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LAW No. 111 of October 10, 1996

regarding the safe conduct of nuclear activities

ISSUER

parliament

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The Romanian Parliament adopts this law.

Chapter 1 General provisions

Article 1

The object of this law is the safe conduct of nuclear activities for exclusively peaceful purposes, so as to meet the conditions of nuclear security, protection of professionally exposed personnel, the population, the environment and property, with minimal risks provided by the regulations and in compliance the obligations arising from the agreements and conventions to which Romania is a party.

Article 2

The provisions of this law apply to the following activities and sources:

- a) research, design, location, production, construction, assembly, commissioning, operation, modification, decommissioning, import and export of nuclear facilities and facilities;
- b) mining and preparation of uranium and thorium ores;
- c) the production, supply, rental, transfer, handling, holding, processing, treatment, use, temporary or final storage, transport, transit, import and export of nuclear and radioactive materials, including nuclear fuel, radioactive waste and radiation generating devices ionizing radiation;
- d) the supply and use of ionizing radiation dosimetric control equipment, materials and devices used for protection against ionizing radiation, as well as means of containment or transport, specially designed for this purpose;
- e) production, supply, rental, transfer, possession, export, import of materials, devices and equipment provided in annex no. 1 to this law;
- f) possession, transfer, import and export of unpublished information related to materials, devices and equipment pertinent to the proliferation of nuclear weapons or other explosive nuclear devices;
- g) the production of products and services intended for nuclear facilities and facilities.

Article 3

The terms and expressions used in the law are defined in annex no. 2 to this law.

Article 4

(1) The competent national authority in the nuclear field, which exercises the regulatory, authorization and control powers provided for in this law, is the Ministry of Water, Forests and Environmental Protection, through the National Commission for the Control of Nuclear Activities.

(2) The National Commission for the Control of Nuclear Activities, hereinafter referred to as the commission, will draw up its own organizational and functioning regulations that will be approved by a Government decision.

(3) The commission's activity is financed from the state budget.

(4) The authorization fees for the activities provided for in art. 2 are income to the state budget.

(5) A share of the fees collected by the commission, representing the cost of technical expertise, examination and control, in order to authorize the nuclear activities provided for in art. 2, income is made to the state budget; the rest of the fees collected can be used by the commission for material expenses specific to these activities, showing up in a separate account, as extra-budgetary sources. The respective quotas are established by decision of the Government.

Article 5

(1) The Commission is authorized to issue regulations detailing the general requirements for nuclear security, protection against ionizing radiation, quality assurance, control of the non-proliferation of nuclear weapons, physical protection and intervention in the event of a nuclear accident, including the procedures for authorization and control, as well as any other regulations necessary for authorization and control activity in the nuclear field.

(2) The Commission can also issue regulations, with the consultation of ministries and other interested parties, according to their specific responsibilities.

(3) I make an exception from the provisions of para. (1) the authorization and control regulations and attributions for which this law contains express provisions authorizing other ministries and specialized bodies of the central public administration.

(4) The Commission, through the regulations issued and through the measures ordered within the authorization and control procedures, must ensure the appropriate framework in which the natural person or legal entity carries out, in safe conditions, activities subject to the provisions of this law.

(5) The Commission will review the regulations as often as necessary for correlation with international standards and international conventions ratified in the field and will order the necessary measures for their application.

(6) The Commission will review the Regulation of fees and tariffs for the authorization and control of nuclear activities, whenever necessary, with the approval of the Ministry of Finance.

Article 6

Research, experimentation, development, manufacture, import, export, transit, possession or detonation of a nuclear weapon or any nuclear explosive device are prohibited on the territory of Romania.

Article 7

The import of radioactive waste is prohibited, except in cases where the import results directly from the processing, outside the territory of Romania, of a previously authorized export of radioactive waste, including spent nuclear fuel, based on the provisions of international agreements or contracts concluded with commercial partners based abroad, under the conditions provided by this law.

Chapter 2 Authorization regime

Section 1 Authorizations and permits to exercise activities in the nuclear field

Article 8

(1) The activities and sources provided for in art. 2 requires authorization issued by the commission, in compliance with the authorization procedure specific to each type of activity or source, in accordance with the provisions of art. 5.

(2) The authorization is issued only to legal entities, at their request, if they prove compliance with the provisions of this law.

(3) The authorization can be used only for the purpose for which it was issued, respecting the limits and conditions specified therein.

(4) The authorizations provided for in para. (1) it is requested and, respectively, released, simultaneously or successively, separately for each type of activity or for each installation with its own functionality, from the applicant's patrimony, or for each distinct type of radioactive material, ionizing radiation generating device, of dosimetric control equipment of ionizing radiation or of the degree of radioactive contamination, of material or device used for the purpose of protection against ionizing radiation, of means of containment or transport specially arranged for this purpose, which the applicant for the production authorization intends to make, in order to use or sell.

(5) The authorization of a construction or operation phase of any installation can only be done if the previous phases have received all the necessary types of authorizations.

(6) Pursuant to the provisions of para. (5), the authorization phases of nuclear facilities and objectives are, as the case may be, the following:

- a) design;
- b) location;
- c) production;
- d) construction and assembly;
- e) commissioning;
- f) trial operation;
- g) operation and maintenance;
- h) repair or modification;
- i) preservation;

j) decommissioning.

