or radiation safety have changed,
 - when this is required for the protection of the environment or the life or health of the population for public benefit,
 - when due to external influences or natural phenomena a radiation source is under threat so that nuclear or radiation safety is considerably reduced.
- (5) In case of the previous paragraph applying, a new licence shall be issued in which the scope and the period of adjustment to the new conditions for radiation and nuclear safety can also be determined.
- (6) In cases referred to in the fourth paragraph and in accordance with the provisions of Article 114 of this Act the ministry competent, as referred to in the second paragraph of Article 9 of this Act, may:
 - withdraw a licence in case of a licence for carrying out a radiation practices or a licence for using a radiation source, or
 - order the operation of the facility to stop in case of a radiation or nuclear facility.

Article 113 (the procedure for changing a licence)

The provisions applying to the issue of a licence shall also apply to the procedure for changing a licence.

5.3 Withdrawing a licence

Article 114
(withdrawing a licence)

- (1) When the procedure for the withdrawal of a licence is started ex-officio, the ministry which has issued the licence pursuant to this Act shall be bound to inform the licence holder forthwith about the procedure and the reasons for it.
- (2) The competent ministry shall withdraw a licence ex officio if the holder of a licence for carrying out a radiation practices or of a licence to use a radiation source carries out for more than six months a radiation practices or uses a radiation source without an approved evaluation of the protection of exposed workers against radiation.
- (3) The competent ministry shall withdraw a licence on the initiative of a competent inspector, when it can be concluded from the initiative that the prescribed conditions for radiation safety are not fulfilled and the licence holder has not ensured their fulfilment within a reasonable period of time in spite of the request from the inspector to remedy the deficiencies.

Article 115
**(procedure for suspending the operation
of a facility)**

- (1) When a procedure for suspending the operation of a radiation or a nuclear facility is started ex officio or on the initiative of a competent inspector the ministry competent for the environment shall be bound to inform the licence holder forthwith about the procedure and the reasons for it.
- (2) The ministry competent for the environment shall order the suspending of the operation of a radiation or nuclear facility on the initiative of a competent inspector when it can be concluded from the initiative that the prescribed conditions for radiation or nuclear safety are not fulfilled and the licence holder has not ensured their fulfilment within a reasonable period of time in spite of the request from the inspector to remedy the deficiencies.
- (3) The ministry competent for the environment shall order the suspending of the operation of a radiation or nuclear facility ex officio:
 - if the licence holder did not submit for approval the changes and amendments of the evaluation of the protection of exposed workers against radiation within the prescribed period of time, or
 - if the holder of the licence for the operation of a facility has started maintenance work, testing or introducing changes referred to in Article 83 of this Act, which are significant for the radiation or nuclear safety of a facility, without the ministry competent for the environment having given prior approval for this.

Article 116
**(the consequences of the withdrawal of a licence
and of an order to halt operation)**

- (1) The withdrawal of a licence ex officio and the order for the suspending of the operation of a facility referred to in the previous Article shall be effective from the day the decision on the withdrawal or the suspending of operation becomes final.

- (2) There shall be no right of appeal against the decision referred to in the previous paragraph.
- (3) In case of the violation of obligations by the licence holder the consequence of which is an ex officio withdrawal of the licence or an order for the suspending of the operation, the licence holder shall be liable for damages.

5.4 Expiry of a licence

Article 117 (expiry of a licence)

- (1) A licence shall expire:
 - if the licence holder has not started carrying out a radiation practice, using a radiation source or operating a facility within the period specified in the licence,
 - when the period for which the licence for the use of a radiation source was issued has expired, unless the licence has been renewed,
 - due to the bankruptcy or liquidation of the legal person,
 - if the licence holder has ceased carrying out a radiation practice.
- (2) In the case of the third indent of the previous paragraph applying, the ministry which has issued the licence shall issue a decision confirming the expiry of the licence.
- (3) In the case of the fourth indent of the previous paragraph applying, the ministry which has issued the licence shall issue a decision confirming the expiry of the licence if the holder has reported the cessation of a radiation practices and fulfilled all the conditions for the cessation of a radiation practices laid down by this Act.
- (4) There shall be no right of appeal against decisions described in the second and third paragraphs.

6. PHYSICAL PROTECTION OF NUCLEAR MATERIALS AND NUCLEAR FACILITIES

6.1 Physical protection of nuclear materials and nuclear facilities

Article 118 (physical protection of nuclear materials and nuclear facilities)

- (1) The operator of a facility containing nuclear materials or the carrier of nuclear materials must ensure the drawing up of a physical protection plan and the implementation of the measures of physical protection relating to the prevention of a criminal offence which would pose a risk to nuclear safety or enable the proliferation of nuclear weapons or prohibited use of nuclear materials.
- (2) In the case of a nuclear facility, the measures of physical protection must be ensured from the commencement of the construction of the facility to the decommissioning of the facility.
- (3) The extent of physical protection shall be determined on the basis of the classification of nuclear materials and their use with regard to the possible effects on the nuclear safety or the proliferation of nuclear weapons and the prohibited use of nuclear materials in the case of a criminal offence.

- (4) The obligation relating to physical protection referred to in the first paragraph shall also apply to the operator of a radiation facility when there are radiation sources with significant activity present at the facility.

Article 119
(physical protection plan)

- (1) Physical protection measures must be implemented according to a physical protection plan, the drawing up of which shall be ensured by the operator of a facility, equipment or vehicles containing nuclear materials or radiation sources with significant activity.
- (2) The physical protection plan referred to in the previous paragraph shall apply when approved by the ministry competent for internal affairs.
- (3) The minister competent for internal affairs, with the agreement of the minister competent for the environment, shall determine the classification of nuclear materials and facilities as well as their use with regard to the possible effects in the case of a criminal offence and relating to this classification also the extent of physical protection. The regulation referred to in the previous sentence shall also determine the radiation facilities for which it shall be necessary to ensure physical protection because of radiation sources with significant activity.
- (4) In relation to the drawing up of the programme and the physical protection plan on the part of the of a facility or vehicles containing nuclear materials, the minister competent for internal affairs shall determine the working conditions for workers carrying out physical protection, conditions for workers with access to nuclear materials and other conditions relating to physical, as well as technical and mechanical measures of physical protection.

