

LAW ON TURKISH ATOMIC ENERGY AUTHORITY

(Unofficial Translation)

Law No : 2690

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CHAPTER ONE

OBJECTIVE, CONTENT AND ESTABLISHMENT

Objective

Article 1 - With the objective to render the peaceful use of atomic energy in Turkey for the benefits of state in accordance with the national development plans, the establishment, management duties and responsibilities and the authorizations of the Turkish Atomic Energy Authority is here by enforced to determine and recommend the basic principles and policies, to implement, organize, support, coordinate and control the scientific, technical and administrative studies and affairs.

Content

Article 2 - The Law covers the governmental organizations and real and legal entities having activities in connection with the atomic energy and such organizations and entities concerned with the afore mentioned ones.

Establishment

Article 3 - The Turkish Atomic Energy Authority, with the abbreviation TAEA, has been established to exercise the functions assigned to it by this law, directly under the supervision of the Prime Minister, granted with public legal entity.

The bodies of the Authority are as follows :

- a) The Atomic Energy Commission
- b) The Advisory Council
- c) The Specialized Departments
- d) The Affiliated Centers

CHAPTER TWO

DUTIES, RESPONSIBILITIES AND JURISDICTIONS

Duties, Responsibilities and Jurisdictions

Article 4 - The duties and jurisdiction of the Turkish Atomic Energy Authority are as follows:

- a) To determine the basis of the national policy and the related plans and programmes in connection with the peaceful utilization of atomic energy for the benefits of the State and to submit them for the approval of the Prime Minister; to do all kinds of research, development, studies and activities and have them done for the use of atomic energy is the State's scientific, technical and economic development and to coordinate and support such activities done in this field.

- b) To determine the general principles to be complied with all kinds of prospecting, exploiting, purifying, distributing, importing, exporting, trading, transporting, using, transferring and storing of nuclear raw materials, special fissionable material and other strategic materials used in nuclear fields and to make recommendations and cooperation thereon.
- c) To establish or enforce the establishment of research and training centers, units, laboratories, test centers and pilot plants without energy producing purposes located in the necessary places of the country and to operate them or have them operated; to realize the activities to direct the national industry towards the nuclear technology; to make recommendations for the establishment of managements, purifying and other necessary installations related to fuel cycle.
- d) To establish and operate the radioisotope production, quality control, scaling and distributing installations; to determine the guiding principles and provisions for the protection against the damages of the ionizing radiation in the activities done using radiation equipment, radioactive materials, special fissionable materials and such ionizing radiation sources and to determine the limits of legal liability; to give license as a basis for a permit to governmental or private bodies or persons who keep, use, import or export, transport, store and trade in radioactive materials and radiation equipments and to control those regarding radiation protection; to enforce the responsibility of liability for implementing the above activities; to cancel permanently or temporarily the license given, in contradictory cases to radiation regulations; if necessary to decide for the termination of above organizations and to provide the commencement of legal investigations within the general legal principles; to prepare the decrees and regulations governing the general principles of the use, export, import and transport of radioisotopes and the obligations for insurance them.
- e) To give approval, permission and license related to the site selection, instruction, operation and environmental protection of nuclear power and research reactors and nuclear fuel cycle facilities; to do necessary studies and controls, to limit (restrict) the operating authority in case of noncompliance with the permission or license; to cancel permanently or temporarily the permission or license given and to make recommendations to the Prime Minister for the shut down of those installations; to prepare the necessary technical guides, decrees and regulations for those purposes.
- f) To take the necessary measures or have them taken for the safe process, transport, permanent or temporary storage of the radioactive wastes of the nuclear facilities and radioisotope laboratories.
- g) To establish relations with the national institutions and bodies concerned with the atomic energy; to cooperate; to participate the scientific studies of the foreign and international institutions and bodies concerned with nuclear energy and to contact and cooperate with such institutions; to program and distribute the assistances that will be provided from domestic or foreign sources for all kinds of nuclear studies.
- h) To train the personnel who will work in the nuclear field or to assist their training when necessary and to cooperate with concerned bodies and higher educational organizations; to make recommendations on the distribution of the fellowships supported by domestic sources in nuclear field; to distribute the fellowships supported by the foreign sources; to conduct and help to conduct training courses within the country; to send students and personnel to foreign countries; to plan and follow their education and studies.

