

ACT ON PROTECTION AGAINST IONISING RADIATION AND NUCLEAR SAFETY

I. GENERAL PROVISIONS

Article 1 (purpose and content)

- (1) This Act shall regulate protection against ionising radiation, with the aim of reducing the detrimental effects on health and reducing to the lowest possible level radioactive contamination of the 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 practices involving radiation. 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) In addition, the present Act shall determine the organisation of the administrative bodies, as well as the inspectors at the ministry responsible for health and at the ministry responsible for the environment, given competency in line with this Act.

Article 2 (exclusion of validity)

- (1) The provisions of this Act relating to the presence of radioactive substances shall not apply to foodstuffs and their ingredients as these are determined by the regulations on the sanitary suitability of foodstuffs.
- (2) The provisions of this Act shall not apply to the import and 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 substances, shall not apply in the case of the transport of radiation sources, as in relation to this protection against ionising radiation is governed by the regulations on the transport of dangerous goods.
- (4) With respect to the protection of people against ionising radiation, the provisions of this Act shall not apply to exposure to naturally occurring radiation, such as irradiation with radio-nuclides contained in the human body, to cosmic radiation prevailing 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 occurrences of radioactive disintegration within a time unit. The unit of activity is the becquerel.
2. *Excessive exposure* shall mean exposure to ionising radiation, resulting in the exceeding of the prescribed dose limits for individuals or the population or activity limits and activity concentrations for air, water, ground, foodstuffs, animal feed and other products or materials.
3. *Decontamination* shall mean the reduction or removal of radioactive substances from specific parts of the living environment, from people, clothes, equipment and objects.
4. A *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. An *employer* shall mean any natural or legal person carrying out a practice involving radiation who is bound to guarantee the safety of workers in line with the regulations relating to safety at work.
6. *Diagnostic reference levels* shall mean doses of ionising radiation or levels of activity in doses of radio-pharmaceuticals in standard radio-diagnostic procedures for groups of standard-size patients or standard phantoms using the standard types of medical radiological equipment.
7. A *dose* shall mean a unit of measurement for the amount of energy produced by 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 specific 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 relating to the specific tissue or organ.
8. *Dose constraint* shall mean the value of a dose which an individual may receive due to the use of a specific type of radiation source. Dose constraint is used in the planning of the optimisation of protection against ionising radiation.
9. *Physical protection of nuclear substances* shall mean the measures of physical and technical protection relating to a facility or to an apparatus involving nuclear substances, taken for the prevention of criminal conduct, and the planning of measures in case of criminal conduct.

10. *Intervention level* shall mean the value of an avertible dose or a derived value, at which intervention measures should be considered. An avertible dose or a derived value is solely that which is associated with the 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 at the prevention or reduction of the exposure of individuals to radiation sources, which are not part of the practice involving radiation or which are, due to an emergency event, not under control. Intervention measures refer to radiation sources, transmission pathways and individuals.

12. *Intervention exposure* shall mean the exposure to ionising radiation of those individuals who voluntarily take rapid action to offer help to endangered individuals, prevent a large number of people being exposed to ionising radiation or preserve important 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 a wave length of 100 nanometres or less, or with the frequency of 3×10^{15} Hz or more, which may directly or indirectly cause the formation of ions.

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, due to the carrying out of a practice involving radiation in line with this Act, exposed to ionising radiation in the course of performing their work 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 irradiation with ionising radiation.

17. *Exposure during an emergency event* shall mean exposure of individuals caused by an emergency event. Exposure at an emergency event does not include intervention exposure.

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

19. *Export* shall mean every transfer of radioactive substances or nuclear materials or equipment out of the customs territory of the Republic of Slovenia in line with customs regulations.

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

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

22. *Nuclear facility* shall mean a facility for the processing or enrichment of nuclear substances or the 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 depositing nuclear fuel or highly radioactive waste, and a facility for storing, processing or depositing low or medium radioactive waste. A nuclear facility may mean a number of nuclear facilities together when they are functionally linked in the same geographically rounded territory and are managed by a single person.

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

24. *Clinical responsibility* shall mean the responsibility of medical practitioners related to the justification for exposing patients to ionising radiation and optimisation of exposure levels for patients undergoing a radiological procedure. In relation to this, medical practitioners are 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 medical practitioners referring the patient or other medical practitioners; appropriate informing of patients and other affected individuals on the risks involved in a procedure or risks from ionising radiation.

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

26. *Dose limits* shall mean the highest values of effective and equivalent doses exposed workers, probationers, students and members of the public may receive due to exposure to ionising radiation.

27. *Marginal values of radioactive contamination* shall mean the values of activity concentrations, which are based on models of annual intakes of radio-nuclides by the human organism through consumption or breathing, on models of external exposure to ionising radiation and on the basis of conversion quotients – the so-called dose factors –

and 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 the purpose of protecting against ionising radiation or of preventing the spread of radioactive contamination, to which access is controlled.

29. A *referring medical practitioner* shall mean a medical doctor or dentist authorised to refer an individual for a radiological procedure.

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

31. A *material balance area* shall mean an area within a nuclear facility or outside it, in which it is always possible to identify the nuclear substances which are transferred in or out of the facility, and to determine their quantity.

32. The *active life* 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 emplacement of radioactive waste and nuclear fuel in a repository or a given location without the intention of retrieval. Disposal also covers the direct discharge of wastes into the environment, with subsequent dispersion, approved by the competent ministry.

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

35. A *monitored area* shall mean an area around a radiation source which is under suitable control regarding protection against radiation.

36. An *approved medical physics expert* is a person, authorised by the competent ministry, who has the required knowledge in the area of the use of physics and the technology of ionising radiation in health care (hereinafter: area of medical physics) and who is qualified to give advice relating to the optimisation, measurement and evaluation of irradiation of patients, and to the development, planning and use of radiological procedures and equipment, and to ensuring and testing the quality of radiological procedures.

37. An *approved expert in protection against radiation* shall mean a natural or legal person, approved by the competent ministry, who has the required knowledge and is qualified to carry out the physical, technical and radiological-chemical tests necessary for

the assessment of doses, and to give advice relating to the protection measures against ionised radiation.

38. An *approved expert for radiation and nuclear safety* shall mean a legal or natural person, authorised 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. An *approved dosimetric service* shall mean a legal person, approved by the competent ministry, employing specialists qualified to perform the following dosimetric tasks: evaluating doses received by exposed workers, measuring ionising radiation within the working environment, interpretation of the measured values of ionising radiation, or measuring radioactivity in the human body or in biological samples.

40. *Approved medical practitioners* shall mean medical practitioners authorised to carry out health surveillance of exposed workers, probationers and students.

41. *Members of the public* shall mean individuals in the whole of the population, except exposed workers, probationers and students carrying out work relating to the practices covered by this Act, and individuals during medical examinations, treatment, voluntary care of patients, or involved in medical or biomedical research.

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

43. *Potential exposure* shall mean exposure which can not be predicted with any certainty but which is likely will occur and which can be assessed in advance.

44. A *probationer* shall mean a person undertaking training or instruction with a view to exercising a specialised task for a legal or natural person carrying out a practice involving radiation.

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

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

47. *Radioactive contamination* shall mean pollution of the air, water, ground, materials, products, surfaces in living or working environments, or of an individual with radionuclides and is shown 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 gas, liquid or solid form, objects or equipment, which are the waste product of practices involving radiation or intervention measures, for which no further use is anticipated, but which contain radioactive substances or are radioactively contaminated to such an extent as to exceed clearance levels.

49. *Radioactive substance* shall mean any substance containing one or more radio-nuclides the activity or concentration of which can not be overlooked with regard to standards of protection against ionising radiation.

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

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

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

53. *Clearance levels* shall mean total activity or activity concentrations, as determined by the competent ministry referred to in the second paragraph of Article 9 of this Act which is responsible for the matter in question, at or below which radioactive substances or materials may be released from the requirements of this Act.

54. *The 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. *A reference group of the population* shall mean a representative group comprised of individuals which are or could be uniformly exposed to ionising radiation from a specific radiation source along a certain radiation pathway, and is the group which has been or could be most exposed within a given situation.

56. *A practice involving radiation* shall mean any human activity or action which may increase exposure of individuals to ionising radiation with natural radio-nuclides processed for their radioactive, fissile or fertile properties, by artificial or natural radiation sources. Intervention measures and practices in which individuals are exposed to radon in dwellings, or to natural levels of radiation which result from radio-nuclides present in the human body, on the ground surface or below it, or on the ground surface due to cosmic radiation, shall not be deemed a practice involving radiation.

57. *Radiation safety* shall mean technical and organisational measures within a radiation facility or a less important radiation facility, with which safe operation of the facility is achieved, or which prevent emergency events and alleviate the consequences of

emergency events, as well as ensuring the protection of exposed workers, the population and the environment against ionising radiation.

58. A *radiation facility* shall mean:

- a facility including one or more radiation sources, intended for irradiation with ionising radiation, in the case of which there is a likelihood of causing excessive exposure of members of the public,
- a facility including one or more exposed radiation sources, in the case of which there is a likelihood that due to a release of radioactive substances into the environment the exposure of members of the public would be excessive,
- a facility from which, due to the carrying out of practices involving radiation, radioactive substances with an activity more than ten times exemption level are discharged into the environment annually,
- a facility intended for the extraction, processing and enrichment of nuclear mineral raw materials, and
- a repository of mining tailings and hydro-metallurgical tailings, appearing in the extraction of nuclear raw materials.

A radiation facility may also be a number of radiation facilities when these are functionally linked in the same geographically rounded territory and are managed by one person.

59. A *health detriment to people* shall mean clinically determinable detrimental effects of ionising radiation involving a health risk and a risk of reducing life expectancy, which may appear immediately or after a delay, including detriment due to somatic effects, cancer or severe gene damage.

60. *Transit* shall mean any transportation of radioactive substances or nuclear materials across the customs area of the Republic of Slovenia under customs control in line with customs regulations.

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

62. A *facility manager* shall mean a person managing a facility who, in line with the regulations on the construction of facilities and other regulations pertaining to technical and other conditions of the operation of a facility, holds a permit to use the facility. In the case of mining, a facility manager must also have a right to mine pursuant to the regulations on mining.

63. *Import* shall mean any transportation, except for transit purposes, of radioactive substances or nuclear materials into the customs territory of the Republic of Slovenia, irrespective of what 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 and probability methods. The purpose of a safety analysis is to examine the project design of a nuclear facility with regard to nuclear safety and establish whether the nuclear facility has been planned in such a way as to ensure the fulfilment of requirements regarding dose limits for exposure to ionising radiation and regarding limitations for the discharge of waste radioactive substances into the environment during every operational stage of the nuclear facility.

65. *Protection against ionising radiation* 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 practices in areas of natural radiation sources, during implementation of intervention measures and during the removal of the consequences of an emergency event, and during radiation protection measures, when the source of radiation is in a nuclear facility or a less important radiation facility.

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

67. *Quality assurance* shall mean all the planned and systematically performed human activities and actions carried out to ensure an acceptable level of trust in 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 being carried out satisfactorily and in line with the agreed standards. Quality assurance must also include procedures for quality testing.

68. A *sealed radiation source* shall mean a radiation source the structure of which is such that, within the anticipated conditions of utilisation and wear and tear, as well as in case of any foreseeable accidents, any dispersal of radioactive substances into the environment is prevented.

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

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

Article 4 **(the principles of the Act)**

- (1) When adopting regulations, issuing approvals and permits, deciding about other administrative matters, carrying out supervision and performing other tasks within its jurisdiction, 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 to ionising radiation (hereinafter: exposure) and every intervention measure has to be pre-justified with respect to its economic, social and other results compared to the potential health detriment to people which such a practice may cause due to exposure (the justification principle).
- (3) Every practice involving radiation must be allowed to cause exposure only up to the lowest levels achievable with reasonable measures, taking into account economic and social factors (the principle of optimisation of protection against ionising radiation). 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 in damage caused by an emergency event.
- (4) In the carrying out of a practice or practices involving radiation when exposure due to the presence of natural radiation sources exceeds marginal values set for members of the public, the reduction of exposure of workers, probationers, students and members of the public must be ensured in such a way that the sum of the doses received due to the carrying out of all the possible practices involving radiation does not exceed dose limits set on the basis of this Act (the dose limits principle).
- (5) Nuclear substances 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 unauthorised possession of nuclear materials, including spent fuel (the principle of peaceful use).
- (6) The user of a radiation source shall be responsible for protection against ionising radiation and the manager 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 measures aimed at ensuring protection against ionising radiation in line with this Act, the maintenance of the state of readiness for emergency events and intervention measures, as well as the costs of the removal of the consequences of an emergency event (the causer-pays principle).
- (8) The manager of a radiation facility and the manager of a nuclear facility must be ready to implement intervention measures in case of emergency events (the readiness principle).
- (9) If the removal of the consequences of an emergency event and the covering of the costs of this can not be assigned to a specific or determinable causer, or when it is contentious as to who the causer is, and when the consequences can not be removed

in any other way, the state shall provide the resources for the removal of the consequences of an emergency event (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 bodies, of those in public services and of holders of authorisations, relating to protection against ionising radiation and nuclear safety, is public (the openness principle).