Article 120
**(security screening of persons
considered for employment)**

- (1) Only workers employed by the employer and external workers who fulfil the general conditions determined by the law and the general acts of the employer and for whom there are no security impediments may work in a controlled area of a nuclear facility and on premises containing equipment, devices or documentation important for the nuclear safety of a nuclear facility. Security impediments are established by the means of security screening to which the person being verified gives a written consent. The security screening shall be carried out by the employer.
- (2) In the written consent to security screening a person shall complete a form with the following information:
- name and surname, including previous names,
 - date and place of birth,
 - citizenship, including former citizenship and double citizenship,
 - address of residence,
 - present employment and previous employment,
 - any final convictions due to intentionally committed criminal offences prosecuted ex-officio,

- any current criminal procedures due to a suspicion of committing a criminal offence prosecuted ex-officio,
 - addiction to alcohol, drugs or any other addictions,
 - any previous security verifications.
- (3) The authenticity of the data referred to in indent six and seven in the previous paragraph shall be confirmed by a proof of no criminal record issued by the competent authority, and the information referred to in indent seven of the previous paragraph with a medical certificate.
- (4) In order to perform a security screening of a person, an employer shall obtain the personal data from the administrators of the following personal records:
- central population register (name and surname, including previous names, date and place of birth, address of residence)
 - records of the loss of citizenship (former citizenship)
 - records of the obtaining of citizenship (citizenship, including double citizenship),
 - records of citizenship obtained by naturalisation, or on the loss of citizenship due to it being withdrawn, given up or renounced (obtainment of a citizenship by naturalisation),
 - tax register (present employment and previous employment)
 - criminal records (sentences due to intentional acts, prosecuted ex-officio)
 - evidence on current criminal procedure (due to a suspicion of a criminal offence),
 - register of persons addicted to alcohol (information on treatment of addiction),
 - records of the treatment of drug abusers (information on medical treatment) and
 - records of persons having undergone security screening (former security screening).
- (5) An employer may obtain personal data from the register of persons addicted to alcohol and evidence on the treatment of drug abusers only on the basis of the written consent of the person the information refers to.
- (6) The administrators of data described in paragraph four shall convey the personal data requested by an employer free of charge.
- (7) An employer must maintain records of all the obtained personal data relating to a worker in accordance with this Article and keep these data for five years after the worker in question has ceased working in a nuclear facility, and pass on the data from the personal records to the authorities competent for the control over the physical protection of a nuclear facility when the said authorities request this.
- (8) The Government shall determine in detail the method to be used for the obtaining of personal data from records administrators referred to in the previous paragraph.
- (9) A person who intends to work in a nuclear facility must confirm in writing that he or she is acquainted with this Act and other regulations governing the protection of a nuclear facility and radioactive materials, and engage him or herself to enable the employer to carry out the security screening in accordance with this Article. If the person does not sign the consent, he or she will not be licensed to work in the area and on premises described in paragraph one.

7. NON-PROLIFERATION OF NUCLEAR WEAPONS AND THE SAFEGUARDS OF NUCLEAR GOODS

Article 121
(prohibition of the use of nuclear goods)

- (1) Nuclear goods may not be used for nuclear weapons or other explosives or for research and development of nuclear weapons or explosives.
- (2) Only a person who has a licence for carrying out a radiation practice in accordance with this Act may be in possession of nuclear goods.
- (3) Persons in possession of nuclear goods must allow representatives of international organisations to examine nuclear materials when the inspections are performed in accordance with international agreements, and co-operate with the representatives in the inspection of nuclear materials in accordance with international agreements.

Article 122
(records of nuclear materials)

- (1) The ministry competent for the environment shall maintain central records of nuclear materials in order to control their possible misuse.
- (2) The central records of nuclear materials shall consist of collections of information on nuclear materials and other related collections of documents.
- (3) Data from records of nuclear materials which must be maintained by operators of facilities which produce, process, use or store nuclear materials shall be entered in the central records of nuclear materials.
- (4) A person in possession of nuclear materials must ensure their protection and organise their keeping in material balance areas and for each of these individual areas maintain records of nuclear materials.
- (5) A person in possession of nuclear materials must ensure the undisturbed functioning of the equipment intended for the permanent supervision of protection and for the maintenance of the records of nuclear materials during direct inspections by international organisations referred to in the third paragraph of the previous article.
- (6) A person in possession of nuclear materials must forthwith inform the police and the ministry competent for the environment about every loss of control over nuclear materials or alienation thereof, as well as taking every possible measure in order to regain control over the nuclear materials.
- (7) The Government shall produce a detailed list of those nuclear materials to which the provisions from the previous paragraphs apply, the criteria on the basis of which the ministry competent for the environment may decide on the exemption of nuclear materials from the records of nuclear materials, and the obligation on the part of operators of nuclear materials relating to notification on nuclear materials. The Government shall also determine the method to be used for defining material balance areas, the method, form and scope of maintaining records of nuclear materials according to the individual material balance areas within a facility containing nuclear materials, the form of internal control over the trade thereof, and the method and form of the transfer of data on nuclear materials to the central records of nuclear materials.

8. MONITORING RADIOACTIVITY LEVELS IN THE ENVIRONMENT

Article 123 (monitoring radioactivity in the environment)

- (1) The monitoring of radioactivity in the environment shall be ensured by:
 - the ministry competent for the environment, air, waters and the ground, as well as for some products,
 - the ministry competent for health, foodstuff and drinking water, and
 - the ministry competent for agriculture and feeding stuff.
- (2) On the basis of the results of the monitoring of radioactivity in the environment:
 - trends of population exposure due to radioactivity of the environment shall be established,
 - the provision of data needed for prompt action in the case of a sudden increase of radioactivity in the environment shall be ensured, and
 - an evaluation of the doses received by the population will be drawn up.
- (3) The monitoring of radioactivity in the environment shall include permanent and occasional measurements of:
 - open air radioactivity levels,
 - external gamma radiation,
 - the presence of radio-nuclides in surface waters and subterranean waters,
 - radioactivity of the ground and of precipitation and
 - radioactivity of feeding stuff, drinking water, foodstuff and individual products.
- (4) The report on the monitoring of radioactivity in the environment shall include information on the radioactivity of the air, waters, ground, feeding stuff and specific products referred to in the previous paragraph, as well as information obtained by emergency monitoring in the case of increased radioactive contamination referred to in Article 90 of this Act.
- (5) The minister competent for the environment, the minister competent for health and the minister competent for agriculture shall determine the basis for the monitoring of radioactivity in the environment, the conditions applying to those carrying out the monitoring, the methodology used in the taking of measurements and samples, as well as the criteria for the qualifications of persons carrying out the monitoring, the quality of the equipment, the method to be used for the regular informing of the public and the scope and method for the drawing up and the adoption of an annual monitoring programme.