- i) To collect, disseminate and introduce the necessary information and the results of the studies from inside and outside the country related to the application of atomic energy; to announce the necessary information to public; to enlighten the public in nuclear matters.
- j) To carry out studies related to national and international law in nuclear field and to propose the necessary regulatory arrangements.
- k) To prepare and implement the decrees and regulations determining the basis related to the protection of nuclear materials and facilities and to control the subjects related to those and to give comments about the regulations to be prepared by other institutions related to this subject.

CHAPTER THREE

ORGANS, DUTIES AND JURISDICTION

President of the Turkish Atomic Energy Authority

Article 5 - The President of the Turkish Atomic Energy Authority, shall be selected by the Prime Minister among specialized people in their subject and shall be appointed by common decision.

The President of the Authority, secures the duties given to the Authority with this Law within the frame of the principles and programs determined by the Atomic Energy Commission; represents, administers Authority; and is the official authorized to pass accounts of the Authority.

For the purpose of assisting the President of the Turkish Atomic Energy Authority in his works, three Vice Presidents are appointed in accordance with the principles and procedures determined by the President.

In case of his absence, the President authorizes one of the Vice Presidents as Acting President.

The Atomic Energy Commission

Article 6

a) Establishment

The Atomic Energy Commission, under the chairmanship of the President of the Turkish Atomic Energy Authority, consists of the Vice Presidents, one member from each of the Ministries of National Defense, Foreign Affairs, Energy and Natural Resources and of four faculty members educating, training and researching in the field of nuclear energy. The representative members of the Ministries and higher educational organizations are selected by the Prime Minister for four-year terms of appointment. Reappointment of members whose terms has expired shall be permitted. In case of the termination of the membership before its predefined term with whatever reason, a new member shall be selected in order to complete the remaining term of the previous member.

The Prime Minister, presides the Atomic Energy Commissions meetings whenever he deems necessary.

The representatives of the other related Ministries may participate to the meetings of the Atomic Energy Commission according to the principles determined by the Prime Ministries.

b) Duties

- 1) To fix the working principles and programs of the Turkish Atomic Energy Authority; to approve the draft budget and submit it to the Prime Minister.
- 2) To prepare and to submit the draft bills and decrees related to nuclear field, to the Prime Minister and to accept the regulations related to the Turkish Atomic Energy Authority.
- 3) To follow, evaluate the studies of the Turkish Atomic Energy Authority, to submit the annual study program and report to the Prime Minister.
- 4) To submit the necessary arrangements reviewing the organization and posts against the developing needs of the Authority for the approval of the Prime Minister.

c) Working System

The Atomic Energy Commission meets at least four times a year and the secretariat affairs of the Commission shall be done by the secretariat of the Turkish Atomic Energy Authority's Presidency.

The working system of the Atomic Energy Commission shall be arranged by a regulation.

Advisory Council

Article 7- The Advisory Council consists of members whose numbers, qualifications and election shall be determined by a regulation that shall be prepared from among the faculty members working in the nuclear field and experts from other related institutions and bodies and meets upon request. The members of the Advisory Council shall be appointed with the proposal of the Atomic Energy Commission and approval of the Prime Minister. The Council shall be called at least one time a year for meeting by the President of the Turkish Atomic Energy Authority. The President of the Turkish Atomic Energy Authority presides the meeting.

The Advisory Council studying the subjects given by the Atomic Energy Commission, submits its results and proposals to the Atomic Energy Commission.

Turkish or foreign experts can be invited to the Advisory Council, can be consulted.

The working system of the Advisory Council shall be arranged by a regulation prepared by the Atomic Energy Commission.