(7) Partial authorizations may be issued for the construction or operation phases of the installations.

(8) Partial authorizations, which are issued, simultaneously or successively, for one and the same phase of those provided for in paragraph. (6), may have the character of a provisional decision of the commission, if the petitioner expressly requests it. In this case, they are valid until the final authorization of that type is issued, but not more than 2 years, with the right to extend, upon request, for another 2 years, when all the necessary information is not available in a timely manner.

(9) The Commission will withdraw the partial authorization whenever it finds the authorization holder's lack of concern for completing the necessary information in support of the authorization request.

Article 9

(1) The holder of the authorization provided for in art. 8 will use in the authorized activities only personnel who are holders of an exercise permit, valid for these activities.

(2) The exercise permit is issued based on the regulations issued according to the provisions of art. 5.

(3) The exercise permit is issued, based on an evaluation and examination, by the competent national authority, only for natural persons who have responsibilities in the safe conduct of nuclear activities.

Article 10

(1) The authorization and exercise permit are issued for a period determined by the regulations issued according to the provisions of art. 5.

(2) The right acquired on the basis of the authorization and exercise permit cannot be transferred without the consent of the issuer.

(3) In order to issue the authorization or exercise permit, the applicant must:

a) to pay to the commission's account the fees for technical expertise, examination and control, in accordance with the regulation provided for in art. 5 para. (6);

b) to pay the authorization fees to the state treasury, in accordance with the regulation provided for in art. 5 para. (6).

Article 11

The authorizations provided for in art. 8 are suspended or withdrawn, in part or in whole, by the issuer, on its own initiative or at the notification of any natural or legal person, in all cases where the commission finds that:

a) the holder of the authorization did not comply with the provisions of this law and the specific regulations or the limits and conditions stipulated in the authorization;

b) the measures ordered by the control bodies empowered by this law are not fulfilled in full and by the established deadline;

- c) new situations appear from a technical point of view or of another nature, unknown at the time of issuing the authorization, which may affect the safe conduct of nuclear activities;
- d) the holder of the authorization does not fulfill his obligations regarding the establishment of the Fund for the management of radioactive waste and decommissioning or the insurance of civil liability for damages to third parties in the event of a nuclear accident;
- e) the holder of the authorization ceases to be legally constituted;
- f) the holder of the authorization loses his legal capacity.

Article 12

The exercise permit provided for in art. 9 is suspended or withdrawn by the issuer, on its own initiative or upon notification of other institutions with control powers according to this law or of specialized persons, in all cases where the issuer finds that:

- a) the holder of the exercise permit did not comply with the provisions mentioned in the regulations issued according to the provisions of art. 5;
- b) the holder of the exercise permit dies or loses his legal capacity.

Article 13

(1) The Commission may supplement, revise or modify, with reasons, the limits and conditions specified in the authorizations or exercise permits.

(2) If the new conditions imposed according to para. (1), the provisions of art. 11 and 12.

Article 14

The extension of the validity period of the authorization or exercise permits, the reauthorization or the issuance of a new permit are done under the conditions provided for in art. 8, 9 and 13.

Article 15

(1) The exceptional withdrawal of the authorization provided for in art. 8 entitles the holder of the authorization to receive a compensation from the authority that ordered the withdrawal of the authorization. The amount of the compensation will be determined taking into account both the public interest and that of the holder of the withdrawn authorization, as well as the reasons that led to the withdrawal of the authorization. The amount of the compensation is determined by the agreement of the parties or, in case of disagreement, by the court.

(2) The authorization is withdrawn without compensation in the following situations:

- a) the holder of the authorization obtained the authorization using false statements;
- b) the holder of the authorization has violated the provisions of this law, the provisions of the authorization and control bodies in the matter or the limits and conditions provided for in the authorization;

c) the authorization was withdrawn due to the fact that the holder's staff, third parties, the population or the environment were exposed to risks beyond the regulated limits, generated by the authorized activity.

(3) The provisions of this article also apply under the conditions established according to art. 13.

Article 16

(1) Activities and installations in which small amounts of radioactive material and/or materials that have a low level of radioactivity are used, so that the risks related to the activity are minimally accepted, are exempted, in part or in whole, from the application of the regime of authorization provided for in this law, without this affecting the safe conduct of nuclear activities.

(2) The limits and detailed criteria for partial or total exemption from the application of the authorization regime will be established by the regulations issued in accordance with the provisions of art. 5.

Article 17

(1) Legal entities can request, for the activities they intend to carry out, a preliminary opinion from the commission, from which, based on the information presented by the applicant, it can be concluded that they fall within the exemption limits provided for in art. 16.

(2) If the preliminary opinion does not confirm the inclusion within the exemption limits, the applicant is obliged to request the authorization of the respective activities, in accordance with the provisions of art. 8.

(3) The applicant is responsible for the correctness of the information presented in support of the request for a preliminary opinion.