Article 124 (operational monitoring of radioactivity)

- (1) Operational monitoring of radioactivity shall entail:
 - emission monitoring of the radioactivity of a radiation or nuclear facility, including the monitoring of authorized emissions of radioactive substances into the environment,

- imission monitoring of radioactivity and the monitoring of the radioactivity of foodstuff and feeding stuff as the result of the environmental effects of the radiation from a radiation or nuclear facility.
- (2) Operational monitoring of radioactivity must be ensured by the operator of a radiation or nuclear facility.
- (3) In addition, the operator referred to in the previous paragraph must carry out the monitoring of the effects of the steps prescribed in the case of an emergency in order to remove the consequences thereof.
- (4) The minister competent for the environment, in agreement with the minister competent for health, shall prescribe the method to be used for and the scope of operational monitoring of radioactivity, the methodology of sample taking and measuring as well as of reporting on the operational monitoring of radioactivity, the quality of the equipment used and the conditions which must be fulfilled by those carrying out the monitoring in accordance with this Article, as well as any credentials required.

9. THE MITIGATION OF THE CONSEQUENCES OF AN EMERGENCY

Article 125 (ordering the mitigation of the consequences of an emergency)

- (1) As an special measure the minister competent for the environment shall require, that the person carrying out a radiation practices who is using the radiation source or managing the facility which has caused an emergency mitigate the consequences of the emergency.
- (2) If the cessation of the use of the radiation source or the management of a facility has not been in compliance with the regulations, the minister competent for the environment shall require, in the form of an special measure, that the person carrying out a radiation practice, who is using the radiation source or managing the facility which has caused an emergency, mitigates the consequences caused by the negligence of stipulated regulations.
- (3) In the case of a radiation source used in health or veterinary care and not used in a radiation facility, or in the case of an emergency during radiological procedures, the special measures referred to in the previous two paragraphs shall be ordered by the minister competent for health.
- (4) The minister competent for the environment shall require an special measure on the basis of a recommendation by the regulatory authority referred to in the first paragraph of Article 138 of this Act, and the minister competent for health on the basis of a recommendation by the regulatory authority referred to in the second paragraph of Article 138 of this Act.

Article 126 (subsidiary responsibility of the state)

- (1) If an operator of a facility or a user of a radiation source, due to bankruptcy, liquidation or another reason, can not ensure the required mitigation of the consequences of an emergency or the consequences of handling radioactive substances are not in compliance with regulation, or if an

operator of a facility or a user of a radiation source can not be determined, or if the causer is not on the territory of the Republic of Slovenia, the state as a whole shall ensure that the mitigation of the consequences of an emergency, as required by the competent minister, is carried out.

- (2) The state shall ensure funds for the required special measures referred to in the previous Article when the financial warranties ensured by an operator of a facility or a user of a radiation source are not sufficient and the aforementioned person does not have the means to cover the costs.
- (3) When the reasons described in the previous paragraphs cease to apply, the state must demand from the operator of a facility or the user of a radiation source the remuneration of the costs the state has paid instead of this person in order to cover the costs incurred by the ordered special measures.

Article 127
**(mitigation of consequences in the case of
permanent exposure)**

- (1) The Government shall assign the status of a danger zone to an area which is permanently exposed, due to an emergency or a previous radiation practice or industrial waste disposal or mine tailings disposal and shall determine for this zone a regime of integral mitigation of the consequences of the aforementioned event or practice in compliance with the environmental protection regulations.
- (2) Within the regime of integral mitigation of the consequences the Government shall also determine the preventive measures and the persons responsible for the implementation thereof in relation to harmful effects of radiation in a specific area of the country arising from an emergency caused by a radiation source abroad.

10. REPORT ON RADIATION PROTECTION AND ON NUCLEAR SAFETY

Article 128
(report)

- (1) The ministry competent for the environment, in co-operation with the ministry competent for health, the ministry competent for agriculture, the ministry competent for protection against natural and other accidents, and the ministry competent for internal affairs shall, by 31st July of each year, draw up a report on the protection against ionising radiation and on nuclear safety for the previous year.
- (2) The report referred to in the previous paragraph shall be debated and adopted by the Government and then passed on to the National Assembly.
- (3) After having been adopted by the Government the report shall be published in such a way as to be accessible to the public.

Article 129
(information in the report)

- (1) The report referred to in the previous paragraph shall include information on:

- the operation of facilities of importance for radiation or nuclear safety,
 - radioactivity in the environment contained in the report on the monitoring of radioactivity in the environment, including the results of the monitoring of radioactive contamination of the air in both living and working environments, and of foodstuff and feeding stuff,
 - the received doses contained in the report on the evaluation of doses received by the population, including information on exposure resulting from natural radiation sources,
 - the exposure of patients included in the report on exposure resulting from radiological procedures,
 - the shipment into and out of the Member States of the EU, import, export and transit of radioactive waste and radioactive substances,
 - the radioactive waste management,
 - the health detriment resulting from radioactivity,
 - the implementation of measures relating to radiation and nuclear safety,
 - international co-operation in the field of radiation and nuclear safety,
 - the work carried out by the expert councils and authorized experts authorized in accordance with the provisions stipulated by this Act, and
 - the carrying out of radiation practices and the use of nuclear energy in the rest of the world.
- (2) In addition to the information described in the previous paragraph the report on the protection against ionising radiation and nuclear safety shall also include the evaluation of the performance of state authorities, information on the prevention of the proliferation of nuclear weapons and the prohibited use of nuclear materials, and on proposals for urgent and priority tasks related to the improvements in the radiation and nuclear safety.

11. RECORDS CONTAINING INFORMATION ON RADIATION SOURCES AND RADIATION PRACTICES

Article 130 (records)

- (1) In accordance with this Act, the register of radiation practices, the register of radiation sources and the register of radiation and nuclear facilities shall be maintained as records.
- (2) The registers described in the previous paragraph shall be maintained as a public register by the ministry competent for the environment, except the register of radiation practices and of radiation sources in health and veterinary care, which shall be maintained as a public register by the ministry competent for health.
- (3) Everybody shall have the right of access to the registers referred to in the previous paragraphs as well as of obtaining copies from the registers against the payment of costs which may not surpass the material costs involved in the conveyance of the information.