The Establishment and Duties of the Specialized Departments, General Secretariat

Article 8- TO carry out the duties written in this Law the following Specialized Department and a General Secretariat shall be established within the structure of the Turkish Atomic Energy Authority. The Head of the Departments shall be appointed from among the specialized people in their subject in conformity with the procedure. The duties of those departments and of the General Secretariat are as follows:

- a) Department of Nuclear Safety:

From the duties stated in Article 4 of this Law; to carry out those related to nuclear safety, those subjects of site selection, instruction, system engineering, commissioning, operating, physical protection of nuclear facilities and to do the services of radiation protection, safety and controlling of nuclear materials, environmental protection and the other related duties.

b) Department of Radiological Health and Safety:

From the duties stated in Article 4 of this Law; to license, to determine the regulations and principles of radiation protection, to give the controlling services of transport and storage of radioactive materials, radiating devices and systems and to do the other related duties.

c) Department of Research-Development-Coordination:

From the duties stated in Article 4 of this Law; to carry out the services on the studies and projects related to nuclear energy, applications of nuclear techniques, production of radioisotope, international relations, education, publications, public relations and translation and other related duties.

d) Department of technology:

From the duties stated in Article 4 of this Law; to carry out the services on nuclear fuel cycle and nuclear raw materials and reactor research excluding power production, quality control, economic analysis and industrial relations and the other related duties.

e) Department of Administrative and Financial Affairs:

The duties on the subjects of personnel affairs, general services, archive and services related to building and construction, supply, budget and controlling and the other related duties stated in this Law.

f) General Secretariat:

To carry out the duties of the Authority's secretariat services and other duties.

Affiliated Centers

Article 9- Research and training centers, units, laboratories, experiment centers and pilot plants excluding power production may be established affiliated to the Turkish Atomic Energy Authority, to the fundamental and applied researches in the nuclear field. The working system of the affiliated centers shall be arranged by a regulation.

CHAPTER FOUR VARIOUS PROVISIONS

Environmental Protection

Article 10- The secretariat measures to be taken for public health and radiation protection, during the implementation of the duties stated in Article 4 of this Law shall be determined by a decree to be prepared by the Turkish Atomic Energy Authority.

Protection of Nuclear Facilities

Article 11- In the physical protection of nuclear facilities, the provisions of the Law No: 2495 of 22.7.1981 and Law No:2565 of 18.12.1981 shall be applied.

Statute of the Personnel

Article 12- The provisions of the Law No:657 concerning the Personnel of Civil Service, shall be applied to the personnel of the Turkish Atomic Energy Authority.

The posts of the Authority are shown in the attached Table.

Among the above posts, conditional to a post kept allocated to each, personnel can be employed under contract, with the approval of the Prime Minister to the posts of the President of the Authority, Vice President, Director of Department, the Secretary General, Head of Division, Director and Deputy Director of the Nuclear Research and Training Center and the Head of Department, Expert and other posts within the group of technical services to be determined by the Atomic Energy Commission.

The provision of the Pensions Law, Law No:5434 shall be applied upon the request of the personnel employed under a contract allocating a post.

Employing Personnel From Other Organizations For the Turkish Atomic Energy Authority:

Article 13- The personnel of the organizations and bodies within the scope of Article 4 of the Law No:160 of 13.12.1960 may be employed allocating the stated posts of the Article 12 paragraph 3 of the Law of Turkish Atomic Energy Authority.

This appointment, for the members of the Turkish Armed Forces shall be done according to the Turkish Armed Forces Personnel Law, Law No:926; for the faculty members, shall be done according to the Higher Education Law, Law No:2547.

Personnel from other organizations, with the permission of their own organization for a leave without payment, may be employed under contract. The period of time of this personnel's work with the Turkish Atomic Energy Authority, shall be considered in their promotions and pensions with the condition that the Pensions Fund Participation shares of the employee and the Turkish Atomic Energy Authority should be paid.

The fees to be paid by the Turkish Atomic Energy Authority to the technical personnel appointed to the Authority on the condition that their monthly salaries to be paid by their own organization and the daily attendance allowances to be paid by to the members who are not the personnel of the Authority attending the meeting of the Atomic Energy Commission and the Advisory Committee, shall be determined with the proposal of the Atomic Energy Commission and the approval of the Prime Minister. The provisions of the Law No:6245 concerning the travel allowances are applied for the temporary duty orders issued by the Authority.

The Incomes of the Turkish Atomic Energy Authority

Article 14- The incomes of the Turkish Atomic Energy Authority are composed of:

- a) The funds allocated to the Turkish Atomic Energy Authority on yearly basis In the Prime Minister's budget,
- b) All kinds of domestic and foreign aids and donations and written wills which shall be done to the Turkish Atomic Energy Authority and which shall be accepted by the Authority,
- c) Incomes of the production of goods and services and sales of publications.