Section 2 Authorization Conditions

Article 18

(1) The authorizations provided for in art. 8 is issued only if the authorization applicant meets the following conditions, as the case may be:

a) is able to demonstrate the professional qualification, by function, of its own personnel, their knowledge of the requirements of the regulations regarding nuclear security and protection against ionizing radiation, as well as the probity of the persons who have decision-making authority in the management of the works during construction and the officials the installation or in the management of other nuclear activities, among those mentioned in that article;

b) show proof of organizational capacity and responsibility in preventing and limiting the consequences of accidents, with possible effects with a negative impact on the life and health of its own staff, the population, the environment, the property of third parties or on its own patrimony;

c) is responsible for ensuring that the rest of its own personnel, who ensure the operation of the installation, have the necessary level of knowledge specific to the function they perform, regarding the operation of the installation under nuclear safety conditions, the associated risks and the applicable nuclear safety measures;

- d) take all the necessary measures, at the level of the technological and scientific norms in force, to prevent the occurrence of damages that would result from the construction and operation of the installation;
- e) establishes an insurance or any other financial guarantee to cover its liability for nuclear damage, the amount, nature and conditions of the insurance or guarantee being in accordance with the provisions of the law and the international conventions to which Romania is a party;
- f) is responsible for taking the necessary measures to prevent interference of any kind or to remove disturbances due to any third parties in the decision-making process, during construction and during the operation of the nuclear installation;
- g) proposes an installation location that does not contravene the legal provisions and priority public interests, regarding the non-contamination of water, air and soil, and does not affect the operation of other installations located in the vicinity;
- h) has appropriate and sufficient material and financial arrangements for the collection, transport, treatment, conditioning and storage of radioactive waste generated from its own activity, as well as for the decommissioning of the nuclear installation, when it will definitively cease the authorized activity, and has paid the contribution for the establishment of the Fund for radioactive waste management and decommissioning;
- i) establish and maintain a system according to the specific regulations for protection against ionizing radiation;
- j) establish and maintain a system according to the specific regulations for the physical protection of nuclear fuel, nuclear and radioactive materials, radioactive products and waste, as well as nuclear installations, including nuclear fuel, nuclear and radioactive materials, products and radioactive waste;
- k) establish and maintain an authorized quality assurance system in its own activity and ensure that its suppliers of products and services, as well as their sub-suppliers in the chain, establish and maintain their own controlled quality assurance system;
- l) establish and maintain its own, approved, intervention preparation system in case of a nuclear accident;
- m) establish and maintain a system in accordance with the regulations for the application of nuclear guarantees;
- n) holds all other agreements, authorizations and approvals provided for by law;
- o) establish and maintain a public information system in accordance with legal regulations.

(2) The authorization conditions provided for in para. (1) will be detailed in the regulations issued according to the provisions of art. 5.

Article 19

(1) Possession of nuclear fuel is prohibited without having a production, possession, storage, treatment, processing, use or transport authorization for it, in accordance with the activities they carry out, issued in accordance with the provisions of art. . 18, 20 and 22.

(2) Illegally held nuclear fuel is confiscated, becomes public property of the state and handed over to a custodian, specially designated for this purpose.

(3) Designation of an authorization holder as custodian of nuclear fuel is made by the authorization issuer by the express provision in the authorization of the obligation to accept nuclear fuel in custody, on behalf of the state.

(4) Custody obligations also apply to spent nuclear fuel and other nuclear materials, with the exception of radioactive waste.

(5) Nuclear fuel in custody or authorized storage can only be released if:

(a) the holder previously possessed one of the authorizations provided for in paragraph (1);

b) the nuclear fuel is to be entrusted to an authorized carrier, in order to carry out an authorized transport to an authorized recipient.

(6) Custody expenses of the authorization holder will be borne by the holder of the ownership documents of the nuclear fuel deposited in custody, based on a contractual agreement or, in case of disagreement, based on a court decision.

(7) Nuclear fuel not claimed by property documents becomes, at the moment of discovery, public property of the state.

Article 20

(1) The transport of nuclear fuel outside the premises of nuclear objectives or outside the places where the nuclear fuel is kept in custody is carried out only by transport agents or carriers authorized for this purpose, in accordance with the provisions of art. 8 and 18.

(2) The authorizations provided for in para. (1) is issued only if the following conditions are met:

a) the nuclear fuel is transported in accordance with the national regulations on the transport of radioactive materials, issued in accordance with the provisions of art. 5 and with the international ones regarding the transport of dangerous goods;

b) the choice of mode, time and route of transport does not contradict the public interest.

(3) The provisions of this article also apply to spent nuclear fuel, radioactive products and waste and other nuclear or radioactive materials.

Article 21

The use of means of transport specially designed for the transport of nuclear fuel, nuclear materials, radioactive products or radioactive waste is allowed only when the authorized carrier is in possession of an authorization for the respective means of transport, issued by the commission.

Article 22

(1) The import and export authorization provided for in art. 8 is issued only under the following conditions, as the case may be:

a) the authorization applicant is able to demonstrate the competence and probity of the persons with decision-making control activity over the import or export operations for which they request the issuance of the authorization, in accordance with the regulations in force;

b) in the case of import, the authorization applicant undertakes to ensure compliance with the provisions of this law, the regulations issued in accordance with the provisions of art. 5 and of the international commitments undertaken by Romania in the field of nuclear energy, to deliver the products and information only to beneficiaries authorized for this purpose, in accordance with the provisions of art. 8 and 18, and to immediately report to the commission on the entry into the country of imported products and information;

c) in the case of export, the authorization applicant obtains from his external partner the necessary guarantees from which it can be concluded that he will not use it for purposes that prejudice the international obligations assumed by Romania or national security. It will also demonstrate that the export meets the provisions of this law and the specific regulations.