Article 131 (the content of the registers)

- (1) The register of radiation practices shall consist of the records of the persons carrying out radiation practices and the related collection of documents.

- (2) The register of radiation sources shall consist of the records of the reported intentions relating to radiation sources, the radiation sources for which a certificate of entry in the register has been issued and radiation sources for which a licence for use has been issued, as well as the collection of documents relating to all the above.
- (3) The register of radiation facilities and nuclear facilities shall consist of the records of facilities which have the status of a radiation facility or the status of a nuclear facility and the related collection of documents.
- (4) The records referred to in the previous paragraph shall contain information from documents, in particular the following:
 - the company name and seat or the name and surname of the person carrying out a radiation practice, the person who has registered a radiation source or a user of a radiation source,
 - the description of a radiation practices or a description of a radiation source,
 - conditions which need to be fulfilled for the carrying out of a radiation practices or the conditions which need to be fulfilled for the use of a radiation source, and
 - information on the geo-location of a radiation source.
- (5) The collection of documents referred to in the first, second and third paragraphs of this Article shall consist of the documents relating to the reporting of an intention, to the issuing of a licence for the carrying out of a radiation practice and to the licence for the use of a radiation source, to the issuing of a decision on the status of a radiation facility or a nuclear facility, to the giving of approval for the radiation and nuclear safety, and to the licence for the operation of a facility.
- (6) The minister competent for the environment and the minister competent for health shall determine in detail the content of the registers, the method to be used for maintaining the registers, the method for determining the material costs involved in passing on information and the method for conveying documents and reporting on the information contained in the registers.

12. FINANCING OF THE PROTECTION AGAINST IONISING RADIATION AND OF NUCLEAR SAFETY

12.1 The regular and irregular costs of the user of a radiation source

Article 132 (costs incurred by the user of a radiation source)

The person carrying out a radiation practices and the operator or user of a radiation source shall cover the costs of:

- their own measures relating to radiation and nuclear safety in accordance with this Act,
- obligatory consultations with the authorized experts,
- the drawing up of a justification evaluation (Article 18),
- the carrying out of the measures for the protection of exposed workers, apprentices and students against radiation (Article 23),
- the drawing up of an evaluation of the protection of exposed workers against radiation (Article 24),

- obligatory consultations and other services provided by authorized experts and organisations for radiation protection (Article 27),
- services provided by an authorized dosimetric service (Article 29),
- the maintenance of records on personal doses of exposed workers (Article 33),
- the work activities of the organisational unit or a person responsible for radiation protection (Article 34 and 35),
- the passing of a professional exam for the carrying out of tasks relating to radiation protection by persons employed in organisational units responsible for radiation protection and by persons responsible for radiation protection (Article 35),
- health surveillance carried out by authorized medical practitioners (Articles 39 and 40),
- the implementation of measures to reduce the exposure of workers or members of the public due to natural radiation sources (Article 46),
- the drawing up of a programme of radiological procedures (Article 48),
- the evaluation and verification of radiological procedures (Article 52),
- maintaining records on personal doses resulting from radiological intervention (Article 54),
- services provided by authorized experts for radiation and nuclear safety (Article 58),
- administering the programme involving the collection and analysis of operational experiences of nuclear facilities (Article 60),
- ensuring a sufficient number of qualified workers involved in the operation of a radiation or nuclear facility (Article 62),
- implementation of the quality assurance programme (Article 63),
- the regular, integral and systematic evaluation and verification of radiation or nuclear safety (Article 81),
- exceptional verification of a safety analysis report (Article 86),
- reporting on the operation of facilities (Article 87),
- inspection in the case of increased radioactive contamination of products (Article 92),
- services provided by the public service for the radioactive waste management (Article 94),
- services involved in the disposal of waste and spent fuel from an energy producing nuclear facility (Article 95),
- the planning of protection and rescue measures (Article 104),
- services provided by physical protection services (Article 118),
- security screening of persons being considered for employment (Article 120),
- the maintenance of records on and the implementation of supervision of nuclear materials according to material balance areas (Article 122),
- services provided by persons carrying out the operational monitoring of radioactivity in the environment (Article 124), and
- ordered special measures relating to the mitigation of the consequences of an emergency or the failure to carry out the prescribed steps related to the handling of nuclear materials, including the costs of monitoring and controlling the effects of the mitigation of the consequences of an emergency or the failure to carry out the prescribed steps (Article 125).

12.2 Public expenses

Article 133 **(public expenses of protection against ionising radiation and nuclear safety)**

The state shall ensure resources for the financing of:

- administrative, expert and supervisory tasks of the state relating to protection against ionising radiation and nuclear safety,
- activities carried out by expert councils (Article 5),
- maintaining the central dose register (Article 33),
- the activities of the medical commission involved in the drawing up of an expert opinion on fitness for duty and the ordered health surveillance measures (Article 42),
- health surveillance of exposed workers and the population in the case of an emergency (Article 44),
- the programme of systematic inspection of working premises relating to radiation protection from natural radiation sources (Article 45),
- the carrying out of measures to reduce exposure in childcare, cultural, health and educational facilities (Article 46)
- the drawing up of the report on the evaluations of the doses received by the population (Article 54),
- commissions for the verification of the fulfilment of prescribed conditions by qualified workers and the drawing up of programmes for the verification of professional qualifications, the psycho-physical characteristics of workers and the availability of qualified workers working in a nuclear facility with regard to non-addiction to drugs and alcohol (Article 62),
- the monitoring of radioactive contamination of the environment and products (Article 90),
- the maintenance of central records of radioactive waste and spent fuel (Article 93),
- activities of the public institution responsible for radioactive waste (Article 97),
- the planning of intervention measures when the user of a radiation source can not be determined or if the causer is not on the territory of the Republic of Slovenia (Article 106),
- maintaining records of nuclear materials (Article 122),
- monitoring of radioactivity in the environment (Article 123),
- measures ordered for the mitigation of the consequences of an emergency or the failure to handle radioactive substances in the prescribed way when the person who has used or managed the radiation source or failed to follow the prescribed way of dealing with a radiation source or radioactive waste can not be determined, or when the consequences can not be removed in any other way (Article 126),
- the state public service for radioactive waste management which provides services the users of which can not be determined or the use of which can not be measured (Article 126),
- the regime for the integral mitigation of the consequences of an emergency in an area of sustained exposure (Article 127),
- the drawing up of a report on protection against ionising radiation and nuclear safety (Article 128),
- maintaining registers of radiation practices, of radiation sources and of radiation and nuclear facilities in the form of public registers (Article 131),
- the planning of intervention measures and the implementation thereof in accordance with the regulations on the protection against natural and other accidents, and
- other measures relating to radiation and nuclear safety when they are guaranteed by the state in accordance with this Act for the public benefit.