Article 5 (expert councils)

- (1) The minister responsible for health and the minister responsible for the environment shall appoint the following two councils for the provision of expert help to the ministry responsible for the environment and the ministry responsible for health, as well as to competent bodies and inspectors as determined by this Act:
 - an expert council on issues relating to radiation and nuclear safety, to the physical protection of nuclear substances and facilities, to the protection of nuclear materials, to radioactivity levels in the environment, to the protection of the environment against ionising radiation, to intervention measures, to the removal of the consequences of emergency events, and to the use of radiation sources outside health and veterinary care.
 - an expert council on issues relating to the protection of people against ionising radiation, to radiological procedures and to the use of radiation sources in health and veterinary care.
- (2) Each of the two councils from the previous paragraph shall consist of five members who are experts in the specific areas described in the previous paragraph.
- (3) The initial mandate for two of the 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 councils mentioned in the previous Article shall have the following duties:
 - giving opinions and making proposals during the drawing up of regulations pursuant to this Act,
 - offering opinions on the annual report on protection against ionising radiation and nuclear safety,

- giving opinions on the annual work plan of the competent administrative bodies and inspectors defined by this Act,
 - giving opinions and making proposals on other issues relating to the areas within their competence requested by bodies responsible for administrative and inspectorial decision-making in line with this law.
- (2) The councils shall produce annual reports on their work of the previous year and pass them to the ministry responsible for health and the ministry responsible for the environment by 30 June of the current year.
 - (3) The minister responsible for health and the minister responsible 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 councils.
 - (5) The minister responsible for the environment and the minister responsible for health shall lay down the working procedure for the councils, the frequency of their sessions, deadlines for producing opinions, and other matters important for the functioning of the councils, including the way in which the independence of the council members shall be guaranteed.

Article 7 (openness of information)

- (1) Information on practices involving radiation, the use of radiation sources, the radiation of natural sources, the planning, construction and operation of radiation facilities and nuclear facilities, the statistically processed doses received by exposed workers and members of the public, the handling of radioactive waste and spent fuel, the import, export and transit of radioactive waste or radioactive substances, the radioactive contamination of the environment, foodstuffs, animal feed and products in general use, emergency events, and plans for protection and salvage operations in case of emergency events 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 practice involving radiation and the use of
radiation sources without a permit)**

- (1) When it has been established that a practice involving radiation or use of a radiation source has been carried out without a permit, or that a radiation source has been used or radioactive waste has been handled without adherence to the prescribed procedures, the state must take all the measures within its competency to ensure immediate cessation of 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 removal of the consequences to health and the environment, if these have occurred, shall be covered by the state in cases where the person who has used or managed a radiation source or who has failed to follow the prescribed method for the use of 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 in those cases where the person mentioned in the previous paragraph is identified at a later date.
- (4) The ministry responsible for the environment and the ministry responsible for health, each within its competency pursuant to this Act, must inform the public via the ministry for foreign affairs or directly, if international agreements state so, as well as informing the competent bodies in neighbouring countries and international organisations when the consequences of the emergency event mean a risk of health detriment for people or a risk to the environment in the countries in question, about the occurrence of illegal use of a radiation source or the failure to follow the prescribed method for the use of a radiation source described in the first paragraph of this Article, which could cause an emergency event.

2. CARRYING OUT PRACTICES INVOLVING RADIATION

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

Article 9
(reporting an intention)

- (1) A person who intends to:

- produce, process, use, store, transport, import, export or dispose of radioactive substances, or possess or handle them in any way,
- produce, import, maintain or carry out a practice using an apparatus or equipment which itself or due to its constituent parts emits ionising radiation resulting from operating at a voltage greater than 5 kV, or
- carry out a practice defined by the government as a practice involving radiation, for the performance of which it is necessary to obtain a permit,

must report the intention (hereinafter: reporting an intention).

- (2) The person described in the previous paragraph shall report the intention to the ministry responsible for the environment except in the case of the use of radioactive substances, apparatuses 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 practice involving radiation in health or veterinary care, when the intention shall be reported to the ministry responsible for health.
- (3) Notwithstanding the provisions contained in the previous paragraph, it shall not be required to report an intention in case of the use of:
 - type approved sealed radiation sources which do not exceed dose rate marginal values during normal operation,
 - type approved electrical apparatuses or equipment which do not exceed dose rate marginal values during normal operation,
 - cathode-ray tubes intended for the projection of images, when they adhere to the prescribed conditions,
 - radioactively contaminated materials, the contamination of which is the result of permitted discharges of waste radioactive substances into the environment,
 - radioactive substances or materials containing radioactive substances below 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 shall no longer be subject to the present Act.
- (4) The government shall define in more detail: radiation sources for which it shall not be necessary 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 apparatuses and equipment; and the conditions applying to cathode-ray tubes mentioned in the previous paragraph.
- (5) In addition, 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 responsible for the environment, shall define the technical requirements for the type approval of radiation sources and electrical apparatuses and equipment in line with the regulations on the technical requirements for products and on establishing conformity. In the case of radiation sources and electrical apparatuses and equipment used in radiological procedures or for examination in veterinary care, the technical requirements for type approval shall be determined by the minister responsible 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 seat of the company, institution or another organisation, or the self-employed individual, with the intention of carrying out a practice involving radiation,
 - the name and the address of the person representing the person carrying out a practice involving radiation,
 - information on the practice involving radiation and the radiation source used, including the location,
 - details of the commencement and the duration of the carrying out of the practice involving radiation, or the time of import, purchase, sale, letting, export, removal or decommissioning of the radiation source.
- (2) The document reporting an intention must be submitted in the format defined by the minister responsible for the environment and the minister responsible for health.
- (3) The following shall also count as reporting an intention:
- an application for a permit for the import, export and transit of nuclear substances, radioactive waste and spent fuel,
 - an application for a permit for the import and export of radioactive substances, reporting of the transit of a radioactive substance,
 - an application for a permit to use a radiation source when the radiation source in question, with regard to the purpose of its use and the characteristics of the ionising radiation, is the same as a radiation source for which the person under obligation has already obtained a permit,
 - an application for environmental protection approval in the case of carrying out a practice involving radiation in a radiation facility or a nuclear facility.

2.2 Carrying out a practice involving radiation

Article 11 (permit to carry out a practice involving radiation)

- (1) Prior to the commencement of a practice involving radiation it shall be necessary to obtain a permit to carry out a practice involving radiation.
- (2) The permit to carry out a practice involving radiation shall be issued to a person who fulfils all the conditions defined by this Act.
- (3) The permit to carry out a practice involving radiation shall be issued by the ministry responsible for the environment for:
 - the management and decommissioning of a radiation facility or a nuclear facility,
 - the intentional addition of radioactive substances during the production and manufacture of products for general use and for the import or export of such products,
 - the use of X-ray apparatuses, radiation sources and particle accelerators, except electronic microscopes, when not used in health or veterinary care,
 - the disposal, processing and repeated use of radioactive substances or materials which contain radioactive substances and originate in the use of radiation sources or in the carrying out of practices involving radiation in line with this Act, and for which there has been no decision from the ministry responsible for the environment to indicate that they are no longer subject to this Act,
 - for the production or development of equipment or technology, which counts as nuclear materials,
 - the transport of nuclear substances, and
 - the maintenance, calibration and other similar work carried out on radiation sources when this is not included in the carrying out of practices described in the previous indents of this paragraph.
- (4) The permit to carry out a practice involving radiation shall be issued by the ministry responsible for health for:
 - the intentional addition of radioactive substances during the production and manufacture of medicinal products and the import or export of such medicinal products,
 - the intentional administering of radioactive substances to persons in the course of medical treatment or research,
 - the intentional administering of radioactive substances to animals in the course of a veterinary examination, treatment or research, when this affects exposure
 - the use of X-ray machines, radiation sources and particle accelerators in health or veterinary care, except electronic microscopes,
 - the carrying out of technical checks on radiation sources used in practices involving radiation in health and veterinary care,

- maintenance, calibration or other similar work carried out on radiation sources when this is not included in the carrying out of a practice referred to in the previous indents of this paragraph.
- (5) If the carrying out of a practice involving radiation involves the management or decommissioning of a radiation facility or a nuclear facility, the permit described in Article 79 of this Act shall be deemed as the management or decommission permit, except in cases involving radiation facilities in which radiation sources are used for carrying out a practice involving radiation in health or veterinary care.
- (6) The government shall define in detail the practices involving radiation for which it shall be necessary to obtain a permit.

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

- (1) An applicant must attach to an application for a permit to carry out a practice involving radiation data about the organisational unit for protection against radiation or the person responsible for protection against radiation, an evaluation of the protection of exposed workers against radiation and technical documentation on the type of radiation source used, the method of use and the measures for protection against radiation relating to the type of radiation source used.
- (2) The minister responsible for the environment and the minister responsible for health shall define in detail the content of the application for the permit to carry out a practice involving radiation, and the scope and content of the technical documentation described in the previous paragraph.
- (3) A permit to carry out a practice involving radiation shall be issued by the ministry which is in line with this Act responsible for issuing a permit to carry out a practice involving radiation when 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 proof of entry in the register and a permit to
use a radiation source)

- (1) Prior to the commencement of the use of a radiation source, the person referred to in Article 9 of this Act must obtain a permit to use the radiation source or a proof of the radiation source being entered in the register of radiation sources.

- (2) The permit to use a radiation source and the proof of a radiation source being entered in the register of radiation sources shall be issued by the ministry responsible for the environment; when the radiation source in question is to be used in health or veterinary care, the permit shall be issued by the ministry responsible for health.
- (3) The government shall determine the types of radiation sources for which, prior to use, it shall be necessary to obtain a proof of the radiation source being entered in the register of radiation sources, and the types of sources for which it shall be necessary to obtain a permit for use.
- (4) In determining the sources described in the previous paragraph, the activity level of the radiation source, the characteristics of the radiation source relating to radiation safety, the probability of the occurrence of uncontrolled exposure, and the requirements and conditions relating to control with regard to radiation safety and physical and technical protection of the radiation source, shall be considered.
- (5) The permit referred to in Article 79 of this Act shall apply to radiation sources within a radiation facility or a nuclear facility, except in the case of facilities where practices involving radiation are carried out in health or veterinary care.
- (6) Use may be made of a radiation source which has not been classified according to the third paragraph of this Article, and is not a radiation source as referred to in the previous paragraph, thirty 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 responsible for issuing a permit 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 body 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 the use or a temporary suspension of the use of a radiation source and 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 proof of a radiation source
being entered in the register of radiation sources)

- (1) An applicant's report on an intention to purchase a radiation source or acquire a radiation source by another method shall count 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 with a proof of entry in the register of radiation sources when it is clear from the document reporting an intention that the applicant is in possession of a permit for carrying out a practice involving radiation during which the radiation source being entered in the register is to be used.

Article 15
(application for a permit to use a radiation source)

- (1) An applicant must attach to the application for a permit to use a radiation source an evaluation of the protection of exposed workers against radiation and the technical documentation on the radiation source, on the conditions for the use and storage of the radiation source, on the measures of protection against radiation relating to the use, on maintenance, on the response to an emergency event and on the handling of waste radioactive substances.
- (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 on which it will be used,
 - a description of the measures for the protection of individuals against ionising radiation and for physical protection of the radiation source,
 - an evaluation of the protection of exposed workers against radiation,
 - a plan for the handling of radioactive waste, resulting from the use of the radiation source,
 - a description of discharges of waste radioactive substances into the environment,
 - a valid permit for carrying out a practice involving radiation, and
 - a proof that the intention to use the radiation source has been reported, when this Act so requires.
- (3) The permit shall be issued by the competent ministry referred to in the second paragraph of Article 9 of this Act when 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 responsible for the environment and the minister responsible for health shall determine in detail the content of the application for a permit 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 responsible for the environment and the minister responsible for health shall determine the rules of conduct relating to the use 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 responsible for health shall lay down the conditions for persons carrying out technical checks of radiation sources used in practices involving radiation 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 on the part of a person carrying out
a practice involving radiation)**

A person carrying out a practice involving radiation must:

- justify the performance of every new practice involving radiation and prove that the benefits of the carrying out of the new practice involving radiation will outweigh the health detriment to people,
- repeatedly justify the carrying out of practices involving radiation for which a permit has already been given when new and important evidence and knowledge on their effectiveness or consequences to health come to light,
- optimise the protection of people and the environment against ionising radiation 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 protection against ionising radiation,
- ensure that due to the performance of a practice involving radiation doses for exposed workers, probationers, students and members of the public do not exceed the prescribed marginal values.