(2) The exporter is obliged to immediately report to the commission on the exit from the country of the exported products and information.

(3) Within the meaning of this law, any shipment to the territory of Romania is considered an import, and any shipment from the territory of Romania is considered an export.

Article 23

(1) The production, supply or import of those provided for in art. 8 para. (4) requires obtaining, in advance, a product, model or type authorization issued by the commission.

(2) Standard radiation sources and means of measurement in the field of ionizing radiation must have model approval, issued by the Romanian Bureau of Legal Metrology and be metrologically verified, in accordance with the legal provisions.

(3) Designing, making, using, owning and checking the means of measurement in the field of ionizing radiation for the needs of the army is authorized by the Ministry of National Defense.

Article 24

(1) It is mandatory to authorize the quality assurance in the nuclear field of supply, design, manufacture, construction-assembly, repair and maintenance activities for the products, services and systems that are classified as important for the security of the nuclear installation.

(2) The authorization is issued by the commission, in accordance with the provisions of art. 8 and 18 and with the specific regulations regarding the suppliers of products and services in these categories, as well as their sub-suppliers, in the chain.

(3) The authorization provided for in para. (1) and (2) are issued only if the authorization applicant meets the following conditions, as the case may be:

a) is able to demonstrate the professional qualification, by function, of its own personnel, their knowledge of nuclear security requirements, as well as the probity of the persons who have decision-

making authority in the management of the activities that compete for the realization of the products, services and systems that make the object of the authorization;

b) is responsible for ensuring that the rest of its own personnel, engaged in the activities that compete for the realization of these products, services or systems, have the necessary level of knowledge regarding the effects of quality deviations of these products, services or systems on the security of the nuclear installation in which they are to be incorporated ;

c) is responsible for taking the necessary measures to prevent interference of any kind or to remove disruptions due to any third parties in the decision-making process and in carrying out authorized activities;

d) establish and maintain a controlled quality assurance system in its own activity and ensure that its suppliers of products and services, as well as their sub-suppliers, in the chain, establish and maintain their own controlled quality assurance system.

(4) The authorization conditions provided for in para. (3) will be detailed in the regulations issued in accordance with the provisions of art. 5.

Chapter 3 Obligations of the authorization holder and other natural or legal persons

Article 25

(1) The holder of the authorization issued according to art. 8 has the obligation and responsibility to take all necessary measures for:

a) ensuring and maintaining:

- nuclear security, protection against ionizing radiation, physical protection, own intervention plans in the event of a nuclear accident and quality assurance for the activities carried out or the sources associated with them;

- strict records of nuclear and radioactive materials, as well as of all sources used or produced in own activity;

b) respecting the limits and technical conditions stipulated in the authorization and reporting any exceedances, according to the specific regulations;

c) limitation only to the activities for which it was authorized;

d) developing its own system of requirements, regulations and instructions that ensure the development of authorized activities without unacceptable risks of any nature.

(2) Liability for nuclear damage, caused during or as a result of accidents that may occur by carrying out the activities provided for in the authorization or other activities that resulted in death, injury to a person's bodily integrity or health, destruction, degradation or the impossibility temporary use of any good, belongs entirely to the holder of the authorization, under the conditions established by law and by the international commitments to which Romania is a party.

Article 26

The holder of the authorization for carrying out a nuclear activity that generates or has generated radioactive waste is obliged:

- a) to be responsible for the management of radioactive waste generated by its own activity;
- b) bear the expenses related to the collection, handling, transport, treatment, conditioning and temporary or final storage of this waste;
- c) to pay the legal contribution to the establishment of the Fund for radioactive waste management and decommissioning.

Article 27

The holder of the authorization provided for in art. 8 is obliged:

- a) to develop a decommissioning preparation program and present it to the commission for approval;
- b) to prove the payment of the legal contribution to the establishment of the Fund for radioactive waste management and decommissioning.

Article 28

(1) Expiry of validity, suspension or withdrawal of the authorization does not exempt the holder of the authorization or the one who took ownership of the materials, objectives and nuclear installations, which were specified in the authorization, from the obligations provided for in art. 25-27 or those arising from the conditions provided in the authorization.

(2) Upon the termination of the activity or the decommissioning of the nuclear facilities, as well as upon the transfer, in part or in whole, of the objectives and nuclear facilities, of the radioactive products or of the devices generating ionizing radiation, the holder of the authorization is obliged, in advance, to request and to obtain, under the conditions provided by this law, the authorization for possession, decommissioning or transfer, as the case may be.

Article 29

(1) Natural persons and legal persons, who extract or process mineral substances associated with uranium or thorium deposits or substances which in the technological flow of processing are likely to contain radioactive materials, have the obligation to take measures to check the materials and the equipment on the entire cycle of production, handling, transport and storage, to ascertain whether they present a concentration of radioactive substances or a radioactivity that exceeds, at a given moment, the exemption limits from the regulations provided for in art. 16.

(2) In case of exceeding the exemption limits, the respective activities are subject to the authorization regime provided by this law.