Article 134
(ensuring the qualifications of authorized experts
and competent authorities)

- (1) The state shall ensure resources for the financing of:
- the training of authorized experts in radiation protection,

- the training of authorized experts in medical physics,
 - the training of authorized experts in radiation and nuclear safety,
 - the development of studies and independent expert reviews and international expert co-operation in the field of protection against ionising radiation and nuclear safety.
- (2) The resources from the previous paragraph shall be made available to the ministry competent for the environment and the ministry competent for health.
- (3) A report on the training of experts, on developmental studies, expert reviews and international co-operation referred to in the first paragraph of this Article shall be included in the report on the protection against ionising radiation and nuclear safety.

13. COMPENSATION FOR THE LIMITED USE OF LAND DUE TO A NUCLEAR FACILITY

Article 135 (compensation for the limited use of land)

- (1) The area of the limited use of land due to a nuclear facility shall be an area where due to the measures relating to radiation and nuclear safety in each nuclear facility the use of land is limited.
- (2) The measures for radiation and nuclear safety which limit the use of land in the vicinity of a nuclear facility shall be the limitations of the use of land which reduce the possibility of the appearance of an industrial or any other accident outside the nuclear facility, which in turn could affect nuclear safety, and the limitations relating to population density, as well as the requirements relating to the local infrastructure facilities aimed at reducing the possibility of a health detriment arising in the case of an emergency at the nuclear facility.
- (3) The extent of the area of limited land use and the limitations of the use of land in this area shall be determined in the environmental protection approval referred to in Article 66 of this Act and in the local and national protection and rescue plan.

Article 136 (claimants to compensation due to the limited use of land)

- (1) The local community on whose territory lies the area of limited use shall be the claimant to compensation due to the limited use of land.
- (2) The compensation relating to the limited use of land shall be paid to the claimant as compensation for the reduction of financial resources in the local community and as compensation for the reduction of the useable value of local infrastructure facilities.
- (3) The Government shall define in detail the criteria for determining the amount of compensation due to the limited use of land.

Article 137 (persons liable to pay compensation)

- (1) The operator of a nuclear facility shall be deemed the person liable to pay compensation due to the limited use of land.
- (2) If the person liable to pay and the person liable to receive the compensation do not come to an agreement, the person liable to receive compensation shall have the right to demand the payment of the compensation in a civil procedure.
- (3) Compensation due to the limited use of land shall be paid monthly.

14. ADMINISTRATIVE TASKS AND INSPECTION CONTROL

Article 138 (inspection control)

- (1) When pursuant to this Act decision is made by the ministry competent for the environment, the decision on an administrative matter shall be made by the regulatory authority within this ministry competent for radiation and nuclear safety.
- (2) When pursuant to this Act decision is made by the ministry competent for health, the decision on an administrative matter shall be made by the regulatory authority within this ministry competent for the protection of people against ionising radiation.
- (3) According to this Act, inspection control includes the control over the implementation of the provisions of this Act, the ordered measures pursuant to this Act and the regulations issued in accordance with this Act.
- (4) Within the scope of inspection control an inspector may:
 - issue decisions and orders within the framework of administrative proceedings,
 - order measures for radiation protection and measures for radiation and nuclear safety pursuant to this Act, and
 - order the cessation of the carrying out of a radiation practices or the use of a radiation source when the inspector establishes that the licences pursuant to this Act for the carrying out of the practice or for the use of the radiation source in question have not been issued or if there was a failure to follow the prescribed methods of management a radiation source or radioactive waste.
- (5) An appeal against the decision of an inspector for the cessation of the carrying out of a radiation practices or the use of a radiation source referred to in the previous paragraph shall not stay its execution.
- (6) The measures pertaining to inspection control shall be pronounced by:
 - the inspectors from the ministry competent for the environment competent for radiation and nuclear safety, and
 - the inspectors from the ministry competent for health competent for the protection of people against ionising radiation.

- (7) The inspectors from the ministry competent for the environment competent for radiation and nuclear safety, shall carry out their tasks within the regulatory authority referred to in the first paragraph of this Article.
- (8) The inspectors from the ministry competent for health and competent for the protection of people against radiation, shall carry out their tasks within the regulatory authority referred to in the second paragraph of this Article.
- (9) Inspection measures related to specific issues pertaining to protection against ionising radiation and nuclear safety shall be pronounced by the inspector working for the ministry competent for the matter in question pursuant to this Act.
- (10) A competent inspector may, prior to submitting a proposal for an institution of proceedings on a violation, seize the objects containing radioactive substances if the inspector assesses that the handling thereof may cause health detriment to people or harm to the environment.
- (11) Control over physical protection of a nuclear facility, radiation facility and nuclear materials shall be carried out by the ministry for internal affairs in co-operation with inspectors competent for radiation and nuclear safety.