3.2 Justification evaluation

Article 18 (evaluation of the justification for the carrying out of a practice involving radiation)

- (1) An applicant must attach a justification evaluation to an application for a permit to carry out a new type of a practice involving radiation or a permit for the use of a new type of radiation source or a new method of using an already tried radiation source.
- (2) The ministry competent in line with this Act for issuing a permit may also request that a justification evaluation is produced prior to the issuing of a permit for the carrying out of already established practices involving radiation or the use of already tried radiation sources when the body has obtained new and important evidence on the effects and consequences of the said practices.
- (3) The scope and content of the justification evaluation and the criteria for the use thereof in relation to cases referred to in the paragraphs in this Article shall be determined during the procedure for the issuing of a permit for the carrying out of a radiation activity or a permit 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 prescribe dose limits for exposed workers, probationers, students, pregnant women, breast-feeding women and members of the public, as well as the obligatory measures related to dose limits, and the method to be used for calculation and the use of dose constraints in the planning and optimisation of a practice involving radiation.
- (2) The sum of doses received during the carrying out of a radiation activity by an exposed worker, a probationer, a student, a pregnant or breast-feeding woman or a member of the public may not exceed the prescribed dose limits.
- (3) The prescribed dose limits do not apply to:
 - the exposure of individuals during medical examination or for the period of medical treatment,

- the exposure of individuals who consciously and voluntarily, unrelated to their professional activity, help 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 method to be used for calculating dose constraints relating to 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 younger than 18 in a post where the person would become an exposed worker.
- (2) As soon as a pregnant woman informs her employer that she is pregnant, the employer 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 that the conditions in which she works allow for as low an equivalent dose as can reasonably be achieved for her unborn baby, as well as ensuring that the dose during the pregnancy will not exceed the dose limits for members of the public.
- (3) As soon as a breast-feeding woman informs her employer of her condition the employer must temporarily move her to a different 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 with regard to work conditions.

Article 21
(carrying out exceptional tasks)

- (1) Notwithstanding the prescribed dose limits, the ministry responsible for health may allow that dose limits are exceeded in cases where individual workers are carrying out exceptional tasks, when the exposure is limited in time and when the tasks are carried out in a limited and pre-determined working area. The permit referred to in the previous sentence must also define the maximum level 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 tasks described in the previous paragraph without the agreement of the worker in question.
- (3) The minister responsible for health shall determine the conditions for the issuing of the permit referred to in the first paragraph and the obligatory measures which must be taken with a view to reducing the consequences of excessive exposure of a worker.

Article 22 (doses evaluation)

The minister responsible for health, in agreement with the minister responsible for the environment, shall determine the methodology of evaluating 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 (foundations for protection against radiation)

- (1) During the carrying out of a practice involving radiation, an employer must ensure the following in relation to the protection of exposed workers, probationers and students against radiation (hereinafter: protection against radiation):
 1. the drawing up of an evaluation of the protection of exposed workers against radiation and the production of an optimisation plan for the protection of people and the environment against ionising radiation under all working conditions;
 2. a preliminary review of the plans for the facility premises and the equipment in the facility with regard to the protection against ionising radiation;
 3. a classification of working areas and their demarcation as monitored and controlled areas with regard to the evaluation of expected annual doses and the probability and extent of potential exposure;
 4. a classification of exposed workers into two categories relating to the probability and extent of potential exposure;
 5. the implementation of written technical, health and administrative procedures related to the operation or management of a radiation, nuclear or less important radiation facility, or the use of a radiation source;
 6. the training of exposed workers, probationers and students, who use radiation sources or work in monitored and controlled areas, the updating of their knowledge and regular testing of qualifications in relation to the procedures of protection against radiation;

7. informing exposed workers, probationers and students about the technical, health and administrative procedures relating to the operation, management or use of a radiation source;
 8. informing exposed workers, probationers 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 control measures, measurements and evaluations of exposure in workplaces, in a variety of areas and working conditions, including personal dosimetry;
 10. protective equipment and examination of the effectiveness of protective equipment as well as protection and rescue procedures;
 11. regular calibration of measuring equipment, examining its usefulness and correct usage;
 12. health surveillance; and
 13. immediate notification of the competent ministries about cases of dose limits being exceeded, of a contamination of the working premises or of an emergency event.
- (2) Notwithstanding the obligations of employers described in the previous paragraph, exposed workers, probationers and students must, insofar as possible, themselves contribute to the implementation of measures for protection against radiation, as determined by this Act.
- (3) The measures for protection against radiation referred to in the previous paragraph must be taken during practices involving radiation in which it is possible that the annual exposure of workers exceeds the value of the annual effective dose limits for members of the public or one tenth of the prescribed equivalent dose limits for eye lenses, the skin or limbs of exposed workers.
- (4) The training of exposed workers, probationers and students referred to in point 6 of the first paragraph may be carried out by persons who have obtained an authorisation to perform the work of an approved expert in protection against radiation as described in Article 27 of this Act.
- (5) The minister responsible for health, in agreement with the minister responsible for the environment, shall define: the working conditions and obligations of employers relating to monitored and controlled areas with regard to protection against radiation; the obligations of employers relating to special protection against radiation for probationers 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 line with point 4 of the first paragraph; the scope, content and conditions for training, information provision and verification of qualifications of exposed workers, probationers and students.

Article 24
(evaluation of the protection of exposed workers against radiation)

- (1) Employers must draw up an evaluation of the protection of exposed workers against radiation, which gives a preliminary evaluation of the nature and the extent of radiation risks for exposed workers, probationers and students, and produces an optimisation plan for protection against ionising radiation in all working conditions in practices involving radiation.
- (2) In the case of facilities which are neither radiation nor nuclear facilities, the evaluation of the protection of exposed workers against radiation must include a plan of measures for the prevention of emergency events, as well as protection and rescue measures in the case of an emergency event.
- (3) An employer must attach the evaluation of the protection of exposed workers against radiation, approved by the ministry responsible for health, to:
 - an application for a permit to carry out a practice involving radiation,
 - an application for a permit to use a radiation source,
 - an application for the extension of permits referred to in the first two indents of this paragraph.
- (4) The minister responsible for health shall determine the content and the scope of the evaluation of the protection of exposed workers against radiation and the form of the application for the confirmation of the evaluation of the protection of exposed workers against radiation.

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

- (1) If an employer manages a radiation facility or a nuclear facility, the evaluation of the protection of exposed workers against radiation 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 responsible for health a confirmation of the evaluation of the protection of exposed workers against radiation prior to submitting a safety report or any amendments thereof for approval.

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

- (1) An employer must ensure a review of the evaluation of the protection of exposed workers against radiation:
 - within the prescribed deadlines,
 - following a request by a competent inspector,
 - immediately after every emergency event and
 - after the completion of the removal of the consequences of an emergency event.
- (2) A review of the evaluation of the protection of exposed workers against radiation shall be concluded by a report.
- (3) When 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 improving the protection of exposed workers, probationers and students against ionising radiation, the employer must draw up a proposal of the amendments to the measures for protection against ionising radiation and in relation to this ensure that the evaluation of the protection of exposed workers against radiation is amended accordingly.
- (4) The amendments to the evaluation of the protection of exposed workers against radiation shall be valid when they are approved by the ministry responsible for health.
- (5) The employer must start introducing the amended measures of protection against ionising radiation when the ministry responsible for health approves the amendments to the evaluation of the protection of exposed workers against radiation.
- (6) The minister responsible for health shall determine in detail the frequency of regular reviews and the conditions applying to reviews of evaluations of the protection of exposed workers against radiation, the deadlines for submitting for approval the amendments to an evaluation of the protection of exposed workers against radiation, the obligatory contents of the amendment of an evaluation of the protection of exposed workers against radiation and other conditions relating to the obligation to review.
- (7) There shall be no right of appeal against a decision on the rejection or acceptance of an evaluation of the protection of exposed workers against radiation.

Article 27
(approved experts in protection against radiation)

- (1) When drawing up an evaluation of the protection of exposed workers against radiation and in relation to the working conditions for exposed workers, the extent of the implementation of the measures against radiation in monitored and controlled areas, the examination of the effectiveness thereof, the regular calibration of measuring equipment and the examination of the effectiveness of protective equipment, employers must consult approved experts in protection against radiation.
- (2) Approved experts in protection against radiation shall be legal or natural persons who have obtained an authorisation from the ministry responsible for health.
- (3) The authorisation referred to in the previous paragraph shall be issued for individual areas of protection against radiation or for a number of areas of protection against radiation together, and for a maximum of five years.
- (4) The approved experts in protection against radiation must report to the ministry responsible for health at least annually, and more frequently on request.
- (5) The ministry responsible for health shall withdraw its authorisation for an approved expert in protection against radiation when the commission for examining the fulfilment of the conditions set out for approved experts in protection against radiation, as described in Article 28 of this Act, during a regular verification review or an exceptional review instigated by a competent inspector, has established that the approved expert in protection against radiation no longer fulfils the conditions on the basis of which the authorisation was given.

Article 28
**(acquisition of authorisation for an expert
in protection against radiation)**

- (1) Legal or natural persons shall obtain an authorisation for the performance of the work of an approved expert in protection against radiation if for each individual area of protection against radiation they appoint the specialists responsible, one of whom is appointed as the competent leader of the specialists in protection against radiation, and if the aforementioned legal or natural persons fulfil the conditions for carrying out the work of an approved expert.
- (2) The competent specialist may be any individual who fulfils the following conditions:
 - has completed university level study,

- has acquired at least seven years work experience in the area of ionising radiation since completing university study.
- (3) The ministry responsible for health shall ensure verification of conditions for carrying out the work of an approved expert in protection against radiation.
- (4) The minister responsible for health, in agreement with the minister responsible 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 specialists in the area of protection against radiation, to verify the fulfilment of the aforementioned conditions.
- (5) A foreign legal or natural person shall obtain an authorisation to carry out the work of an approved expert in protection against radiation when, pursuant to the regulations of the country in which the aforementioned person is registered for carrying out the expert work of protection against radiation, this person has an authorisation equal to the one pertaining to experts for protection against radiation 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 line 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 RS, 21/2002).
- (7) The minister responsible for health, in agreement with the minister responsible 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 the work of an approved expert for individual areas of protection against radiation.

3.4.2 *Establishing worker exposure*

Article 29 (establishing worker exposure)

- (1) Employers must ensure that worker exposure is regularly established and that radiation at workplace, exposure during intervention exposure or during an emergency event is regularly measured and that the results of establishing exposure and of measuring radiation are kept and reported to the ministry responsible for health.
- (2) The tasks involved in establishing worker exposure and measuring radiation in a workplace must be carried out by legal persons who have obtained an authorisation from the ministry responsible for health for the performance of dosimetric tasks.

Article 30
(approved dosimetric service)

- (1) Legal persons shall obtain authorisation to carry out dosimetric tasks when they have an organised dosimetric service and regularly employed competent specialists and appoint one of these specialists as the competent leader of the dosimetry specialists.
- (2) A competent dosimetry specialist can be any individual who fulfils the following conditions:
 - has completed university level study, and
 - has acquired at least five years work experience in the area 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 responsible for health.
- (4) The minister responsible 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 specialists in the area of dosimetry, to verify the fulfilment of the conditions.
- (5) The authorisation referred to in the first paragraph shall be issued for a maximum of five years.
- (6) The ministry responsible for health shall withdraw an authorisation for an approved 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 instigated by a competent inspector has established that the approved dosimetric service no longer fulfils the conditions on the basis of which the authorisation was given.
- (7) The minister responsible for health shall define in detail the bases for the organisation of dosimetric services and the evidences of dosimetry specialists.

Article 31
(obligations of approved dosimetric services)

- (1) Approved dosimetric services must report to employers and to the ministry responsible for health on the measurements of the doses received by exposed workers, including the results of measurements in workplaces which were used for the evaluation of personal doses.