Chapter 4 Control regime

Article 30

Preventive, operative-current and subsequent control of compliance with the provisions of this law and the regulations issued in accordance with art. 5 is carried out by the representatives of the commission,

i.e. authorized persons, to the applicants or holders of authorizations. The control is carried out in the premises where they carry out activities subject to the authorization regime, in any other place that could be related to these activities or at any other natural or legal person who could carry out activities, own installations, materials, other sources or information provided for in art. 2, in any of the following situations:

- a) in order to issue the requested authorization;
- b) during the period of validity of the authorization, periodically or unexpectedly;
- c) based on the authorization holder's notification;
- d) when there could be installations, materials, other sources or information or activities could be carried out among those provided for in art. 2.

Article 31

(1) The representatives of the commission, in the exercise of the control mandate, have the following rights:

- a) to have access to any place where the activities subject to control are carried out;
- b) to carry out the measurements and install the necessary surveillance equipment;
- c) request the sampling and receive samples from the materials or products subject, directly or indirectly, to the control;
- d) to oblige the controlled natural person or legal entity to ensure the fulfillment of the provisions mentioned in letter a)-c) and mediate the extension of control to its suppliers of products and services or to their sub-suppliers;
- e) to have access to all the information, technical and contractual data, in any form, necessary to fulfill the objectives of the control, established in art. 30, respecting confidentiality, if the owners request it;
- f) to oblige the holder of the authorization to send reports, information and notifications, in the form required by the regulations;
- g) to oblige the holder of the authorization to maintain records, in the form required by the regulations, of the materials, other sources and activities subject to control and to control these records;
- h) to receive, through the care of the applicant or the authorization holder, the necessary protective equipment.

(2) The provisions of para. (1) applies, to the extent that the international agreements to which Romania is a party provide, also to the persons approved by the Government of Romania who carry out, in the presence of the representatives appointed by the commission, the controls provided for in those international agreements.

Article 32

(1) The representatives of the commission have the obligation to respect, throughout the control, the applicable authorization conditions, as they are imposed on the personnel of the authorization holder.

(2) After the end of the control, the representatives of the commission have the following attributions:

- a) to conclude a control report in which to record the results of the control, the corrective actions ordered and the deadlines for solving them;
- b) to propose the suspension or withdrawal of the authorization or exercise permit, under the conditions provided by law;
- c) to propose reporting to the judicial investigation bodies, in the cases and for the facts provided for in this law;
- d) order the holder of the authorization to impose disciplinary sanctions on the guilty personnel, under the conditions provided by this law;
- e) to apply to the holder of the authorization, through the persons who, according to his statute, represent him in relation to the public authorities, the contravention sanctions provided for in this law for natural or legal persons;
- f) to apply the contraventional sanctions provided for in this law to the personnel who are guilty of committing these contraventions.

Article 33

Throughout the duration of the control, natural persons and legal entities subject to the control have the obligation to take all the necessary measures to allow the fulfillment in good conditions of the provisions of art. 31 and 32.

Article 34

In case of disobedience to control or disobedience to any of its provisions, the commission may ask the competent authorities either to proceed with enforcement or to undertake an investigation. The Commission can request the intervention of the representatives of the General Inspectorate of the Police or, in cases of urgency, it can undertake, on its own initiative, measures to ensure nuclear security, with the result that all related expenses will be reimbursed by the holder of the authorization voluntarily or through forced execution.

Chapter 5 Other authorizations, approvals and responsibilities

Article 35

- (1) The exercise authorization or permit, issued on the basis of the provisions of this law, does not exempt the holder from complying with the provisions of the legislation in force.
- (2) The Commission will establish the concrete methods of application of this law, whenever its provisions cannot be applied simultaneously with the legal provisions of another nature, with the consultation of the public administration authorities in the matter, giving priority to compliance with the conditions for the safe conduct of activities nuclear.
- (3) The division of responsibilities between the commission and other specialized bodies of the central public administration will be done in compliance with the attributions provided by law for them, as well as those specific to the authorities provided for in this law.

(4) In the exercise of their mandate, the bodies with the right to control nuclear activities, provided in annex no. 3, have the rights provided for in art. 31 para. (1) and the obligations and attributions provided for in art. 32, within the limits of the competences established by law.

Article 36

The authorization and control regime for nuclear facilities and installations under pressure is established by specific technical prescriptions, issued by the national authority for boilers and lifting installations, with the approval of the commission, taking into account the general criteria for the safe conduct of nuclear activities.

Article 37

(1) The central authority for environmental protection will organize, according to the law, the environmental quality surveillance network, so as to ensure the surveillance activity of the degree of radioactive contamination of environmental factors on the territory of Romania.

(2) The environmental agreements and authorizations, provided by the law, will be issued by the central authority for environmental protection, based on the authorization and control criteria provided by the law, completed with the specific authorization and control criteria included in the regulations issued by this authority, according to the provisions of art. 5, with the consultation of the commission and the Ministry of Health, regarding the supervision and reporting of discharges of radioactive effluents into the environment, as well as radioactive contamination of environmental factors.

(3) The environmental agreements and authorizations provided for in para. (2) is a prerequisite for the authorization issued by the commission, in accordance with the provisions of art. 8.

(4) The central authority for environmental protection informs, as often as necessary, the commission and the Ministry of National Defense on what is found in the surveillance activity carried out and collaborates with them in order to establish the necessary measures.