The amounts not spend until the determination of the financial year of the above incomes is transferred to the public Treasure.

Immunities

Article 15-

a) Turkish Atomic Energy Authority, in order to implement the duties given to it by this Law, shall be authorized to do and implement all kinds of contracts towards the future years within the frame of the basis of the regulation to be prepared.

b) All kind of purchase, sale, maintenance and construction services in the country and imported directly, related to the fundamental and applicable research in the nuclear field in relation to the activities of the Turkish Atomic Energy Authority and to the application of the Atomic Energy Program, shall be subject to the provisions of the Law No:2490 Auction and Public Competition and Bidding Law and Law No:1050, General Accountancy of State and to the endorsement and control of the Audit Court and is exempted from all kinds of taxes, duties, dues and shares and portions.

c) The donations and aids made to the Authority are exempted from all kinds of taxes, duties and dues.

Controlling

Article 16 - The Turkish Atomic Energy Authority is under the control of the Supreme Controlling Council with respect to administrative and financial affairs. If a control is requested pertaining to several subjects related to administrative and financial procedures of the Authority in the annual and interval reports of the Supreme Controlling Council, the necessary investigations shall be done by the financial inspectors with the approval of the Prime Minister.

The Prime Minister, if necessary communicates the results of the reports to the courts.

The Turkish Atomic Energy Authority, prepares an activity report at the end of each year and submits it to the Prime Minister.

Budget

Article 17 - The Turkish Atomic Energy Authority submits the annual amounts of allocation to be met from the general budget for the program and the expenditures to be realized, to the Prime Minister.

Decrees and Regulations

Article 18 - The decrees and regulations stated in this Law. shall be prepared by the Turkish Atomic Energy Authority and put into force within at least one year as of the publication of this Law.

The regulations prepared by the Turkish Atomic Energy Authority shall enter into force after the approval of the Prime Minister.

The Abolished Laws

Article 19- The following acts and contradictory provisions of the other acts to this Law are abolished.

a) The Law No: 6821 concerning the establishment of the Atomic Energy Commission.

b) The Law No: 7190 concerning the addition of a sub-paragraph to paragraph (a) of Article 2 of the Law No: 6821 of the establishment of the Atomic Energy Commission.

- c) The Law No: 7256 concerning the way of the application of the Atomic Energy Program of Turkey.
- d) The Law No: 234 concerning the amendment of the sub-paragraph (k) of the Article 2 of the Law No:6821 of the establishment of the Atomic Energy Commission and the addition of an article and a temporary article to the Law No: 7256 of the way of the application of the Atomic Energy Program of Turkey.

Temporary Articles

Temporary Article 1-The members of the Atomic Energy Commission and the President and the Vice President shall be appointed or charged dating from not later than two months from the publication of this Law. The organization of the Atomic Energy Commission which has been established with the Law No: 6821 carries out its works until this appointment or charging is completed. When the appointments and chargings are completed the Atomic Energy Commission which has been established with the Law No: 6821, shall be abrogated Atomic Energy Commission, being exempted from all kinds of taxes and dues shall be regarded as transferred to the Turkish Atomic Energy Authority.

Temporary Article 2- The accommodations of the permanent workers, or employee under contract for the present personnel working in the Atomic Energy Commission, established with the Law No: 6821; shall be done according to the principles of the temporary article 9 of the Law No: 2595 without regarding the condition of written application, dating from the entry into force of this Law to the end of the fiscal year of 1982.

If the net salaries to be paid after the accommodations are less than of the period before the accommodation the difference in between shall be paid as indemnity until it is removed by salary increases.

Temporary Article 3- The appropriations in the budget of the fiscal year 1982 for the services of Atomic Energy Commission which has been established with the Law No: 6821, shall be used by the Turkish Atomic Energy Authority.

Temporary Article 4- The provisions of the present decrees and regulation which are not contradictory to this Law, shall be continued to be applied until the decrees and regulations stated in this Law enter into force.

Entry Into Force

Article 20- This Law enters into force on the date of its publication.

Implementation

Article 21- The provisions of this Law are implemented by the Council of Ministers.