

The Swedish Radiation Protection Act (1988:220)

Amendments up to SFS 2004:456 are inserted.

Parliament has issued the following:

Introductory provisions

1 § The purpose of this Act is to protect people, animals and the environment against harmful effects of radiation.

2 § The Act applies to ionising radiation as well as non-ionising radiation.

Ionising radiation is defined as radiation of gamma rays and X-rays, particle radiation or any other radiation with similar biological effects.

Non-ionising radiation is defined as optical radiation, radio-frequency radiation, low-frequency electric and magnetic fields, ultrasound or other radiation with similar biological effects.

3 § The Government or the authority appointed by the Government may, as far as is compatible with the purpose of this Act, prescribe exemptions from this Act or certain provisions of the Act concerning radioactive substances or technical devices capable of generating radiation.

4 § The Government may, to the extent necessary to strengthen defence preparedness in view of special circumstances prevailing, issue regulations concerning the national defence in derogation of the provisions of this Act.

5 § Activities involving radiation are defined in this Act as

1. manufacturing, import, export, transport, sale, transfer, lease, acquisition, possession or use of, or any comparable dealings with, radioactive substances,
2. the use of, or any comparable dealings with, technical devices capable of emitting radiation. *Law (1995:874)*

5 a § Concerning products and services intended for consumers or that could be assumed to be used by consumers the Product Safety Act (2004:451) also applies. *Law (2004:456)*

General obligations

6 § Anyone who runs an activity involving radiation shall, according to the nature of the activity and the conditions in which this is performed

1. take the measures and precautions required to prevent or counteract injury to people and animals and damage to the environment,
2. supervise and maintain the radiation protection at the site, on the premises and in other areas where radiation occurs and
3. properly maintain the technical devices as well as the equipment for measuring and radiation protection used in the activity.

7 § Anyone who runs an activity involving radiation shall be responsible for ensuring that those who are employed in the activity are amply familiar with the circumstances,

conditions and regulations relating to the activity, and are informed of the risks that may be associated with the activity. Persons who run such an activity shall ensure that those who are employed in the activity have the requisite training and know what measures must be taken to ensure that the radiation protection work functions in a satisfactory manner.

7 a § The obligations according to Sections 6 and 7 in this act shall also be applicable to any employer who engage workers in a site where practice with radiation is performed. These obligations apply to the extent needed to protect the workers from hazardous effects of radiation. *Law (2000:264)*

8 § Persons engaged in activities with radiation, or work where such activity is performed, shall use the safety equipment and take any other measures that are required for the satisfactory functioning of the radiation protection. *Law (2000:264)*

9 § Anyone who manufactures, imports, transfers or makes available radioactive substances shall, by labelling or other appropriate means, provide relevant information concerning radiation protection.

10 § Anyone who manufactures, imports, transfers or makes available technical devices capable of emitting radiation or which contain radioactive substances shall ensure that the device, when delivered to be put into operation or demonstrated for marketing purposes, is equipped with the prescribed radiation protection equipment and in other respects as well provides adequate protection against injury to people and animals and damage to the environment. Information that is relevant from the viewpoint of radiation protection shall be provided by labelling or other appropriate means.

11 § Anyone who installs or performs maintenance on a device of the kind referred to in Section 10 shall ensure that the radiation protection equipment belonging to the device is placed in position and that, in other respects as well, the measures of significance from the viewpoint of radiation protection are taken.

12 § The Government or the authority appointed by the Government may issue any further regulations required for protection against, or control of, radiation in the respects specified in Sections 6-11.

With respect to radioactive substances, provisions are also contained in the Pharmaceuticals Act (1992:859) and the Transport of Hazardous Goods Act (1982:821). *Law (1992:1205)*

Radioactive waste etc.

13 § Anyone who runs, or has run, activities involving radiation shall be responsible for ensuring that the radioactive waste is handled or placed in a final storage in a manner that is satisfactory from the viewpoint of radiation protection. The same applies to discarded radiation sources that have been used in such activities.

If required from the viewpoint of radiation protection, the Government or the authority appointed by the Government may prescribe that anyone who runs, or has run, activities involving radiation shall be responsible for ensuring that the radioactive waste arising from these activities be handled or placed in a final storage in a specified manner.

14 § Anyone who runs, or has run, activities involving a technical device capable of generating radiation shall, to the extent prescribed by the Government or the authority appointed by the Government, be responsible for ensuring that the device is rendered harmless when it is no longer to be used for the activities concerned.

Prohibitions, testing, etc.

15 § If required from the viewpoint of radiation protection, the Government or the authority appointed by the Government may issue prohibitions against

1. the manufacture, import, transport, sale, transfer, lease, acquisition, possession or use of, or other comparable dealings with, materials containing radioactive substances,
2. the manufacture, import, transport, sale, transfer, lease, acquisition, possession, use, installation or maintenance of, or other comparable dealings with, a technical device which is capable of generating radiation, and which is not subject to the licence obligation under this Act.