Article 38

(1) The Ministry of Health authorizes:

- a) the introduction into the economic and social circuit, for use or consumption by the population, of products that have been subjected to irradiation or that contain radioactive materials;
- b) the use, for diagnosis and medical treatment, of closed and open sources, devices generating ionizing radiation and pharmaceutical products containing radioactive materials.

(2) The request for authorization is made by natural or legal persons who carry out the activities provided for in paragraph. (1).

(3) The Ministry of Health develops its own authorization and control regulations for this purpose, in compliance with the provisions of art. 5 and with the consultation of the commission and the ministries concerned.

Article 39

(1) The Ministry of Health organizes:

a) according to the law, the surveillance network of contamination with radioactive materials of food products, on the entire food circuit, including sources of drinking water, as well as other goods intended for use by the population. In this way, the activity of monitoring the degree of radioactive contamination of these goods and products from the country or from imports, intended for use on the territory of Romania, will be ensured;

b) the epidemiological system for monitoring the health status of professionally exposed personnel and hygiene conditions in the units where nuclear activities are carried out. It also monitors the influence of these activities on the health of the population and issues the notices provided by the regulations in force.

(2) The Ministry of Health informs, as often as necessary, the commission and other interested ministries about what is found in the surveillance activity and collaborates with them to establish the joint measures that are required.

Article 40

(1) The coordination of intervention preparations in the event of a nuclear accident, in compliance with the provisions of this law, is ensured, according to the law, by the Central Commission for Nuclear Accidents and Falling Cosmic Objects, under the leadership of the Ministry of National Defense, with the cooperation of all specialized bodies of the central and local public administration with attributions in the matter.

(2) The intervention plan in the event of a nuclear accident for the location of nuclear facilities and objectives is drawn up by the user, holder of authorization, together with all central and local public authorities and organizations involved in the preparation and implementation of the intervention in the event of a nuclear accident, in accordance with the requirements of the regulations issued according to art. 5.

(3) The intervention plans in case of radiological emergencies, caused by nuclear accidents in objectives and installations located on the territory of other states, which may affect - through cross-border effects - the territory of Romania, as well as the general intervention plans outside the location of the nuclear installations on the territory of Romania is being developed by the Civil Defense Command within the Ministry of National Defense.

(4) The central and local public authorities with attributions in the field of preparing and carrying out the intervention in the event of a nuclear accident draw up their own plans, correlated with the general intervention plan.

(5) The intervention plan provided for in para. (2) shall be approved by the commission, those provided for in para. (3) is approved by the Central Commission for Nuclear Accidents and Falling of Cosmic Objects, and those provided for in para. (4) is approved by the leaders of the central and local public authorities, with the approval of the Technical Secretariat of the Central Commission for Nuclear Accidents and Falling Cosmic Objects.

(6) The applicability of the intervention plan is controlled and evaluated periodically: the one provided for in para. (2), by the commission, and the one provided for in para. (3) and (4), by the Central Commission for Nuclear Accidents and Falling of Cosmic Objects.

Article 41

Imports and exports of products and information provided in annex no. 1 is approved by the Interministerial Council of the National Agency for the Control of Strategic Exports and the Prohibition of Chemical Weapons, and the import or export license is issued by the Ministry of Commerce, under the conditions established by the Government's decision, only after the applicant has obtained authorization to import or export provided for in art. 22.

Article 42

The general directorate of customs from the Ministry of Finance will control and admit the entry into the country or the exit from the country, based on the authorization issued by the commission, of the goods for which this law requires authorization.

Chapter 6 Sanctions

Article 43

Violation of the provisions of this law attracts material, disciplinary, administrative, criminal or civil liability, as the case may be.

Article 44

(1) Carrying out an activity from those provided for in art. 2 and to art. 38 para. (1), without having the appropriate authorization provided by law, shall be punished as follows:

a) with imprisonment from 6 months to 2 years or with a fine, the activities provided for in art. 2 lit. a) regarding research, design, location, production, construction or installation of nuclear facilities and facilities, in art. 2 lit. b), d) and g), as well as in art. 38 para. (1);

b) with imprisonment from 3 years to 10 years and the prohibition of some rights, for the unauthorized performance of some activities provided for in art. 2 lit. a) regarding the commissioning, exploitation, modification, decommissioning, import or export of nuclear installations and to art. 2 lit. c), e) and f).

(2) Attempts at the crimes provided for in para. (1) lit. b) is punished.

Article 45

(1) Decommissioning, in whole or in part, the surveillance and control equipment installed under the conditions of art. 31 para. (1) lit. b) and para. (2), without having reasons arising from the requirements of nuclear safety or radioprotection, if the act does not constitute a more serious crime, is punished with imprisonment from 6 months to 3 years.

(2) If the act provided for in para. (1) is committed out of culpa, the penalty is imprisonment from 3 months to one year or a fine.

Article 46

(1) The development, manufacture, possession, import, export, transit or detonation of nuclear weapons or any nuclear explosive devices is punishable by imprisonment from 10 to 25 years and the prohibition of certain rights.

(2) If the facts provided for in para. (1) resulted in the death of one or more people or other particularly serious consequences, the penalty is life imprisonment or imprisonment from 15 to 25 years and the prohibition of certain rights.