- (2) Employers must ensure that the results arrived at by approved dosimetric services relating to the exposure of workers are passed on to an approved medical practitioner carrying out health surveillance of exposed workers, and that the exposed worker is informed about the received dose.
- (3) In the case of intervention exposure or exposure during an emergency event, the approved dosimetric service must ensure that within the shortest possible time the results of establishing the exposure of workers and the results of the measurements of the doses received when dose limits have been exceeded are available to the ministry responsible for the environment and the ministry responsible for health, as well as to the employer and the approved medical practitioner.
- (4) The minister responsible for health shall prescribe in detail:
 - the conditions, method, scope and frequency of the establishment of radiation levels in a workplace,
 - the method to be used for evaluating received doses in cases when direct measurements of the received doses 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 establishment of worker exposure and the doses received in the case of the implementation of intervention measures and in the case of the permitted 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 establishment of worker exposure, which employers have to ensure.

Article 32
(data on worker exposure)

- (1) Data on the personal doses of exposed workers may be passed on to an approved medical practitioner for further processing, and to the central records of doses as described in Article 33 of this Act only on the basis of a written consent by the exposed workers in question.
- (2) The written consent by an exposed worker giving permission for the data on his or her personal doses to be passed on for further processing pursuant to the provisions of this Act, shall be ensured by the employer.
- (3) If an exposed worker, probationer or student does not agree to sign the consent referred to in the previous paragraph, the employer must not move the person in question to a workplace exposed to ionising radiation.

Article 33
(records on personal doses of exposed workers)

- (1) Due to the protection against radiation optimisation measures and evaluation of the justification for individual practices involving radiation and adherence to the prescribed dose limits, records containing personal doses shall be set up for exposed workers carrying out practices involving radiation.
- (2) Records of personal doses of exposed workers shall be maintained by:
 - employers for personal doses of their own and external workers;
 - approved medical practitioners for personal doses of workers under their supervision, and
 - the ministry responsible for health for personal doses of all exposed workers.
- (3) Approved dosimetric services must, within the specified time, pass on data relating to personal doses of exposed workers to the central records of personal doses maintained by the ministry responsible 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, gender, citizenship, profession, education, job title, the start and finish date of employment, a description of the post and the radiation source involved, the commencement and finish date of working with a radiation source, the evaluated monthly dose, the cumulative dose and the method to be used for measurement as well as the data on doses received during emergency events, implementation of intervention measures and the permitted 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 workers reach the age of 75 or would reach the age of 75, but not for less than 30 years after workers have ceased working as exposed workers.
- (6) The minister responsible for health shall determine in detail the method to be used for the maintenance of data on personal doses of exposed workers, deadlines for the conveying of information to the central records of doses, and the obligations and the method to be used for the passing on of information from the central records to the ministry responsible for the environment, to exposed workers and to employers. With regard to exposed workers, the minister responsible for health shall also determine the content and form of a personal radiation booklet, into which the received personal doses of a worker, as well as other data from the record on personal doses, shall be entered.

3.4.3 *Organisational measures for the protection of exposed workers*

Article 34 (organisational unit for protection against radiation)

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

Article 35 (the person responsible for protection against radiation)

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

Article 36
(qualifications of workers involved in protection
against radiation)

- (1) Workers involved in protection against radiation in an organisational unit for protection against radiation, and persons responsible for protection against radiation 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 of tasks relating to protection against radiation.
- (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 of tasks relating to protection against radiation, if they pass a professional examination in the carrying out of tasks relating to protection against radiation.
- (3) The minister responsible for health and the minister responsible for the environment, in agreement with the minister responsible for education, shall compile a list of educational programmes and define the relevant professional examination in the carrying out of tasks relating to protection against radiation, the method to be used for the appointment of examination commissions, the costs of the examination and the keeping of records of success in the examination.
- (4) The ministry responsible for health shall set the professional examination in the carrying out of tasks relating to protection against radiation.

Article 37
(protection of workers employed by external operators)

- (1) An external operator of a practice involving radiation must alone or indirectly via a contract with a manager of a facility, ensure the following in relation to exposed workers employed by the operator:
 - that doses received by the workers do not exceed the specified dose limits,
 - that the workers are suitably qualified and informed about measures for protection against radiation,
 - that the exposure of workers is established in line with the provisions of this Act,
 - that the information on the personal doses received by the workers is passed on to the central records of personal doses,
 - that the workers are medically surveyed within the prescribed scope of medical surveillance, and
 - that all the measures for the protection of workers against radiation in line with the provisions of this Act are carried out.

- (2) A manager of a facility in which workers employed by an external operator are working shall be directly responsible for the protection of these workers against ionising radiation to an extent directly linked to the characteristics of the controlled area and the work within this area.
- (3) An external operator must, prior to the commencement of work within a controlled area, pass on the exposed workers' personal data, medical assessments of fitness for employment, the date of the last medical examination and the values of doses received within the last five years and the cumulative dose.
- (4) When the external operator is a foreign legal person, the manager of a facility must pass on the data on exposed workers referred to in the previous paragraph to the ministry responsible for health so that the data is entered into the central records of personal doses.
- (5) The manager of a facility must not commence the work carried out by exposed workers employed by an external operator if the operator has not passed on 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 external operator can not carry out work in a controlled area pursuant to this Act.
- (6) Exposed workers employed by an external operator must, as far as possible, themselves contribute to the implementation of measures for protection against radiation as determined by this Act.
- (7) An external operator who is a foreign legal person may carry out work within a controlled area when the operator in question has in his country of origin obtained a permit for the carrying out of practices involving radiation under conditions and in line with a procedure equal to the conditions and the procedure for the obtaining of a permit for the carrying out of a practice involving radiation pursuant to this Act.
- (8) The ministry responsible for the environment shall approve the fulfilment of conditions described in the previous paragraph in the case of external operators, and the ministry responsible for health for persons carrying out practices involving radiation within health care.
- (9) The minister responsible for health, in agreement with the minister responsible for the environment, shall define in detail for both managers of facilities and external operators the obligations relating to the protection against radiation of exposed workers employed by external operators, and the method to be used for the passing on and storage in the central records of personal doses the data on personal doses of exposed workers employed by an external operator.

Article 38
(allocation of workers and objection to 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 doses received or if the worker is not registered in the central records of personal doses.
- (2) If an organisational unit or person responsible for protection against radiation, a worker or an approved medical practitioner maintain that, with regard to the allocation of a worker to a post within a controlled area ordered by an employer, the basic measures of protection against radiation have not been adhered to, they may file an objection to such an allocation.
- (3) The objection referred to in the previous paragraph must be submitted to the ministry responsible for health within eight days of the allocation of the worker in question.
- (4) The ministry responsible for health shall decide on the objection to 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 Health surveillance of exposed workers

Article 39
(health surveillance of exposed workers)

- (1) The health surveillance of exposed workers shall be based on the principles applying to occupational health in general.
- (2) The health surveillance of exposed workers shall be carried out by approved medical practitioners.
- (3) An employer may not employ or allocate a worker for any period of time to an exposed post when the worker in question is declared, on the basis of a health check, unfit for employment in such a post.
- (4) The health surveillance of exposed workers referred to in the second paragraph must be ensured to the full prescribed extent by the employer.
- (5) An employer must ensure an exceptional health check of exposed workers every time one of the prescribed dose limits has been exceeded or there is a suspicion that it might have been exceeded, or following a request by the ministry responsible for health when the administration estimates that excessive exposure has occurred.

- (6) The minister responsible for health shall determine the extent of health surveillance of exposed workers working in a monitored and controlled area, the criteria for deciding upon exceptional health surveillance, the decontamination and further treatment of exposed workers in cases of dose limits being exceeded.

Article 40
(health surveillance after cessation of employment)

- (1) The minister responsible for health shall define the criteria on the basis of which an approved medical practitioner may carry out health surveillance after an exposed worker has ceased to work in the form of further health checks, decontamination measures or other measures relating to health care.
- (2) Health surveillance after an exposed worker has ceased to work shall be ordered by the ministry responsible for health upon the request of an approved medical practitioner, and the surveillance must be ensured by the employer the worker in question was employed by when exposed to ionising radiation.

Article 41
(medical records of exposed workers)

- (1) Medical records of exposed workers shall be maintained and supplemented in line with the regulations on records relating to the area of health care, while workers are engaged in the work of exposed workers, and the records shall be kept until an exposed worker reaches the age of 75, or would reach this age, but not for less than 30 years after a worker has ceased to carry out the work of an exposed worker, relating to a practice involving radiation.
- (2) Medical records of exposed workers must, in addition to the information prescribed in relation to records in the area of health care, contain information on the type of work carried out within the scope of a practice involving radiation, results of health checks prior to employment or allocation to an exposed post, information on regular health checks and on received personal doses.
- (3) The minister responsible for health shall determine the content of and the method to be used for the maintenance of the medical records of exposed workers and the method to be used for the keeping of the records throughout the period specified by this Act.

Article 42
**(a request for a review of the assessment of fitness to work
and the ordered measures of health surveillance)**

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

3.4.5 Organisation of health surveillance

Article 43
(providers of health surveillance)

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

Article 44
(health surveillance in the case of an emergency event)

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

3.4.6 Exposure resulting from the presence of natural radiation sources

Article 45 (systematic inspection of living and working environments)

- (1) The ministry responsible for health shall ensure protection against increased exposure of workers and members of the public to radiation resulting from natural radiation sources by systematic inspections of living and working environments.
- (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 deposited,
 - during transport by air.
- (3) The government shall adopt a programme of systematic inspections 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 inspections referred to in the previous Article it is established that the exposure of individuals resulting from natural radiation sources exceeds the values of dose limits for members of the public, the ministry responsible for health shall order the employer or manager of the facility and apparatus in question that measures be carried out aimed at 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 practices involving radiation.
- (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 responsible for health.

- (3) If aeroplane crews are exposed to cosmic radiation exceeding dose limits for members of the public, the ministry responsible 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 received by the exposed crews,
 - to establish a method for the obligatory informing of workers on risks caused by 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 Exposure in health care

Article 47 (exposure in health care)

- (1) Radiological procedures in medical diagnostics, treatment and research and legal-medical procedures may be carried out by persons holding a permit for the carrying out of a practice involving radiation, and having a programme for the planning, referral, approval and performance of radiological procedures (hereinafter: programme of radiological procedures) approved by the ministry responsible for health.
- (2) Only radiation sources for which the ministry responsible for health has issued a proof of entry in the registry of radiation sources or a permit 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 permit intends to carry out, and the criteria for referrals for these procedures, together with the evaluation of the doses received in all standard diagnostic radiological procedures,
 - a list of radiation sources the permit holder intends to use,

- a description of the maintenance and storage of the data on the completed radiological procedures,
 - a programme of ensuring and checking the quality of radiological procedures,
 - a list of the medical practitioners responsible for radiological procedures,
 - a list of the approved medical physics experts responsible for the optimisation of radiological procedures, for the assessment of irradiation of patients and for ensuring the quality of protection against radiation, and
 - a list of radiology engineers.
- (2) The ministry responsible for health shall approve a programme of radiological procedures for a maximum of five years.
- (3) The minister responsible 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
(approved medical physics experts)

- (1) Tasks involving appointed medical physics experts may be carried out by persons who have obtained from the ministry responsible for health an authorisation for the carrying out of tasks in the area of medical physics.
- (2) An appointed medical physics expert may be any individual who fulfils the following conditions:
- has completed university level study ensuring appropriate knowledge in the area of medical physics and
 - has acquired at least five years work experience in the area of medical physics.
- (3) The ministry responsible for health shall carry out the tasks relating to the examination of the fulfilment of the conditions for carrying out the work of an approved medical physics expert.
- (4) The minister responsible 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 authorisation referred to in the first paragraph shall be issued for a maximum of five years.

- (6) Approved medical physics experts must report on their work to the ministry responsible for health at least once a year, and more frequently if requested.
- (7) The ministry responsible for health shall withdraw the authorisation from an approved medical physics expert when the commission for examining the fulfilment of the conditions described in the fourth paragraph, during a regular verification review or an exceptional review instigated by a competent inspector, has established that the approved medical physics expert in question no longer fulfils the conditions on the basis of which the authorisation 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 medical practitioner and the approval of the medical practitioner responsible for the radiological procedure in question, who shall also bear the clinical responsibility for the procedure.
- (2) A radiological procedure for legal medical purposes may be carried out when the medical practitioner responsible for the radiological procedure estimates that the procedure may benefit the person under investigation, and if the person in question agrees to the procedure.
- (3) The medical practitioner responsible for a radiological procedure, while taking into account the purpose and the aim of the procedure and in co-operation with a radiology engineer, shall ensure such conditions that the procedure is carried out with least harm to the patient.
- (4) A radiology engineer or a person performing a radiological procedure shall carry out the radiological procedure in line 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 line with the purpose of the therapy,
 - during a diagnostic procedure, the approved diagnostic reference levels are not exceeded on average.