15. PENAL PROVISIONS

Article 139 (violations)

- (1) A financial penalty between 300,000 and 30,000,000 SIT shall be for the violation imposed on a legal person who:
 1. Has commenced the carrying out of a radiation practice without a licence (Article 11),
 2. has started using a radiation source without a licence to use or before the conditions for the use in accordance with this Act have been fulfilled (Article 13),
 3. has violated the prohibition referred to in Article 20 of this Act,
 4. as an employer, fails to ensure the protection of pregnant and breast-feeding women (Article 20),
 5. as an employer, allocates a worker against his will to a workplace where specific tasks are performed (Article 21),
 6. as an employer, fails to ensure the protection of exposed workers, apprentices and students in accordance with the provisions stipulated by Article 23 of this Act,
 7. as a holder of a licence for the use of radiation sources causes an excessive exposure of workers, apprentices, students or members of the public (Article 17),
 8. allocates workers, apprentices or students to a workplace contrary to the provisions stated in Article 32 of this Act,
 9. fails to ensure the functioning of a special radiation protection organisational unit in accordance with the provisions stipulated by Article 34 of this Act,
 10. as a facility operator or as an outside undertaking carrying out a radiation practice, fails to ensure the protection of workers employed by an outside undertaking carrying out a radiation practice (Article 37),
 11. as an employer, fails to ensure medical surveillance of exposed workers (Article 39),
 12. allocates a worker to a particular post in spite of the medical surveillance establishing that the worker in question is not fit for this particular post (Article 39),
 13. as an employer, fails to ensure medical surveillance after the cessation of work (Article 40),

14. carries out radiological procedures without an approved programme of radiological procedures (Article 47),
 15. has carried out a radiological procedure for which all the conditions for the performance have not been fulfilled (Article 50),
 16. constructs, tests, operates, uses in any other way or permanently ceases to use a nuclear, radiation or a less important radiation facility without the approvals or licences pursuant to this Act (first paragraph of Article 57),
 17. fails to ensure radiation and nuclear safety of a facility, radioactive waste or spent fuel in accordance with the provisions stipulated by paragraph two of Article 57,
 18. uses the land in such a way that affects radiation or nuclear safety without the prior approval of the ministry competent for the environment (Articles 66 and 68),
 19. starts trial operation of a facility without the approval of the ministry competent for the environment (Article 78),
 20. commences or ceases the operation of a nuclear or radiation facility, or commences the disposal of spent fuel or radioactive waste, or closes a repository of spent fuel or radioactive waste, or commences or completes a decommissioning of a nuclear or radiation facility, or completes mining work relating to the cessation of the extraction of nuclear mineral raw materials, or commences the disposal of mining or hydro-metallurgical tailings, or closes a repository of mining or hydro-metallurgical tailings without a licence issued by the ministry competent for the environment (Article 79),
 21. as a operator of a facility, introduces changes and improvements in contradiction to the procedures referred to in Articles 83 and 84 of this Act,
 22. builds, reconstructs or removes a facility within a radiation or nuclear facility site without the approval of the ministry competent for the environment (Article 85),
 23. Is intentionally adding radioactive substances to foodstuff, toys, personal jewellery, cosmetics or is carrying out shipment into and out of the Member States of the EU or is exporting, importing such goods (Article 89),
 24. allows products or materials which are excessively contaminated with radio-nuclides to be traded (Article 89),
 25. stores or treats radioactive waste or spent fuel in the location of its origination without the approval of the ministry competent for the environment (Article 97),
 26. carries out the shipment of radioactive substances into and out of the Member States of the EU in contradistinction to the instruments of the EU that are applied on the territory of the EU directly or imports or exports radioactive substances without a licence (Article 100),
 27. carries out the shipment of radioactive substances into and out of the Member States of the EU, imports, exports or carries out the transit of nuclear materials and radioactive waste or nuclear fuel without a licence (Articles 100 and 101),
 28. fails to ensure the planning or carrying out of measures of physical protection (Article 118),
 29. uses or possesses nuclear material in contradiction with the provisions stipulated in Article 121 of this Act,
- (2) A financial penalty between 300,000 and 45,000,000 SIT shall be imposed on a self-employed individual who commits the violation stipulated in the previous paragraph.
 - (3) A financial penalty between 30,000 and 3,000,000 SIT shall be imposed also on the responsible person of a legal entity and a self-employed individual for the violation stipulated in the previous paragraph.
 - (4) The violations stipulated in the previous paragraphs are not processed based on an expeditious procedure

Article 139a
(violations processed based on an expeditious procedure)

- (1) A financial penalty of 1,500,000 SIT shall be imposed for the violation on a legal entity who:
1. fails to report an intention to carry out radiation practices (Article 9),
 2. as an employer, fails to draw up the assessment of the radiation protection of exposed workers as stipulated by Article 24 of this Act,
 3. fails to ensure the review of an assessment of the radiation protection of exposed workers or fails to introduce the approved changes to the radiation protection measures (Article 26),
 4. fails to consult authorized radiation protection experts and radiation protection organizations regarding the protection of exposed workers (Article 27),
 5. fails to ensure the regular assessment of worker's exposure and regular measurements of radiation at the workplace (Article 29),
 6. fails to convey the results of the assessment of exposed worker's dose measurements to an authorized medical practitioner and fails to inform exposed workers about the aforementioned results or fails to supply information in the case of an intervention exposure or exposure during an emergency (Article 31),
 7. as an authorized dosimetric service, fails to convey the information on workers personal doses to the central records of personal doses within the prescribed deadline pursuant to Article 33 of this Act,
 8. fails to appoint a person responsible for radiation protection or fails to convey the information on this person to the competent ministry (Article 35),
 9. fails to act in accordance with a decision of the ministry competent for health relating to the protection of exposed workers against natural radiation sources (Article 46),
 10. while carrying out radiological procedures, fails to ensure evaluation and review of radiological procedures (Article 51),
 11. introduces changes and improvements to radiological procedures without having approval from the ministry competent for health (Article 52),
 12. as a person carrying out radiological procedures fails to convey the data on the radiological procedures carried out for further processing and to the central records of radiological procedures carried out without a written consent by the patient or his or her lawful representative, or who, following a request by the patient, fails to inform the patient on the doses he or she has received during a radiological procedure (Article 53),
 13. fails to consult authorized experts for radiation and nuclear safety with regard to specific issues related to radiation and nuclear safety (Article 58),
 14. fails to carry out the programmes of recording and analysing operational experience at nuclear facilities or if he does not take into account the conclusions of the programmes at the assessment, verification and improvement of the radiation and nuclear safety (Article 60),
 15. as a operator of a facility, fails to ensure the fulfilment of the conditions relating to qualified workers managing the technological processes (Article 62),
 16. as a operator of a facility, has not set up or fails to implement a quality assurance programme (Article 63),
 17. fails to amend the safety analysis report in cases when, during the construction or a decommissioning of a facility or during trial operation or during mining work related to the exploitation or the cessation of the exploitation of nuclear mineral raw materials, changes arise which affect the content of the safety analysis report (Article 71 and 80),
 18. fails to ensure the maintenance and supervision of a repository in accordance with the conditions in the safety analysis report (Article 80),
 19. fails to draw up a report on the periodic safety review or fails to prepare proposal for the necessary changes on the basis of the periodic safety review (Article 82),