16 § Persons below the age of 18 must not be employed in work involving ionising radiation. Exceptions may be granted only for those who in their educational program have to use radioactive substances or a technical device that can emit ionising radiation.

The Government or the authority appointed by the Government may issue special regulations concerning persons below the age of 18 who carry out such work.

Law (2000:264)

17 § If a particular type of work involves a special risk from the viewpoint of radiation protection for certain employees, the Government or the authority appointed by the Government may prescribe that special conditions shall apply to the performance of such work, or forbid the work to be carried out by certain employees.

18 § Anyone who is, or is to be, employed in work involving ionising radiation is obliged to undergo the medical examination required for an assessment of whether they run particular risks of injury on exposure to ionising radiation. The Government or the authority appointed by the Government may limit this obligation and also in other respects issue detailed regulations concerning the medical examination.

Only persons who have undergone medical examinations according to sub-clause 1 may be employed in work involving ionising radiation. Those who are found, on medical examination, to run particular risks of injury on exposure to ionising radiation may not, without the permission of the Government or the authority appointed by the Government, be employed in work involving ionising radiation.

If anyone engaged in work involving ionising radiation or who, owing to his employment, may have been exposed to ionising radiation, shows signs of injury that may be suspected to be caused by such radiation, he or she shall be given an opportunity, by the employer, to undergo a medical examination as soon as possible.

19 § The Government or the authority appointed by the Government may issue such regulations concerning measuring and protective equipment, and also concerning testing, supervision and inspection, that are of significance from the viewpoint of radiation protection. *Law (1990:236)*

Licence obligation etc.

20 § A licence is required for

1. the manufacture, import, transport, sale, transfer, lease, acquisition, possession, use deposit or recycle of radioactive substances,

2. the manufacture, import, sale, transfer, lease, acquisition, possession, use, installation or maintenance of a technical device capable of and intended for emitting ionising radiation, or a part of such a device that is of substantial importance from the viewpoint of radiation protection

3. the manufacture, import, sale, transfer, lease, acquisition, possession, use, installation or maintenance of technical devices, other than those referred to in sub-clause 2 and which are capable of generating ionising radiation and for which the Government or the authority appointed by the Government has prescribed a licence requirement.

4. the export of radioactive substances if a licence is not granted according to the Act (2000:1064) on the control of products with dual use or technical support.

Law (2000:1068)

20 a § A licence to export radioactive waste must not be granted for export to

1. a destination south of latitude 60° south,

2. a state party of the fourth ACP-EEC Convention promulgated 15 December 1989, and not a member of the European Union,

3. a state which has forbidden the import of radioactive waste or a state which is presumably incapable to managing such waste in a safe manner. *Law (1995:874)*

21 § The Government or the authority appointed by the Government may issue regulations on licence requirements for the manufacture, import, sale, transfer, lease, acquisition, possession, use, installation or maintenance of a technical device capable of generating non-ionising radiation, or a part of the device that is of substantial importance from the viewpoint of radiation.

22 § Matters relating to licences under this Act are decided upon by the Government or the authority appointed by the Government.

The Government or the authority appointed by the Government may issue regulations on licences under this Act for hospital authorities, certain occupational groups or certain health-care institutions, research institutions or companies.

22 a § At judging matters on licences or conditions according to Section 27, the Chapter 5, Section 3 and the Chapter 16, Section 5 of the Environment Act apply.

The Government or the authority appointed by the Government may prescribe that, in matters relating to licences under this Act, an environmental impact assessment according to Chapter 6 of the Environment Act shall be carried out which makes possible an overall assessment of the effects of a planned installation or activity health, the environment or other resources. *Law (1998:841)*

23 § A licence under this Act is not required for activities covered by the Act (1984:3) on nuclear activities, unless otherwise is prescribed in licenses issued under that Act.

Provisions concerning licences to manufacture, import or sell radioactive pharmaceuticals are also contained in the Pharmaceuticals Act (1992:859).

Law (1992:1205)

24 § The validity of a licence may be limited to a particular period of time. A licence for the import or export of radioactive waste shall be valid for a period not exceeding three years. *Law (1995:874)*

25 § Persons who lack licences when a licence is required under Section 20 or 21 may not, without the permission of the Government or the authority appointed by the Government, take charge of a radioactive substance or technical device not cleared by customs, in the manner referred to in Chapter 4, Section 2 of the Customs Act (2000:1281). In other respects, the Act (1973:980) on transport, storage and destruction of goods subject to import control etc. applies. *Law (2000:1287)*

Licence conditions etc.

26 § In conjunction with the issue of a licence or during the period of validity of the licence, the licensing authority may issue such conditions relating to the licence as are required with respect to radiation protection.

27 § If a licence has been granted according to the Act (1984:3) on nuclear activities or during the period of validity of the licence, the Government or the authority appointed by the Government may issue the additional conditions required with reference to radiation protection. If the licence relates to a nuclear plant, however, conditions that may significantly affect the design or operation of the plant shall always be submitted to the Government.