- (6) The ministry responsible for health shall ensure the enforcement 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 responsible 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 responsible for health shall determine in detail: the conditions relating to the carrying out of systematic early diagnostics, bio-medical and medical research, legal medical procedures, special radiological procedures for children and pregnant and breast-feeding women, as well as voluntary help in the care of 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 character of expert supervision.

Article 51

(evaluation and verification of radiological procedures)

- (1) A person carrying out a practice involving radiation relating to radiological procedures must regularly, fully and systematically evaluate and verify 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 verification of radiological procedures and the method to be used for and the frequency of reporting.
- (3) Notwithstanding the prescribed frequency of evaluations and verifications of radiological procedures, a person carrying out radiological procedures must ensure a review of the programme of radiological procedures immediately after every emergency event for which a removal of the consequences of the event has been ordered pursuant to this Act.
- (4) The minister responsible for health shall also determine examples of emergency events during radiological procedures, when the ministry responsible for health shall order an evaluation and verification of the radiological procedure.

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

- (1) A person carrying out a practice involving radiation relating to radiological procedures shall draw up a report on the evaluation and verification of radiological procedures.
- (2) A person carrying out a practice involving radiation 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 responsible for health.

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

- (1) Records on radiological procedures carried out shall be set up and maintained in order to facilitate the evaluation of a justification for radiological procedures.
- (2) Records on radiological procedures carried out shall be maintained by persons carrying out radiological procedures and the ministry responsible for health.
- (3) Records on radiological procedures carried out shall contain the following details: 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 responsible for health shall maintain central records of radiological procedures carried out.
- (5) Persons carrying out radiological procedures must pass on the information on the radiological procedures carried out to the central records of radiological procedures.
- (6) Data on radiological procedures carried out may be passed 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 medical 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 responsible for health shall define in detail the content, scope and time scale, as well as the method to be used for the maintenance of data on radiological procedures.

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

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

- (1) Every year, the ministry responsible for health shall draw up a report on the evaluation of doses received by the population which will be a constituent part of the report on protection against ionising radiation and nuclear safety.
- (2) The report on the evaluation of doses received by the population must include:
 - a realistic evaluation of doses the population as a whole and individual reference groups have received resulting from carrying out practices involving radiation,
 - 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) In the drawing up of the evaluation 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 inspection 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 responsible for health shall, in relation to the drawing up of the report on the evaluation 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 permit for construction or for the carrying out of construction work or for decommissioning, the ministry responsible 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 line 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 permit pursuant to this Act.
- (2) The safety of a facility referred to in the previous paragraph, including the safety of handling radioactive substances, radioactive waste or spent fuel which are found or produced in a facility, must be ensured by the manager of a facility.

Article 58 (experts for radiation and nuclear safety)

- (1) Managers of radiation or nuclear facilities must consult approved experts for radiation and nuclear safety with regard to specific issues related to radiation and nuclear safety.
- (2) Approved experts for radiation and nuclear safety shall be legal or natural persons who have obtained an authorisation from the ministry responsible for the environment.
- (3) The authorisation referred to in the previous paragraph shall be issued for individual areas of radiation and nuclear safety or for a number of areas of radiation and nuclear safety together for a maximum period of five years.
- (4) Approved experts for radiation and nuclear safety must annually report upon their work to the ministry responsible for the environment, and more frequently upon the ministry's request.
- (5) The ministry responsible for the environment shall withdraw the authorisation for an approved expert for radiation and nuclear safety when the commission for examining the fulfilment of the conditions for approved 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 approved expert in question no longer fulfils the conditions on the basis of which the authorisation was issued.

Article 59 (acquisition of an authorisation for an approved expert for radiation and nuclear safety)

- (1) Legal or natural persons shall obtain an authorisation for carrying out the work of an approved expert for radiation and nuclear safety when for each individual area of nuclear and radiation safety they intend to obtain an authorisation for the appointed responsible specialists, one of whom is appointed as the competent leader, and when the aforementioned legal and natural persons fulfil the specified conditions for carrying out the work of an appointed 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 area of radiation and nuclear safety since completing university study.
- (3) The verification of the conditions for carrying out the work of an approved expert for radiation and nuclear safety shall be ensured by the ministry responsible for the environment.
- (4) The minister responsible 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 area of nuclear and radiation safety, to examine the fulfilment of these conditions.
- (5) A foreign legal or natural person shall obtain an authorisation for carrying out the work of an appointed 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 authorisation as required for approved experts for radiation and nuclear safety equal to that in line with this Act.
- (6) The fulfilment of the conditions for foreign legal or natural persons as described in the previous paragraph shall be established in line 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 responsible for the environment shall define in detail the records of approved experts, the format and extent of regular and exceptional reports and other conditions approved experts for individual areas 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 manager of a radiation or nuclear facility must ensure that programmes of recording and analysing experiences gained during operational events at nuclear facilities are implemented.
- (2) In the assessment, examination and improvement of radiation and nuclear safety the manager of a radiation or nuclear facility must take into account the conclusions of the programmes referred to in the previous paragraph.
- (3) The minister responsible for the environment shall determine the format and the frequency of reports on the implementation of the programmes of recording and analysing experiences gained during operational events at radiation or nuclear facilities.

Article 61
(provision of financial resources)

- (1) The manager of a radiation or nuclear facility must have sufficient financial resources guaranteed throughout the active life 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 handling radioactive waste occurring as a result of the operation of a facility, of handling spent fuel 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 manager of a facility 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 manager of a facility, in the case of a liquidation of the manager or if the manager 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 responsible for the environment during the procedure for the issuing of a permit for the operation of a radiation or a nuclear facility.

Article 62
(worker qualifications)

- (1) Throughout the active life of a radiation or nuclear facility the manager 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 permit issued to the worker by the ministry responsible for the environment.
- (5) The permit 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 responsible 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 permit 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 responsible for the environment shall withdraw a permit 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 instigated by a competent inspector, has established that a worker no longer fulfils the conditions on the basis of which the permit was granted.

- (9) The minister responsible for the environment, in agreement with the minister responsible 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 manager 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 manager of a facility referred to in the previous paragraph must, with a view to quality assurance, set up and implement a quality assurance programme.
- (3) The minister responsible 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 responsible 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 active life 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 responsible for the environment.

Article 66
(environmental protection approval)

- (1) In order to obtain a permit for the use of land it shall be necessary to obtain environmental protection approval for a radiation or nuclear facility. The body responsible 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 body responsible for giving environmental protection approval on the basis of a proposal by the ministry responsible for the environment.

Article 67
(preliminary approval of radiation and
nuclear safety)

- (1) During the procedure for the issuing of a permit for the use of land, the body responsible for giving environmental protection approval must, prior to the issuing, obtain from the ministry responsible 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 permitted 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 permit to build a facility or carry out construction work due to which measures of nuclear safety must be implemented an approval from the ministry responsible 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 permit for the construction of a facility or the carrying out of construction work an approval from the ministry responsible for the environment.

Article 69 (constructions affecting radiation safety)

- (1) An investor must attach to an application for a permit 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 responsible for the environment, except in the case of a less important radiation facility intended for carrying out a practice involving radiation in health or veterinary care, for which an approval from the ministry responsible 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 responsible for giving approval to the construction of a facility or to the carrying out of construction or mining work in line 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 body 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 report and the opinion of an appointed expert for radiation and nuclear safety.

- (2) A safety 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 substances 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 protection against radiation,
 - the handling of radioactive waste and spent fuel,
 - physical protection of the facility,
 - the plan of protection and rescuing of the facility in line 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 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 report is amended when changes of the situation referred to by the safety 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 building permit.
- (6) The ministry responsible for the environment shall approve the safety report during the procedure for the giving of the approval referred to in the previous paragraph.

- (7) The minister responsible 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 report.

Article 72
(physical protection plan)

An investor must attach to the safety 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 line 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 report referred to in Article 71 of this Act attach the following:
- a safety report relating to the period after the closure of the repository facility,
 - the opinion of an appointed 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 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 inspectorial control.

- (4) The approval referred to in the first paragraph shall be issued to a project with a view to the acquisition of a building permit.
- (5) The ministry responsible for the environment shall define in detail the content of the safety 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 responsible for the environment and the minister responsible 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 permit 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 responsible 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 report, from which it is clear that in the planning of the mining work, the regulations from the area of radiation safety and the conditions on radiation safety contained in the environmental protection approval have been adhered to,
 - an opinion from an approved 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 permit for carrying out mining work.

- (4) The ministry responsible for the environment shall define in detail the content of the safety 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 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 report relating to the time when the repository is in operation as well as following the closure of the repository,
 - an opinion of an appointed 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 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 inspectorial control.
- (4) The ministry responsible 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 responsible for the environment shall define in detail the content of the safety 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 responsible 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 report, which must be supplemented in line with the changes occurring during the construction, an opinion from an appointed expert or appointed organisation for radiation and nuclear safety and other prescribed documentation.
- (4) The ministry responsible for the environment shall approve the safety 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 responsible 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 responsible 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 (permit for the operation, the completion of a decommissioning and the closure of a repository)

- (1) An investor or manager of a facility, 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 permit from the ministry responsible for the environment.

- (2) A permit 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 permit for the use of a facility issued in line 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 responsible 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 permit 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 permit)

- (1) It shall be necessary to attach to the application for a permit referred to in Article 79 of this Act a safety report, an opinion from an approved expert for radiation and nuclear safety and other prescribed documentation.
- (2) A safety report must be amended in line 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 responsible for the environment an investor must for each item in the safety report important for radiation and nuclear safety, attach to the application for a permit an expert opinion from an approved expert for radiation and nuclear safety.
- (4) A permit shall be issued by the ministry responsible 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 permit 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 line with the conditions laid down in the safety report.

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

Article 81
(occasional safety inspection)

- (1) The manager of a radiation or nuclear facility (hereinafter: facility manager) must ensure regular, full and systematic assessment and examination of radiation or nuclear safety of a facility by occasional safety inspections.
- (2) The minister responsible for the environment shall determine the frequency, content and extent, duration and the method to be used for the carrying out of occasional safety inspections 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 responsible for the environment itself shall order occasional safety inspections 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 occasional safety inspections referred to in the previous paragraph.

Article 82
(report on an occasional safety inspection)

- (1) The facility manager must draw up a report on the occasional safety inspection and hand it to the ministry responsible for the environment for approval.
- (2) When it follows from a report on an occasional safety inspection that it shall be necessary to change the conditions of operation or the limitations from the safety report with a view to improving radiation or nuclear safety, the facility manager must draw up a proposal for the necessary changes.
- (3) A facility manager must also attach to an application for a confirmation of a report on an occasional safety inspection an opinion from an approved expert for radiation and nuclear safety.
- (4) The approved report on an occasional safety inspection shall be the condition for renewing a permit 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 report, the facility manager 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 responsible for the environment,
 3. of significance for radiation or nuclear safety and for the implementation of which a permit from the ministry responsible for the environment must be obtained.
- (3) A facility manager must attach to the proposal of changes referred to in point 3 of the previous paragraph a proposal for the amendments to the safety report and an expert opinion from an appointed expert for radiation and nuclear safety.
- (4) A facility manager may commence the implementation of the proposed changes referred to in point 2 of the second paragraph after the ministry responsible for the environment has confirmed in writing that it shall not be necessary to obtain approval for the changes.
- (5) If a facility manager has introduced changes on the basis of a notification of a proposal of changes, the manager must submit to the ministry responsible for the environment at the latest six months after the work has been carried out a plan of the implemented changes.
- (6) If a facility manager has introduced changes on the basis of reporting an intention to introduce the proposed changes, the manager must submit to the ministry responsible for the environment at the latest six months after the work has been carried out an amended safety report.
- (7) The minister responsible 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 responsible 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 responsible for the environment shall also order the drawing up of the amendments to the safety 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 report.
- (2) A facility manager must commence introducing the changes referred to in the previous paragraph when the ministry responsible for the environment approves the amendments of the safety 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 responsible for the environment must be obtained prior to the issuing of a permit for the aforementioned construction, notwithstanding whether or not the construction affects radiation or nuclear safety.