(3) The attempt is punishable.

Article 47

The following acts constitute contraventions, if they were not committed under such conditions that, according to the law, they are considered crimes:

a) failure to comply with the reporting obligations provided for in art. 25 lit. b) and in art. 31 para. (1) lit. f);

b) non-compliance with the limits and conditions stipulated in the authorizations issued in accordance with the provisions of art. 8;

c) failure to fulfill, within the established term, the provisions given in writing, with confirmation of receipt, by the commission, or, through control minutes, by its representatives;

d) the use of personnel in activities that do not present a risk of a nuclear accident, who do not have the necessary training for the activity performed, or of unverified or rejected personnel at periodic examinations;

e) the use of personnel who do not demonstrate the necessary knowledge and skills or do not apply them in the activity carried out, with implications for the operation of the installation under nuclear safety conditions, the associated risks and the applicable nuclear safety measures;

f) violation of the regulations provided for in art. 25 lit. a) by the persons who have the right of decision-making control in the management of the works, during the construction and operation of the nuclear installation;

g) failure to comply with the obligations provided for in art. 25 lit. d), if this generates unacceptable risks of any nature;

h) the use by authorized persons of radioactive materials, ionizing radiation generating devices or entrusted nuclear installations for other purposes or for other operations than those established for the performance of duties;

i) the exercise of nuclear activities without the corresponding exercise permit provided for in art. 9.

Article 48

(1) In the case of contraventions provided for in art. 47 lit. a)-g), the fine applied to individuals is from 1,000,000 lei to 10,000,000 lei, and for legal entities, from 2,000,000 lei to 20,000,000 lei. In the case of contraventions provided for in art. 47 lit. h) and i), the fine is from 200,000 lei to 2,000,000 lei and is applied to the person who is guilty of committing them.

(2) The level of these fines will be updated by Government decision, in relation to the inflation rate.

Article 49

Finding and enforcing contraventions are done by the authorized representatives of the commission.

Article 50

The provisions of Law no. 32/1968 regarding the establishment and sanctioning of contraventions, except for the provisions of art. 25, 26 and 27, are applicable to the contraventions provided in this law.

Article 51

Nuclear targets and installations, their components, nuclear fuel, radioactive products, including radioactive waste, nuclear explosive devices or their components, which have been subject to special confiscation by court order, under the conditions provided for in art. 118 of the Criminal Code, from the guilty party, must be detained at the expense of the former owner in a safe place, under the seal of public authorities, in compliance with nuclear security requirements, so that they do not harm the life or health of the population and do not cause deterioration the environment or the property until the disposition of legal measures regarding them.

Chapter 7 Transitional and final provisions

Article 52

Whenever necessary, for state reasons, nuclear fuel and radioactive products can be requisitioned according to the law.

Article 53

Any natural or legal person, who has suffered damage as a result of the abuses committed by the commission or other body provided for by this law, can file a complaint, within 30 days, at the administrative court.

Article 54

- (1) The authorization and permits issued before the entry into force of this law maintain their validity until the stipulated term.
- (2) The provisions of this law also apply to authorization requests pending resolution on the date of its entry into force.
- (3) Any person who, on the date of entry into force of this law, carries out activities for which the authorization and control regime, provided for in ch. II, IV and V of this law, is obliged to request authorization within 6 months from the entry into force of the law, if this was not necessary before the entry into force of this law.

Article 55

- (1) Within 90 days from the entry into force of this law, the Government will present for adoption the draft law on civil liability for nuclear damage and the draft law on the establishment of the Fund for radioactive waste management and decommissioning.
- (2) Until the adoption and entry into force of the law on civil liability for nuclear damage, the regime provided by the international conventions to which Romania is a party shall apply.

Article 56

(1) Within 180 days from the entry into force of this law, the specialized bodies of the mentioned public administration will issue the regulations provided for by this law.

(2) Until the entry into force of the regulations provided for in para. (1) the provisions of the existing rules will apply.

(3) The regulations issued according to this law are published in the Official Gazette of Romania.

Article 57

Appendices no. 1-3 are an integral part of this law.

Article 58

This law enters into force 60 days after its publication in the Official Gazette of Romania.

Article 59

Law no. 61/1974 regarding the development of activities in the nuclear field in Romania and Law no. 6/1982 regarding the quality assurance of nuclear facilities and facilities, as well as any other provisions contrary to this law are repealed, with the exception of the provisions relating to the promotion and development of scientific research in the nuclear field.

This law was adopted by the Chamber of Deputies in the meeting of September 23, 1996, in compliance with the provisions of art. 74 para. (1) from the Constitution of Romania.

THE PRESIDENT OF THE CHAMBER OF DEPUTIES

ADRIAN NASTASE

This law was adopted by the Senate in the meeting of September 23, 1996, in compliance with the provisions of art. 74 para. (1) from the Constitution of Romania.

p. PRESIDENT OF THE SENATE

ION SOLCANU

Appendix 1

LIST

materials, devices, equipment and information pertinent to the proliferation of nuclear weapons or other explosive nuclear devices, referred to in art. 2 lit. e) and f)

a) non-nuclear materials, materials whose properties are suitable for use in the production of energy of nuclear origin;

b) devices or equipment specially designed to be used in nuclear fuel cycle installations or suitable for their use for this purpose;

c) devices or equipment specially designed to be used in the manufacture of nuclear materials or in the manufacture of those non-nuclear materials which are provided for in letter a), as well as those devices or equipment that are suitable for use for the same purposes;

d) essential devices or equipment for the manufacture of the devices mentioned in letter b) and c).