20. fails to ensure an exceptional review of the safety analysis report or fails to draw up a proposal of the changes of the safety analysis report on the basis of the evaluation and verification of safety (Article 86),
 21. fails to report on the operation of a facility in the prescribed way (Article 87),
 22. fails to ensure decontamination during the mitigation of the consequences of an emergency or fails to carry out decontamination in the prescribed way when the radioactive contamination is not the consequence of an emergency and fails to inform the competent authority about this (Article 91),
 23. fails to handle radioactive waste and spent fuel in the prescribed way (Article 93),
 24. as a person carrying out shipment of radioactive waste or spent fuel into the Member States of the EU or exports them fails to report to the ministry competent for the environment the delivery of the shipment within the specified period of time (Article 101),
 25. ships radioactive waste and spent fuel at a location south of longitude 60° South (Article 102),
 26. fails to pass on to those responsible for planning protection and rescue measures all the prescribed information needed for the drawing up of the national and local rescue and protection plan (Article 106),
 27. in the case of an emergency, fails to take the steps laid down in the protection and rescue plan and fails to carry out measures in accordance with the provisions in the national and local protection and rescue plan (Article 107),
 28. fails to inform the public and the competent authorities in the case of emergencies (Article 108),
 29. fails to implement physical protection in accordance with the physical protection plan (Article 119),
 30. allows, in a controlled area of a nuclear facility or on the premises containing equipment, devices or documentation important for the nuclear safety of a nuclear facility, workers who fail to meet the prescribed conditions and for which exist security impediments (Article 120),
 31. fails to maintain records of nuclear materials or fails to ensure undisturbed functioning of the equipment used for the maintenance of the records or fails to protect nuclear materials and fails to organise the keeping thereof in the prescribed way or fails to inform the police and the ministry competent for the environment about loss of control over nuclear materials or alienation thereof (Article 122),
 32. fails to carry out the mitigation of the consequences of an emergency ordered as an exceptional measure (Article 125).
- (2) A financial penalty of 1,500,000 SIT shall be imposed on a self-employed individual who commits the violation stipulated in the previous paragraph.
 - (3) A financial penalty of 450,000 SIT shall be imposed also on the responsible person of a legal entity and a self-employed individual for the violation stipulated in the first paragraph,
 - (4) (4) A financial penalty of 150,000 SIT shall be imposed on the individual who commits the violation stipulated in Articles 23 and 24 of the first paragraph of this Article.

16. TRANSITIONAL AND FINAL PROVISIONS

Article 140 (procedures and licences)

- (1) Procedures related to the obtaining of a licence to carry out a radiation practice, or a licence to use a radiation source, or approval for the construction of a facility or the carrying out of construction or mining works or the obtaining of a licence to operate a facility, which have not been completed by the time this Act enters into force or with regard to which, at the time of this Act entering into force, an appeal has already been filed, shall all be completed in accordance with the earlier regulations.

- (2) The existing authorized experts for radiation protection , the existing authorized experts for radiation and nuclear safety, the existing authorized dosimetric services, the existing authorized medical practitioners, and the commissions approved in accordance with the laws referred to in Article 143 of this Act shall carry on performing their work until the day they are authorized in accordance with this Act.
- (3) The ministry competent for the environment shall of its own motion issue a decision on granting the existing radiation facilities and the existing nuclear facilities the status of a facility nine months after the regulation referred to in the second paragraph of Article 55 of this Act enters into force.
- (4) The duties of the commercial public institution for radioactive waste shall be carried out by ARAO – *Agencija za radioaktivne odpadke* (Agency for Radwaste Management), Ljubljana.

Article 141
(Government regulations)

- (1) The Government shall, at the latest within 9 months of this Act entering into force, issue the regulations referred to in:
 1. the fourth and fifth paragraphs of Article 9,
 2. the sixth paragraph of Article 11,
 3. the third paragraph of Article 13,
 4. the first and fourth paragraphs of Article 19,
 5. the second paragraph of Article 55,
 6. the fourth paragraph of Article 61,
 7. the first paragraph of Article 104,
 8. the second paragraph of Article 106,
 9. the second paragraph of Article 111, and
 10. the seventh paragraph of Article 122 of this Act.
- (2) The Government shall, at the latest within 18 months of this Act entering into force, issue the regulations and acts referred to in:
 1. the third paragraph of Articles 68 and 69,
 2. Article 88,
 3. the second paragraph of Article 103, and
 4. the eighth paragraph of Article 120 of this Act.
- (3) The Government shall, at the latest within 18 months of this Act entering into force, adopt the programme of systematic inspection of living and working environments relating to protection against natural sources of radiation referred to in the third paragraph of Article 45 of this Act.
- (4) The Government shall, at the latest by the end of 2004, prepare a Supplement of the National Programme of Protection of the Environment related to radioactive waste and spent fuel management in accordance with Article 98 of this Act and present it for adoption by the National Assembly. The National Programme of Radioactive Waste and Spent Fuel Management should with the priority tasks ensure the approval of the site for the repository of low and intermediate level waste at the latest by 2008 and the operating licence of the repository at the latest by 2013. In case an other law or an international contract precludes from taking into consideration this deadline

or an international contract is applied in a way that the deadlines from this Act are not taken into account, the Government is obliged to propose a change of this Act or launch a proceeding of denouncement of such contract.

Article 142
(ministerial regulations)

- (1) The minister competent for the environment shall, at the latest within 9 months of this Act entering into force, issue the regulations referred to in:
 1. the third paragraph of Article 63,
 2. the fifth paragraph of Article 78,
 3. the sixth paragraph of Article 80,
 4. the second paragraph of Article 81,
 5. the seventh paragraph of Article 83,
 6. the third paragraph of Article 87,
 7. the seventh paragraph of Article 93,
 8. the third paragraph of Article 103 of this Act.

- (2) The minister competent for the environment shall, at the latest within 18 months of this Act entering into force, issue the regulations referred to in:
 1. the sixth paragraph of Article 9,
 2. the fourth and seventh paragraph of Article 59,
 3. the third paragraph of Article 60,
 4. the seventh paragraph of Article 71 of this Act.