Article 86
(exceptional review of a safety report)

- (1) A facility manager must evaluate and verify the safety of the facility and ensure a review of the concordance of the safety report with the conclusions of the evaluation and verification of safety:
 - directly after an emergency event at the facility and
 - after the completion of the work relating to the removal of the consequences of an emergency event.
- (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 report, the facility manager must draw up a proposal of the changes and of amendments to the safety 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 manager of a radiation or nuclear facility must report regularly to the ministry responsible for the environment on the operation of the facility.
- (2) Notwithstanding the provisions in the previous Article, a facility manager must give exceptional reports to the ministry responsible for the environment on the following:
 - equipment faults which could cause an emergency event, emergency events and measures taken for the removal of the consequences of the faults or emergency events,
 - mistakes made by workers while handling or operating a facility, which could cause an emergency event,
 - 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 responsible 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
(marginal values)

- (1) The government shall lay down the marginal values 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, animal feed, 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 marginal values for foodstuffs and animal feed in the case of an emergency event at a nuclear facility or another emergency event, which may cause a contamination of foodstuffs or animal feed.
- (3) In relation to the marginal values, the government shall also lay down the conditions for the use of water, animal feed, foodstuffs 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 radioactively contaminated living and working environments, as well as foodstuffs, water, animal feed and products.

Article 89
(prohibition of use)

- (1) Intentional adding of radioactive substances during the production or manufacture of animal feed, foodstuffs, 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, foodstuffs, animal feed and products shall not be permitted when these are contaminated with radio-nuclides so that the activity concentrations exceed the marginal values referred to in the previous Article.

Article 90
(monitoring radioactive contamination)

- (1) The minister responsible for the environment and the minister responsible for health and, in the case of foodstuffs and animal feed, also the minister responsible for agriculture and the veterinary service, shall determine the scheme of exceptional monitoring in cases of increased radioactive contamination of the air, drinking water, water, ground, foodstuffs, animal feed 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 responsible for the environment and the minister responsible for health and, in the case of foodstuffs and animal feed, also the minister responsible for agriculture, shall determine the content and the conditions for the acquisition of a document with which the holder thereof shall prove that foodstuffs, animal feed, individual products or waste are not radioactively contaminated.
- (3) In relation to cases of increased radiation contamination, the minister responsible for the environment, in agreement with the minister responsible 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 responsible for the environment, in agreement with the minister responsible for protection against natural and other accidents and the minister

responsible 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 event, the decontamination must be ensured by the user of a radiation source within the framework of the removal of the consequences of an emergency event 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 event, 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 responsible for the environment or the ministry responsible for health in cases of carrying out a practice involving radiation in health or veterinary care.

Article 92
(other measures related to increased
radioactive contamination)

- (1) When radioactive contamination arises on the territory of other countries, the government may ban or temporarily limit the import or define more rigid conditions for the control of the import of foodstuffs, animal feed and products from the territory of the aforementioned countries, as well as determining a set of measures relating to the import of foodstuffs, animal feed and goods, and those implementing the measures.
- (2) In the case of radioactive contamination of foodstuffs, animal feed or goods of Slovenian origin, the government may ban the export thereof.
- (3) The costs of the control in the case of increased radioactive contamination referred to in the first and second paragraph of this Article and the costs of removing radioactively contaminated consignments of goods shall be paid by the importer or exporter of the goods, who is the person liable to customs in line with the customs regulations.

4.8 Handling radioactive waste and spent fuel

Article 93
(handling radioactive waste and
spent fuel)

- (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 disposing 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 handling radioactive waste and spent fuel 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 handling of the radioactive waste.
 - (5) The ministry responsible 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 responsible for the environment shall classify radioactive waste with regard to the level and type of radioactivity, and determine the handling of radioactive waste and spent fuel, 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 maintaining the records of stored and disposed off radioactive substances and spent fuel.

Article 94

(the commercial public service for the handling of radioactive waste)

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 handling radioactive waste and spent fuel 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 permit for this from the ministry responsible for the environment.

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

- (1) The national programme of handling radioactive waste and spent fuel in line 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 responsible for the environment by the commercial public institution for radioactive waste.

- (3) The operative programmes within the national programme of the handling of radioactive waste and spent fuel 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 handling radioactive waste in line with this Act, the commercial public service of disposing 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 facility by means of a decision, issued on the basis of a government order, by the ministry responsible 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 line 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 Import, export and transit of nuclear and radioactive substances and radioactive waste

Article 100 (permit for the import, export, or transit of nuclear and radioactive substances)

- (1) It shall be necessary to obtain a permit from the ministry responsible for the environment for the import and export of nuclear and radioactive substances, except for the import of medical devices, in the case of which the permit shall be issued by the ministry responsible for health.
- (2) The transit of radioactive substances must be reported to the ministry responsible for the environment.
- (3) It shall be necessary to obtain a permit from the ministry responsible for the environment for the transit of nuclear substances and radiation sources with a significant activity.
- (4) During the procedure for the issuing of the permit referred to in the first and third paragraph, the measures of radiation and nuclear safety throughout the duration of the transport of radioactive substances on the territory of the Republic of Slovenia shall be evaluated.
- (5) A permit to import radioactive substances shall be issued only when the receiver of the radioactive substances holds a permit for the carrying out of a practice involving radiation.

Article 101 (permit for the import, export or transit of nuclear waste and spent fuel)

- (1) It shall be necessary to obtain a permit from the ministry responsible for the environment for the import, export or transit of radioactive waste and spent fuel.
- (2) During the procedure for issuing a permit referred to in the previous paragraph the ministry responsible for the environment shall evaluate the measures related to radiation and nuclear safety throughout the duration of the transport of radioactive waste and spent fuel from the place of origin to the place of final destination.
- (3) The import permit referred to in the first paragraph shall be issued by the ministry responsible for the environment if a consent to the consignment has been given by the competent body in the destination country of the radioactive waste or spent fuel, as well as by the competent bodies in the countries the consignment is supposed to travel across, and if all the conditions pertaining to the exporter of

radioactive waste with regard to receiving the radioactive waste or spent fuel in case of the consignment being refused, have been fulfilled.

- (4) The transit permit referred to in the first paragraph shall be issued by the ministry responsible for the environment if all the consents from the competent bodies in the country of origin and in the destination country as well as the countries through which the consignment is supposed to travel have been given and if the sender of radioactive waste or spent fuel has a permit from the country of origin for the return of the consignment to the place of origin in case the consignment is refused by the consignee.
- (5) The import permit referred to in the first paragraph shall be issued by the ministry responsible for the environment if the importer proves that the radioactive waste or spent fuel is guaranteed to be handled in line with the regulations, and if the importer has the permit from the country of origin for returning the consignment to the place of origin in case the consignment is refused, and when the ministry responsible for the environment has obtained all the consents from the competent bodies in the country of origin and the countries across which the consignment is supposed to travel.
- (6) When the ministry responsible for the environment has issued a permit for the export, import or transit of a consignment of radioactive waste or spent fuel, it must give the competent bodies in the countries of origin or the destination country a notification of this, and obtain consent of the competent bodies in the countries the consignment is supposed to travel through.
- (7) An exporter of radioactive waste or spent fuel must report to the ministry responsible for the environment the delivery of a consignment at the latest within two weeks of the arrival of the consignment at the point of delivery.

Article 102 (issuing a permit)

- (1) A permit for the import, export or transit of radioactive waste or spent fuel and permits for the import or export of nuclear and radioactive substances shall be issued for one or more consignments for a maximum of three years.
- (2) The ministry responsible for the environment may refuse to issue a permit 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 consignment does not have the technical, legal or administrative resources necessary for the safe handling of radioactive waste or spent fuel.
- (3) The issue of a permit for the import, export or transit of radioactive waste or spent fuel and the issue of a permit for the import or export of nuclear and radioactive

substances shall not affect any other responsibility regarding radiation or nuclear safety in line with this Act on the part of the holder, transporter, owner or consignee or any other person involved in the transport of a consignment.

- (4) The sending of radioactive waste and spent fuel with the intention of disposing 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 containers in line with the regulations pertaining to the area of the transport of dangerous goods.

Article 103 **(financial warranties and other conditions)**

- (1) In addition to the insurance stipulated by customs regulations, an exporter, importer or the person carrying out the transit of radioactive waste, spent fuel, nuclear or radioactive substances must ensure for each consignment thereof financial warranties to a level which guarantees the payment of the expenses of:
 - the refusal of the consignment by the competent body in the destination country or
 - the handling ordered by the ministry responsible for the environment if it has established that there is no assurance for the imported radioactive waste or radioactive substances 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 responsible for the environment shall define the format of the report relating to the sending of radioactive waste, spent fuel, nuclear substances or radioactive substances, the method to be used for the notification of competent ministries and bodies in other countries, the appropriate conduct in the case of repeated consignments, the format and deadlines for reports on the completed consignments, the conditions regarding nuclear and radiation safety and other conditions relating to import, export and transit. The minister responsible for the environment shall also determine the radiation sources with a significant activity, for which it shall be necessary to obtain a permit prior to transit.

4.10 Intervention measures

Article 104 (emergency events)

- (1) For each individual type of radiation source the government shall define the criteria for classifying emergency events occurring during the operation of a facility or during the use of a radiation source with regard to the possible consequences and the extent of intervention measures.
- (2) Within the plan for protection and rescue of a facility the manager 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 emergency events and in relation to each class of emergency event, plan the extent of intervention measures.
- (3) On the basis of a classification of likely emergency events, the manager of a radiation or nuclear facility must ensure during an emergency event the technical and other conditions for assuring an assessment of the consequences of the emergency event and decision-making as to the extent of the necessary intervention measures. The qualifications of the facility manager for drawing up assessments and making decisions referred to in the previous sentence shall be shown in the safety 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 health detriment to people reduced due to the intervention justifies the costs and the loss caused by the intervention measures,
- that the method, extent and duration of intervention measures are optimised so that the reduction of the health detriment to people is as great as possible compared to the increased loss resulting from the implementation of intervention measures, and
- that the prescribed dose limits for intervention exposure and intervention levels are taken into account.

Article 106 (intervention planning)

- (1) The manager of a radiation or nuclear facility must pass on to those planning protection and rescue all the available technical data on the radiation source and

information from the safety 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 intervention exposure of workers under exposure due to the implementation of intervention measures,
 - criteria for determining the area for the planning of intervention measures with regard to the class of emergency events,
 - the extent of 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 is not determinable or if the causer is not on the territory of the Republic of Slovenia.
- (4) The minister responsible for the environment, in agreement with the minister responsible for health, shall determine for each individual type of radiation source the way 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 manager of a facility must maintain readiness for an emergency event and in the case of an emergency event implement the intervention measures which are in line 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 facility in question.

Article 108
(informing the public during emergency events)

- (1) Facility managers and those involved in the implementation of the measures in line 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 event in line with this Act, a facility manager must ensure that the ministry which has issued the permit for the carrying out of a practice involving radiation is notified of the event within the shortest possible

time, as well as other bodies competent for the matter in line with the regulations on the protection against natural and other accidents.

- (3) In the case of the transport of nuclear substances, radioactive substances, spent fuel or radioactive waste, the transporter of radioactive substances shall have the duty of notifying the competent bodies in line with the previous paragraph.
- (4) Regulations from the area 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 bodies in line 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 information supply and co-operation)

- (1) In the case of an emergency event which is likely to cause health detriment to people on the territory of other countries, the ministry responsible for the environment must ensure the supply of information in line with international agreements.
- (2) The government shall decide on the acceptance of aid from other countries and the International Atomic Energy Agency and on the provision of help to other countries in the case of emergency events.