The detailed list of materials, devices, equipment and relevant information for the proliferation of nuclear weapons and other nuclear explosive devices, provided in this annex, as well as the control regime for their exports will be established by a Government decision, in compliance with the provisions of the treaties, agreements, conventions and international agreements to which Romania is a party.

Appendix 2

DEFINITIONS

which is referred to in art. 3 of this law

a) nuclear accident - nuclear event that affects the installation and causes irradiation or contamination of the population or the environment beyond the limits allowed by the regulations in force;

b) nuclear activity - any human practice that introduces additional sources or routes of exposure, extends exposure to a larger number of people or modifies the network of routes of exposure, starting from existing sources, thus increasing the exposure or the probability of exposure of people or the number of exposed persons;

c) competent national authority in the nuclear field - the authority, established by law, with the legal competence to issue authorizations, to carry out controls and to regulate the location, design, construction, commissioning, exploitation or decommissioning of nuclear facilities and facilities;

d) authorization - document issued by the competent national authority in the nuclear field, based on a nuclear security and control assessment, to a legal entity, at its request, for carrying out a nuclear activity;

e) nuclear fuel cycle - the set of operations that include the extraction and processing of ores and the enrichment of uranium and thorium, the manufacture of nuclear fuel, the operation of nuclear reactors, the reprocessing of nuclear fuel, decommissioning, any radioactive waste management activity or any research and development activity associated with one of the above-mentioned operations;

f) nuclear fuel - material or a mechanical assembly containing raw material or fissile material, specially intended for use in a nuclear reactor, for the purpose of producing nuclear energy;

g) radioactive waste - those materials resulting from nuclear activities, for which no use was foreseen, which contain or are contaminated with radionuclides in concentrations higher than the exclusion limits;

h) devices generating ionizing radiation - devices that produce X-rays, neutrons or charged particles;

i) irradiation installations - equipment that includes ionizing radiation generating devices or radiation sources capable of producing intense radiation fields;

j) nuclear installation - generator of nuclear radiation, the installation, device or device that extracts, produces, processes or contains radioactive materials; the nuclear installation also includes related buildings or structures;

k) nuclear targets - plants for the manufacture of nuclear fuel, nuclear reactors, including critical and subcritical assemblies, research reactors, nuclear power plants, irradiated fuel storage facilities, enrichment units or reprocessing facilities;

l) nuclear raw material - uranium or thorium or any combination thereof, in any physical or chemical form; deposits containing at least 0.03% by weight of uranium, thorium or any combination thereof;

m) special fissile material - plutonium, uranium 233, uranium enriched in isotope 233 or isotope 235; any material artificially enriched in any of the aforementioned isotopes;

n) radioactive material - any material, in any state of aggregation, that represents the phenomenon of radioactivity, including radioactive waste;

o) nuclear material - other materials which, due to specific nuclear properties, are of particular interest for the nuclear field, established by specific regulations;

p) mining - prospecting, exploration, opening, preparation and exploitation of nuclear raw materials;

r) intervention plan - set of measures to be applied in the event of a nuclear accident;

s) radioactive product - any radioactive material obtained during the process of producing or using a nuclear fuel or any material that has become radioactive through exposure to radiation, with the exception of radioisotopes that have reached the final stage of preparation and are likely to be used for scientific, medical, special, social, commercial or industrial purposes;

t) ionizing radiation - any of the following radiations: alpha, beta, gamma, X, neutrons, electrons, protons or other charged particles (does not include radio waves, visible, infrared, ultraviolet radiation, as well as laser radiation, ultrasound, etc.) ;

u) regulations - technical, methodological norms, guides, instructions, procedures or technical-organizational conditions regarding the authorization and control of nuclear activities, mandatory in the nuclear field, issued by the competent authority, according to art. 5;

v) nuclear security - the set of technical and organizational measures intended to ensure the operation of nuclear installations in safe conditions, to prevent and limit their damage and to ensure the protection of professionally employed personnel, the population, the environment and material assets against radiation or radioactive contamination;

z) sources - emitter of ionizing radiation and any radioactive material.

Appendix 3

CONTROL BODIES

of nuclear activities

1. The State Inspection for Nuclear Protection within the National Commission for the Control of Nuclear Activities.
2. The health police and preventive medicine inspectorates of the Ministry of Health.
3. State inspection for environmental protection within the Ministry of Water, Forests and Environmental Protection.
4. State inspection for boilers and lifting installations within the Ministry of Industry.
5. The central commission for nuclear accident and falling of cosmic objects within the Ministry of National Defense.
6. The General Inspectorate of the Police and the Command of the Fire Brigades within the Ministry of the Interior.
7. State inspection for labor protection within the Ministry of Labor and Social Protection.
8. National Agency for the Control of Strategic Exports and Prohibition of Chemical Weapons.
9. The general direction of customs within the Ministry of Finance.
10. The Romanian Bureau of Legal Metrology.