- (3) The minister competent for health shall, at the latest within 9 months of this Act entering into force, issue the regulations referred to in:
 1. the fourth paragraph of Article 24 and the sixth paragraph of Article 26,
 2. the seventh paragraph of Article 30,
 3. the fourth paragraph of Article 31,
 4. the sixth paragraph of Article 39,
 5. the third paragraph of Article 48,
 6. the seventh paragraph of Article 50,
 7. the fourth paragraph of Article 51, and
 8. the fourth paragraph of Article 54 of this Act.

- (4) The minister competent for health shall, at the latest within 18 months of this Act entering into force, issue the regulations referred to in:
 1. the sixth paragraph of Article 9,
 2. the second paragraph of Article 16,

3. the third paragraph of Article 21,
 4. the fourth paragraph of Article 30,
 5. the sixth paragraph of Article 33,
 6. the first paragraph of Article 40,
 7. the third paragraph of Article 41,
 8. the third paragraph of Article 43,
 9. the second paragraph of Article 46,
 10. the fourth paragraph of Article 49,
 11. the sixth paragraph of Article 50,
 12. the second paragraph of Article 51, and
 13. the tenth paragraph of Article 53 of this Act.
- (5) The minister competent for internal affairs shall, at the latest within 18 months of this Act entering into force, issue the regulation referred to in the fourth paragraph of Article 119 of this Act.
- (6) The minister competent for the environment and the minister competent for health shall, at the latest within 9 months of this Act entering into force, issue the regulations referred to in:
1. the fifth paragraph of Article 6,
 2. the second paragraph of Article 10,
 3. the second paragraph of Article 12,
 4. the fourth paragraph of Article 15,
 5. the first paragraph of Article 16, and
 6. the fifth paragraph of Article 123 of this Act.
- (7) The minister competent for the environment, in agreement with the minister competent for health shall, at the latest within 9 month of this Act entering into force, issue the regulations referred to in:
1. the ninth paragraph of Article 62,
 2. the fourth paragraph of Article 106,
 3. and the fourth paragraph of Article 124 of this Act.
- (8) The minister competent for health, in agreement with the minister competent for the environment shall, at the latest within 9 months of this Act entering into force, issue the regulation referred to in:
1. Article 22,
 2. the fifth paragraph of Article 23,
 3. the fourth and the seventh paragraph of Article 28,
 4. the fourth paragraph of Article 34, and
 5. the ninth paragraph of Article 37 of this Act.
- (9) The minister competent for the environment and the minister competent for health shall, within 18 months of this Act entering into force, issue the regulation referred to in the sixth paragraph of Article 131 of this Act.

- (10) The minister competent for health and the minister competent for the environment shall, within 18 months of this Act entering into force and in agreement with the minister competent for education, issue the regulation referred to in the third paragraph of Article 36 of this Act.
- (11) The minister competent for internal affairs, in agreement with the minister competent for the environment shall, at the latest within 18 months of this Act entering into force, issue the regulation referred to in the third paragraph of Article 119 of this Act.
- (12) The minister competent for the environment and the minister competent for health and in the case of foodstuff and feeding stuff also the minister competent for agriculture and veterinary care shall, at the latest within 9 months of this Act entering into force, issue the regulation referred to in the first and second paragraphs of Article 90 of this Act.
- (13) The minister competent for the environment, in agreement with the minister competent for protection against accidents shall, at the latest within 18 months of this Act entering into force, issue the regulation referred to in the third paragraph of Article 90 of this Act.
- (14) The minister competent for the environment, in agreement with the minister competent for protection against accidents and the minister competent for health shall, at the latest within 18 months of this Act entering into force issue the regulation referred to in the first paragraph of Article 91 of this Act.

Article 143
(cessation of the validity and use of laws)

- (1) On the day this Act enters into force, the Act on Implementing Protection against Ionising Radiation and Measures for the Safety of Nuclear Facilities (Official Gazette of the SRS, No. 28/80) shall cease to be valid.
- (2) On the day this Act enters into force, the Act on Radiation Protection and the Safe Use of Nuclear Energy (Official Gazette of the SFRY, No. 62/84) shall cease to apply.
- (3) The regulations issued on the basis of the laws in the previous two paragraphs shall apply until new regulations stipulated by this Act are issued.

Article 144
(the validity of provisions on security impediments)

The provision on security screening of the persons employed at nuclear facilities on the day this Act enters into force, shall start applying 24 months after the date of entry into force of this Act.

Article 145
(entering into force)

This Act shall enter into force on 1st October 2002.

LAW ON THE AMENDMENT OF THE ACT ON IONISING RADIATION PROTECTION AND NUCLEAR SAFETY – ZVISJV-A (Official Gazette of Republic of Slovenia, No. 24/03) stipulates the following final provision:

Article 2

This Act shall enter into force on the fifteenth day after its publication in the Official Gazette of Republic of Slovenia.

LAW ON THE CHANGES AND AMENDMENTS OF THE ACT ON IONISING RADIATION PROTECTION AND NUCLEAR SAFETY – ZVISJV-B (Official Gazette of Republic of Slovenia, No. 46/04) stipulates the following transitional and final provisions:

Article 22

- (1) The penalties stipulated in the Article 139 of this Act shall be imposed, until entering into force of the Act on violations (Official Gazette of RS No. 7/03), as financial fines for:
 - a legal entity between 300,000 and 30,000,000 SIT,
 - a self-employed individual between 300,000 and 15,000,000 SIT,
 - a responsible person of a legal entity between 30,000 and 1,500,000 SIT.
- (2) The penalties stipulated in the Article 139a of this Act shall be imposed, until entering into force of the Act on violations (Official Gazette of RS No. 7/03), as financial fines for:
 - a legal entity between 300,000 and 1,500,000 SIT,
 - a self-employed individual between 300,000 and 1,500,000 SIT,
 - a responsible person of a legal entity between 300,000 and 450,000 SIT,
 - an individual between 50,000 and 150,000 SIT.
- (3) The provisions of the third paragraph of the Article 139 and the third paragraph of the Article 139a, regulating penalties for a violation committed by a responsible person of a legal entity shall be imposed starting with entering into force of the Act on violations (Official Gazette of RS No. 7/03).

Article 23

This Act shall enter into force on the next day after its publication in the Official Gazette of Republic of Slovenia.