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

5.1 Issue and renewal of a permit

Article 110

(the content of a permit)

- (1) The permit for carrying out a practice involving radiation referred to in Article 11 of this Act must contain:
 - details of the permit holder,
 - a detailed description of the carrying out of the practice involving radiation,
 - the period within which the practice involving radiation must commence,
 - the duration of the validity of the permit,
 - the steps the permit holder must take after the permit expires,
 - deadlines and conditions for a repeated examination of the evaluation of the protection of exposed workers against radiation,

- other obligations the permit holder must fulfil pursuant to this Act and the regulations issued on the basis of this Act.
- (2) The permit for the use of a radiation source referred to in Article 13 of this Act must include:
- details of the permit 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 permit,
 - the method of use of the radiation source,
 - obligations regarding technical checks and the maintenance of the radiation source,
 - the steps the permit holder must take after the permit expires,
 - other obligations the permit holder must fulfil pursuant to this Act and the regulations issued on the basis of this Act.
- (3) The permit 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 facility manager,
 - 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 permit,
 - the operational conditions and limitations relating to the safety report,
 - obligations relating to occasional safety inspections,
 - the steps the permit holder must take after the permit 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 permit 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 permit)

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

5.2 Amending a permit

Article 112 (amending a permit)

- (1) A permit may be amended on the basis of an instigation by the permit holder or *ex officio*.
- (2) In addition to the documents required when applying for a permit, a permit holder must attach to the proposal for an amendment of the permit the valid permit which is to be amended and the proposal as to which part of the permit should be amended.
- (3) When the procedure for amending a permit starts *ex-officio*, it shall be necessary to forthwith inform the permit holder about the procedure and the reasons for commencing the procedure.
- (4) A permit 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 permit 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 line with the provisions of Article 114 of this Act the ministry responsible, as referred to in the second paragraph of Article 9 of this Act, may:

- withdraw a permit in case of a permit for carrying out a practice involving radiation or a permit 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 permit)

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

5.3 Withdrawing a permit

Article 114
(withdrawing a permit)

- (1) When the procedure for the withdrawal of a permit is started ex-officio, the ministry which has issued the permit pursuant to this Act shall be bound to inform the permit holder forthwith about the procedure and the reasons for it.
- (2) The competent ministry shall withdraw a permit ex-officio if the holder of a permit for carrying out a practice involving radiation or of a permit to use a radiation source carries out for more than six months a practice involving radiation or uses a radiation source without an approved evaluation of the protection of exposed workers against radiation.
- (3) The competent ministry shall withdraw a permit upon the instigation of a competent inspector, when it can be concluded from the instigation that the prescribed conditions for radiation safety are not fulfilled and the permit 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 halting the operation
of a facility)**

- (1) When a procedure for halting the operation of a radiation or a nuclear facility is started ex-officio or upon the instigation of a competent inspector the ministry responsible for the environment shall be bound to inform the permit holder forthwith about the procedure and the reasons for it.
- (2) The ministry responsible for the environment shall order the halting of the operation of a radiation or nuclear facility upon the instigation of a competent inspector when it can be concluded from the instigation that the prescribed

conditions for radiation or nuclear safety are not fulfilled and the permit 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 responsible for the environment shall order the halting of the operation of a radiation or nuclear facility ex officio:
- if the permit 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 permit 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 responsible for the environment having given prior approval for this.

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

- (1) The withdrawal of a permit ex-officio and the order for the halting 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 halting 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 permit holder the consequence of which is an ex officio withdrawal of the permit or an order for the halting of the operation, the permit holder shall be liable for damages.

5.4 Expiry of a permit

Article 117
(expiry of a permit)

- (1) A permit shall expire:
- if the permit holder has not started carrying out a practice involving radiation, using a radiation source or operating a facility within the period specified in the permit,
 - when the period for which the permit for the use of a radiation source was issued has expired, unless the permit has been renewed,
 - due to the bankruptcy or liquidation of the legal person,
 - if the permit holder has ceased carrying out a practice involving radiation.

- (2) In the case of the third indent of the previous paragraph applying, the ministry which has issued the permit shall issue a decision confirming the expiry of the permit.
- (3) In the case of the fourth indent of the previous paragraph applying, the ministry which has issued the permit shall issue a decision confirming the expiry of the permit if the holder has reported the cessation of a practice involving radiation and fulfilled all the conditions for the cessation of a practice involving radiation 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 SUBSTANCES AND NUCLEAR FACILITIES

6.1 Physical protection of nuclear substances and nuclear facilities

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

- (1) The manager of a facility containing nuclear substances or the transporter of nuclear substances must ensure the drawing up of a plan of physical protection 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 substances.
- (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 substances 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 substances 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 manager 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 manager of a facility, equipment or vehicles containing nuclear substances or radiation sources with significant activity.
- (2) The physical protection plan referred to in the previous paragraph shall apply when approved by the ministry responsible for internal affairs.
- (3) The minister responsible for internal affairs, with the agreement of the minister responsible for the environment, shall determine the classification of nuclear substances 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 plan of physical protection on the part of the manager of a facility or vehicles containing nuclear substances, the minister responsible for internal affairs shall determine the working conditions for workers carrying out physical protection, conditions for workers with access to nuclear substances 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, apparatuses 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 in the previous paragraph shall be confirmed by a proof of no criminal record issued by the competent body, 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 line with this Article and keep this 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 bodies responsible for the control over the physical protection of a nuclear facility when the said bodies 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 substances, and engage him or herself to enable the employer to carry out the security screening in line with this Article. If the person does not sign the consent, he or she will not be permitted to work in the area and on premises described in paragraph one.

7. NON-PROLIFERATION OF NUCLEAR WEAPONS AND THE PROTECTION OF NUCLEAR MATERIALS

Article 121 (prohibition of the use of nuclear materials)

- (1) Nuclear materials 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 permit for carrying out a practice involving radiation in line with this Act may be in possession of nuclear materials.
- (3) Persons in possession of nuclear materials must allow representatives of international organisations to examine nuclear materials when the inspections are performed in line with international agreements, and co-operate with the representatives in the inspection of nuclear materials in line with international agreements.

Article 122 (records of nuclear substances)

- (1) The ministry responsible 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 substances and other related collections of documents.
- (3) Data from records of nuclear materials which must be maintained by managers of facilities which produce, process, use or store nuclear substances shall be entered in the central records of nuclear substances.
- (4) A person in possession of nuclear substances must ensure their protection and organise their keeping in material balance areas and for each of these individual areas maintain records of nuclear substances.
- (5) A person in possession of nuclear substances must ensure the undisturbed functioning of the equipment intended for the permanent supervision of protection

and for the maintenance of the records of nuclear substances during direct inspections by international organisations referred to in the third paragraph of the previous article.

- (6) A person in possession of nuclear substances must forthwith inform the police and the ministry responsible for the environment about every loss of control over nuclear substances or alienation thereof, as well as taking every possible measure in order to regain control over the nuclear substances.
- (7) The government shall produce a detailed list of those nuclear substances to which the provisions from the previous paragraphs apply, the criteria on the basis of which the ministry responsible for the environment may decide on the exemption of nuclear substances from the records of nuclear substances, and the obligation on the part of managers of nuclear substances relating to information supply on nuclear substances. 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 substances according to the individual material balance areas within a facility containing nuclear substances, the form of internal control over the trade thereof, and the method and form of the transfer of data on nuclear substances to the central records of nuclear substances.

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 responsible for the environment, air, waters and the ground, as well as for some products,
 - the ministry responsible for health, foodstuffs and drinking water, and
 - the ministry responsible for agriculture and animal feed.
- (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 animal feed, drinking water, foodstuffs 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, animal feed and specific products referred to in the previous paragraph, as well as information obtained by exceptional monitoring in the case of increased radioactive contamination referred to in Article 90 of this Act.
- (5) The minister responsible for the environment, the minister responsible for health and the minister responsible 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 permitted emissions of radioactive substances into the environment,
 - imission monitoring of radioactivity and the monitoring of the radioactivity of foodstuffs and animal feed 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 manager of a radiation or nuclear facility.
- (3) In addition, the facility manager referred to in the previous paragraph must carry out the monitoring of the effects of the steps prescribed in the case of an emergency event in order to remove the consequences thereof.
- (4) The minister responsible for the environment, in agreement with the minister responsible 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 line with this Article, as well as any credentials required.

9. THE REMOVAL OF THE CONSEQUENCES OF AN EMERGENCY EVENT

Article 125 (ordering the removal of the consequences of an emergency event)

- (1) The minister responsible for the environment shall order, in the form of an emergency measure, that the person carrying out a practice involving radiation who is using the radiation source or managing the facility which has caused an emergency event removes the consequences of the emergency event.
- (2) If the cessation of the use of the radiation source or the management of a facility has not been carried out in line with the regulations, the minister responsible for the environment shall order, in the form of an emergency measure, that the person carrying out a practice involving radiation, who is using the radiation source or managing the facility which has caused an emergency event, removes the consequences of the failure to follow the prescribed steps.
- (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 event during radiological procedures, the emergency measures referred to in the previous two paragraphs shall be ordered by the minister responsible for health.
- (4) The minister responsible for the environment shall order an emergency measure on the basis of a recommendation by the administrative body referred to in the first paragraph of Article 138 of this Act, and the minister responsible for health on the basis of a recommendation by the administrative body referred to in the second paragraph of Article 138 of this Act.

Article 126 (subsidiary responsibility of the state)

- (1) If a facility manager or a user of a radiation source, due to bankruptcy, liquidation or another reason, can not ensure the ordered removal of the consequences of an emergency event or the consequences of a failure to handle radioactive substances in the prescribed way, or if a facility manager 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 removal of the consequences of an emergency event, as ordered by the competent minister, is carried out.

- (2) The state shall cover the costs of the ordered emergency measures referred to in the previous Article when the financial warranties ensured by a facility manager or a user of a radiation source are not sufficient and the aforementioned person does not have the resources to cover the costs.
- (3) When the reasons described in the previous paragraphs cease to apply, the state must demand from the facility manager or the user of a radiation source the repayment of the costs the state has paid in place of this person in order to cover the costs incurred by the ordered emergency measures.

Article 127
(removal of consequences in the case of
sustained exposure)

- (1) The government shall assign to an area which is, due to an emergency event or a previous practice involving radiation, permanently exposed the status of a danger zone and shall determine for this zone a regime of integral removal of the consequences of the aforementioned event or practice in line with the regulations applying to environmental protection.
- (2) In the regime of integral removal of the consequences referred to in the previous paragraph the government shall also determine the preventative 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 event caused by a radiation source abroad.

10. REPORT ON PROTECTION AGAINST RADIATION AND ON NUCLEAR SAFETY

Article 128
(report)

- (1) The ministry responsible for the environment, in co-operation with the ministry responsible for health, the ministry responsible for agriculture, the ministry responsible for protection against natural and other accidents, and the ministry responsible 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 and 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 foodstuffs and animal feed,
 - 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 import, export and transit of radioactive waste and radioactive substances,
 - the handling of radioactive waste,
 - the health detriment resulting from radioactivity,
 - the implementation of measures relating to radiation and nuclear safety,
 - international co-operation in the area of radiation and nuclear safety,
 - the work carried out by the councils and experts appointed in line with the provisions stipulated by this Act, and
 - the carrying out of practices involving radiation 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 bodies, information on the prevention of the proliferation of nuclear weapons and the prohibited use of nuclear materials, and on proposals for urgent priority tasks related to the improvements in the radiation and nuclear safety.

11. RECORDS CONTAINING INFORMATION ON RADIATION SOURCES AND PRACTICES INVOLVING RADIATION

Article 130
(records)

- (1) In line with this Act, the register of practices involving radiation, 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 responsible for the environment, except the register of

practices involving radiation and of radiation sources in health and veterinary care, which shall be maintained as a public register by the ministry responsible 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 practices involving radiation shall consist of the records of the persons carrying out practices involving radiation 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 proof of entry in the register has been issued and radiation sources for which a permit 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 practice involving radiation, the person who has registered a radiation source or a user of a radiation source,
 - the description of a practice involving radiation or a description of a radiation source,
 - conditions which need to be fulfilled for the carrying out of a practice involving radiation 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 permit for the carrying out of a practice involving radiation and to the permit 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 permit for the operation of a facility.

- (6) The minister responsible for the environment and the minister responsible 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 incurred by the user of a radiation source

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

The person carrying out a practice involving radiation and the manager or user of a radiation source shall cover the costs of:

- their own measures relating to radiation and nuclear safety in line with this Act,
- obligatory consultations with the appointed experts,
- the drawing up of a justification evaluation (Article 18),
- the carrying out of the measures for the protection of exposed workers, probationers 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 supplied by appointed experts and organisations for protection against radiation (Article 27),
- services supplied by an appointed 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 protection against radiation (Article 34 and 35),
- the passing of a professional examination in the carrying out of tasks relating to protection against radiation by persons employed in organisational units responsible for protection against radiation and by persons responsible for protection against radiation (Article 35),
- health surveillance carried out by appointed 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 procedures (Article 54),
- services supplied by appointed 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 report (Article 86),
- reporting on the operation of facilities (Article 87),
- inspection in the case of increased radioactive contamination of products (Article 92),
- services supplied by the public service for the handling of radioactive waste (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 supplied 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 substances according to material balance areas (Article 122),
- services supplied by persons carrying out the operational monitoring of radioactivity in the environment (Article 124), and
- ordered emergency measures relating to the removal of the consequences of an emergency event or the failure to carry out the prescribed steps related to the handling of nuclear substances, including the costs of monitoring and controlling the effects of the removal of the consequences of an emergency event 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 provide 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 records of doses (Article 33),
- the activities of the medical commission involved in the drawing up of an expert opinion on fitness for work and the ordered health surveillance measures (Article 42),
- health surveillance of exposed workers and the population in the case of an emergency event (Article 44),

- the programme of systematic inspection of working premises relating to protection against radiation 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 substances (Article 122),
- monitoring of radioactivity in the environment (Article 123),
- measures ordered for the removal of the consequences of an emergency event 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 public service for handling radioactive waste 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 removal of the consequences of an emergency event 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 practices involving radiation, 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 line 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 line with this Act for the public benefit.