The Government or the authority appointed by the Government may prescribe that, in matters of conditions subject to judgement by the Government, an environmental impact assessment as provided in Chapter 6 of the Environment Act shall be carried out. *Law (1998:841)*

Revocation of licences

28 § A licence under this Act may be revoked if

1. regulations or conditions imposed pursuant to Section 12, Section 13 (2), Section 14, Section 15, Section 16 (2), Section 17, Section 19 (1) or Section 26 have not been violated in a significant respect
2. there are otherwise very strong reasons for revocation.

Supervision etc.

29 § Supervision of compliance with this Act and with regulations or conditions issued pursuant to this Act is exercised by the authority or authorities appointed by the Government.

30 § Following the assumption of responsibility by a local authority, the Government or the authority appointed by the Government may transfer to the municipal authority or authorities performing tasks in the field of environment and health protection the task of exercising supervision in a particular respect. If such a transfer takes place, the provisions of the Supervisory Authorities Act shall also apply to such an authority. *Law (1998:841)*

31 § Anyone who runs activities under this Act shall, at the request of the supervisory authority,

1. submit to the authority the information and provide the documents required for its supervision,

2. give the authority access to the installation or site where the activities are performed, for investigations and samples, to the extent required for the supervision. Compensation is not payable for samples taken.

The police authority shall provide the assistance necessary for the supervision.

The Government or the authority appointed by the Government may prescribe an obligation to reimburse a supervisory authority for its expenses in connection with sampling and the examination of samples.

32 § The supervisory authority may issue the injunctions and prohibitions required in individual cases in order for this Act, or regulations or conditions issued pursuant to this Act, to be complied with.

If a person fails to take a measure incumbent upon him under this Act, under regulations or conditions issued pursuant to this Act, or under the supervisory authority's injunction, the authority may arrange for the measure to be taken at his expense.

33 § Pending the taking of a prescribed radiation-protection measure or to ensure compliance with a prohibition issued, the supervisory authority may take charge of radioactive substances or technical devices which are capable of generating radiation or which contain a radioactive substance.

The supervisory authority may also seal a technical device or installation in order to prevent its unlawful use.

The police authority shall provide the assistance necessary for measures under subsection 1 and 2.

34 § Injunctions or prohibitions under this Act may carry contingent fines.

Provisions on liability etc.

35 § Anyone who deliberately or through gross negligence commits a breach of Section 6, Section 7, Sections 9-11 or Section 13, first paragraph, shall be fined or sentenced to not more than two years imprisonment.

36 § Anyone who deliberately or through negligence

1. commits a breach of Section 16, first paragraph, Section 20 paragraphs 1, 2 or 4,
2. commits a breach of regulation issued pursuant to Section 12, first paragraph, Section 13, second paragraph, Section 14, Section 15, Section 16, second paragraph, Section 17, Section 19, Section 20.3 or Section 21,
3. commits a breach of conditions issued pursuant to Section 26 or 27
4. commits a breach of an injunction or prohibition issued pursuant to Section 32, first paragraph, shall be fined or sentenced to not more than two years imprisonment.

Law (2000:264)

37 § Anyone who deliberately or by negligence

1. commits a breach of the provisions of Section 18, paragraphs 2 or 3,
2. fails to comply with the request of the supervisory authority under Section 31, first paragraph,
3. submits incorrect information on facts of importance in an application or any other document provided under this Act or regulation issued pursuant to the Act shall be fined.

38 § Liability under this Act will not be imposed for minor offences.

Liability under this Act shall not be imposed if liability for the offence may be imposed under the Penal Code or the Smuggling Act (2000:1225). *Law (2000:1242)*

39 § Anyone who fails to comply with a subpoena injunction or prohibition shall not be convicted under this Act of an offence to which the injunction or prohibition refers.

40 § Radioactive substances or technical devices which have been involved in an offence under this Act, or the value thereof, and also the proceeds of such offences, shall be declared forfeited, except where this is manifestly oppressive.

The aforesaid shall also apply to containers or other radiation-protection devices belonging to radioactive substances or technical devices.

41 § No person who has had dealings with any case under this Act may without authorisation disclose or take advantage of any information which he has received concerning business matters or operating conditions, or circumstances of importance for the national defence.

With respect to state activities, the provisions of the Secrecy Act (1980:100) shall apply instead.

42 § Appeals in specific cases under this Act may be lodged with an administrative tribunal. Decisions on matters referred to in Section 27 are, however, contested by appeal to the Government.

Recourse to the administrative court of appeal is subject to the grant of a review dispensation.

Regulations on appeal against a decision under this Act made by an authority exercising powers conferred by the same are issued by the Government.

Decisions issued under this Act shall take effect immediately unless otherwise is declared. *Law (1998:841)*

Charges

43 § The Government or the authority appointed by the Government may issue regulations concerning charges for the authority's activities under this Act.

Law (1990:236)