Article 134
(ensuring the qualifications of appointed experts
and competent bodies)

- (1) The state shall ensure resources for the financing of:

- the training of appointed experts in protection against radiation,
 - the training of appointed experts in medical physics,
 - the training of appointed experts in radiation and nuclear safety,
 - the development of studies and independent expert reviews and international co-operation in the area of protection against ionising radiation and nuclear safety.
- (2) The resources from the previous paragraph shall be made available to the ministry responsible for the environment and the ministry responsible 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 event 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 manager 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 INSPECTORIAL CONTROL

Article 138
(inspectorial control)

- (1) When pursuant to this Act decisions are made by the ministry responsible for the environment, the decision on an administrative matter shall be made by the administrative body within this ministry responsible for radiation and nuclear safety.
- (2) When pursuant to this Act decisions are made by the ministry responsible for health, the decision on an administrative matter shall be made by the administrative body within this ministry responsible for the protection of people against ionising radiation.
- (3) According to this Act, inspectorial 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 line with this Act.
- (4) Within the scope of inspectorial control an inspector may:
 - issue decisions and orders within the framework of administrative procedures,
 - order measures for protection against radiation and measures for radiation and nuclear safety pursuant to this Act, and

- order the cessation of the carrying out of a practice involving radiation or the use of a radiation source when the inspector establishes that the permits 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 steps relating to a radiation source or radioactive waste.
- (5) An appeal against the decision of an inspector for the cessation of the carrying out of a practice involving radiation or the use of a radiation source referred to in the previous paragraph shall not stay execution.
- (6) The measures pertaining to inspectorial control shall be pronounced by:
 - the inspectors from the ministry responsible for the environment competent for radiation and nuclear safety, and
 - the inspectors from the ministry responsible for health competent for the protection of people against ionising radiation.
- (7) The inspectors from the ministry responsible for the environment and competent for radiation and nuclear safety, shall carry out their tasks within the administrative body referred to in the first paragraph of this Article.
- (8) The inspectors from the ministry responsible for health and competent for the protection of people against radiation, shall carry out their tasks within the administrative body referred to in the second paragraph of this Article.
- (9) Inspectorial measures related to specific issues pertaining to protection against ionising radiation and nuclear safety shall be pronounced by the inspector working for the ministry responsible 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 substances shall be carried out by the ministry for internal affairs in co-operation with inspectors responsible 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 imposed on a legal person who:

1. fails to report an intention to carry out a practice involving radiation or fails to report an intention in the prescribed form (Articles 9 and 10),
2. has commenced the carrying out of a practice involving radiation without a permit (Article 11),
3. has started using a radiation source without a permit for the use thereof or before the conditions for the use thereof in line with this Act have been fulfilled (Article 13),
4. has violated the prohibition referred to in Article 20 of this Act,
5. as an employer, fails to ensure the protection of pregnant and breast-feeding women (Article 20),
6. as an employer, allocates a worker against his will to a workplace where specific tasks are performed (Article 21),
7. as an employer, fails to ensure the protection of exposed workers, probationers and students in line with the provisions stated in Article 23 of this Act,
8. as an employer, fails to ensure a verification of the evaluation of the protection of exposed workers against radiation as stipulated by Article 24 of this Act,
9. fails to ensure the review of an evaluation of the protection of exposed workers against radiation or fails to introduce the approved changes to the measures for protection against radiation (Article 26),
10. fails to consult appointed experts and organisations for protection against radiation with regard to the protection of exposed workers (Article 27),
11. fails to ensure the regular establishment of worker exposure and regular measurements of radiation at the workplace (Article 29)
12. fails to pass on the results of the establishment of the measurements of doses received by exposed workers to an appointed 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 event (Article 31),
13. allocates workers, probationers or students to a workplace contrary to the provisions stated in Article 32 of this Act,
14. as an approved dosimetric service, fails to pass on the information on personal doses received by exposed workers to the central records of doses within the prescribed deadline pursuant to Article 33 of this Act,
15. fails to ensure the functioning of a special organisational unit for protection against radiation in line with the provisions stipulated by Article 34 of this Act,
16. fails to appoint a person responsible for protection against radiation or fails to pass on the information on this person to the ministry responsible for health (Article 35),
17. as a facility manager or as an external operator carrying out a practice involving radiation, fails to ensure the protection of workers employed by an external operator carrying out a practice involving radiation (Article 37),
18. as an employer, fails to ensure health surveillance of exposed workers (Article 39),
19. allocates a worker to a particular post in spite of the health surveillance establishing that the worker in question is not fit for this particular post (Article 39),
20. as an employer, fails to ensure health surveillance after the cessation of employment (Article 40),

21. fails to act in line with a decision passed by the ministry responsible for health relating to the protection of exposed workers against natural radiation sources (Article 46),
22. carries out radiological procedures without an approved programme of radiological procedures (Article 47),
23. has carried out a radiological procedure for which all the conditions for the performance have not been fulfilled (Article 50),
24. while carrying out radiological procedures, fails to ensure evaluation and verification of radiological procedures (Article 51),
25. introduces changes and improvements to radiological procedures without having approval from the ministry responsible for the environment (Article 52),
26. as a person carrying out radiological procedures fails to pass on 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 pass on to the patient information on the doses the patient has received during a radiological procedure (Article 53),
27. 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 and permits pursuant to this Act (first paragraph of Article 57),
28. fails to ensure radiation and nuclear safety of a facility, radioactive waste or spent fuel in line with the provisions stipulated by paragraph two of Article 57,
29. fails to carry out the programmes of collection and analysis of operational experiences of nuclear facilities (Article 60),
30. fails to have the guarantee of financial resources needed for the following of the prescribed measures for radiation or nuclear safety (Article 61),
31. as a facility manager, fails to ensure the fulfilment of the conditions relating to qualified workers managing the technological processes (Article 62),
32. as a facility manager, has not set up or fails to implement a quality assurance programme (Article 63),
33. uses the land in such a way that affects radiation or nuclear safety without the prior approval of the ministry responsible for the environment (Article 68),
34. fails to amend the safety 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 report (Article 71 and 80),
35. starts trial operation of a facility without the approval of the ministry responsible for the environment (Article 78),
36. commences **or ceases** the operation of a nuclear or radiation facility, **commences the disposal of spent fuel or radioactive waste, closes a repository of spent fuel or radioactive waste, commences or completes a decommissioning of a nuclear or radiation facility, completes mining work relating to the cessation of the extraction of nuclear mineral raw materials, commences the disposal of mining or hydro-metallurgical tailings, or closes a repository of mining or hydro-metallurgical**

- tailings without a permit issued by the ministry responsible for the environment (Article 79),
37. fails to ensure the maintenance and supervision of a repository in line with the conditions in the safety report (Article 80),
 38. fails to ensure occasional safety inspection (Article 81),
 39. fails to draw up a proposal for the necessary changes on the basis of the report on the occasional safety inspection (Article 82),
 40. as a facility manager, introduces changes and improvements in contradiction to the procedures referred to in Articles 83 and 84 of this Act,
 41. builds, reconstructs or removes a facility within a radiation or nuclear facility site without the approval of the ministry responsible for the environment (Article 85),
 42. fails to ensure an exceptional review of the safety report (Article 86),
 43. fails to report on the operation of a facility in the prescribed way (Article 87),
 44. allows products or materials which are excessively contaminated with radio-nuclides to be traded (Article 89),
 45. fails to ensure decontamination during the removal of the consequences of an emergency event or fails to carry out decontamination in the prescribed way when the radioactive contamination is not the consequence of an emergency event and fails to inform the competent body about this (Article 91),
 46. fails to handle radioactive waste and spent fuel in the prescribed way (Article 93),
 47. stores or treats radioactive waste or spent fuel in the location of the occurrence thereof without the approval of the ministry responsible for the environment (Article 97),
 48. imports, exports or carries out the transit of nuclear substances, radioactive substances or radioactive waste without a permit or without having reported it (Articles 100 and 101),
 49. as an exporter of radioactive waste or spent fuel fails to report to the ministry responsible for the environment the delivery of the consignment within the specified period of time (Article 101),
 50. fails to ship radioactive waste, spent fuel or radioactive substances in the prescribed container (Article 102),
 51. fails to pass on to those implementing protection and rescue measures all the prescribed information needed for the drawing up of the national and local rescue and protection plan (Article 106),
 52. in the case of an emergency event, fails to take the steps laid down in the protection and rescue plan and fails to carry out measures in line with the provisions in the national and local protection and rescue plan (Article 107),
 53. fails to inform the public and the competent bodies in the case of emergency events (Article 108),
 54. fails to ensure the planning or carrying out of measures of physical protection (Article 118),
 55. fails to implement physical protection in line with the physical protection plan (Article 119),
 56. allows, in a controlled area of a nuclear facility or on the premises containing equipment, apparatuses or documentation important for the nuclear safety of a nuclear

- facility, workers who fail to meet the prescribed conditions and for which there are security impediments to operate (Article 120),
57. uses or possesses nuclear materials in contradiction with the provisions stipulated in Article 121 of this Act,
 58. fails to maintain records of nuclear substances or fails to ensure undisturbed functioning of the equipment used for the maintenance of the records or fails to protect nuclear substances and fails to organise the keeping thereof in the prescribed way (Article 122),
 59. fails to ensure the operational monitoring of radioactivity or fails to carry out the monitoring of the effects of the removal of the consequences of an emergency event ordered in the case of an emergency event (Article 124), or
 60. fails to carry out the removal of the consequences of an emergency event ordered as an exceptional measure (Article 125).
- (2) A financial penalty between 75,000 and 15,000,000 SIT shall be imposed on a self-employed individual who commits one of the following violations:
1. fails to report an intention to carry out a practice involving radiation or fails to report an intention in the prescribed form (Articles 9 and 10),
 2. if the person has started carrying out a practice involving radiation without having acquired a permit (Article 11),
 3. if the person has started using a radiation source without a permit for the use thereof (Article 13),
 4. violates prohibitions or fails to carry out the obligations stipulated in Article 20 of this Act, or
 5. intentionally adds radioactive substances to foodstuffs, toys, jewellery and cosmetics or imports or exports such goods (Article 89).
- (3) A financial penalty between 30,000 and 1,500,000 SIT shall be imposed on any responsible person appointed by a legal person for a violation described in the first paragraph of this Article.

16. TRANSITIONAL AND FINAL PROVISIONS

Article 140 (procedures and authorisations)

- (1) Procedures related to the obtaining of a permit to carry out a practice involving radiation, or a permit to use a radiation source, or approval for the construction of a facility or the carrying out of construction or mining work or the obtaining of a permit 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 line with the current regulations.

- (2) The existing appointed experts for protection against radiation, the existing appointed experts for radiation and nuclear safety, the existing appointed dosimetric services, the existing appointed medical practitioners, and the commissions appointed in line with the laws referred to in Article 143 of this Act shall carry on performing their work until the day they are appointed in line with this Act.
- (3) The ministry responsible for the environment shall ex-officio 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 Radioactive Waste), 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.

Article 142
(ministerial regulations)

(1) The minister responsible 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 responsible 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 responsible 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 responsible 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 responsible 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 responsible for the environment and the minister responsible 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 responsible for the environment, in agreement with the minister responsible 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 responsible for health, in agreement with the minister responsible 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 responsible for the environment and the minister responsible 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 responsible for health and the minister responsible for the environment shall, within 18 months of this Act entering into force and in agreement with the minister responsible for education, issue the regulation referred to in the third paragraph of Article 36 of this Act.
- (11) The minister responsible for internal affairs, in agreement with the minister responsible 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 responsible for the environment and the minister responsible for health and in the case of foodstuffs and animal feed also the minister responsible 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 responsible for the environment, in agreement with the minister responsible 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 responsible for the environment, in agreement with the minister responsible for protection against accidents and the minister responsible 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 Radiation Protection and the Measures Aimed at the Safety of Nuclear Facilities and Equipment (Official Gazette of the SRS, no. 28/80) shall cease to apply.
- (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 in relation to persons employed at nuclear facilities on the day this Act enters into force, shall start applying 24 months after this Act enters into force.

Article 145
(entering into force)

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