

POLAND

Atomic Energy Act*

adopted on 29 November 2000

Chapter 1

GENERAL PROVISIONS

Article 1

1. The Act defines the following:
 - 1) activities related to peaceful use of atomic energy, involving real and potential exposures to ionising radiation emitted by artificial radioactive sources, nuclear materials, devices generating ionising radiation, radioactive waste and spent nuclear fuel;
 - 2) duties of the head of the organisational entity conducting these activities;
 - 3) authorities competent in the area of nuclear safety and radiological protection;
 - 4) principles of third party liability for nuclear damage.
2. The Act also establishes financial penalties for the violation of nuclear safety and radiological protection regulations, and the rules for imposing such penalties.
3. The Act shall also apply to practices conducted in conditions of exposure to natural ionising radiation enhanced by human activity.
4. Moreover, the Act defines principles of radioactive contamination monitoring and establishes rules governing activities undertaken in the event of a radiological emergency as well as in chronic exposure conditions in the aftermath of a radiological emergency or a past practice.

* Official Journal of 2001, No. 3, Item 18 and No. 100, Item 105.

This translation was kindly provided by the Polish authorities.

Article 2

Activities and practices referred to in Article 1(1)(1) and Article 1(3) shall be permitted after undertaking the measures defined in appropriate regulations, aimed at ensuring the safety and protection of human life and health, as well as protection of property and the environment.

Article 3

For the purposes of this Act, the following terms have the meaning hereby assigned to them:

- 1) nuclear safety – conditions reached through all of the organisational and technical measures undertaken to prevent radiological emergencies related to practices involving nuclear materials, and to mitigate their consequences;
- 2) dose limit – radiation dose expressed as effective dose or equivalent dose, established for specified groups of persons, and involving controlled occupational exposure, which shall not be exceeded, except under circumstances provided for in this Act;
- 3) absorbed dose – the energy absorbed per unit mass of matter, averaged over an organ or a tissue of an exposed person;
- 4) equivalent dose – absorbed dose in an organ or a tissue, derived by taking into account the type and energy of the ionising radiation;
- 5) effective dose – sum of equivalent doses from external and internal exposures, derived using appropriate tissue or organ weighting factors, and representing a whole body exposure;
- 6) intervention measures – activities performed to prevent or to mitigate human exposure resulting from a radiological emergency, as defined in Article 90;
- 7) organisational entity – each entity engaged in activities involving exposure;
- 8) decommissioning of a nuclear facility – bringing a nuclear facility or device to a status which allows the conduct of any activity with no limitations from the nuclear safety and radiological protection viewpoint;
- 9) decommissioning of a radioactive waste or spent nuclear fuel repository – bringing the site of a radioactive waste or spent nuclear fuel repository to a status which allows the conduct of any activity with no limitations from the nuclear safety and radiological protection viewpoint;
- 10) dose constraint – a restriction on the prospective individual doses which may result from a defined source, for use at the planning stage of radiation protection in connection with optimisation;
- 11) nuclear material – material containing fissionable isotopes (nuclides), in particular the isotopes of uranium, plutonium or thorium, in quantities which may not be disregarded from the viewpoint of nuclear material accountancy, including nuclear fuel;
- 12) exposure – a process of exposing the human body to ionising radiation;

- 13) nuclear facility – a facility or an installation designed for manufacturing, use, processing, storage and disposal of nuclear material in quantities allowing a self-sustained nuclear fission chain reaction;
- 14) physical protection – all organisational and technical measures aimed at ensuring effective protection of nuclear facilities and nuclear materials against theft, or acts of terrorism, diversion, or sabotage;
- 15) radiological protection – prevention of human exposure and environmental contamination, and if such prevention is not possible – limitation of their consequences to the as low as reasonably achievable level, taking into account economic, social and health factors;
- 16) radioactive waste – solid, liquid or gaseous waste containing radioactive substances or contaminated by such materials, assigned to the waste categories specified in Article 47;
- 17) radioactive waste management – all practices involving processing, handling, storage and disposal of radioactive waste, including facility decommissioning;
- 18) spent nuclear fuel management – all practices involving reprocessing, handling, storage or disposal of spent nuclear fuel, including facility decommissioning;
- 19) intervention level – numerical value of the effective or equivalent dose, or the level of radioactive isotope content in foodstuffs, drinking water and feeding stuffs, which necessitates the consideration of specific remedial action if there is a possibility of exceeding this value;
- 20) quality assurance program – system of actions to guarantee compliance with specified requirements of radiological protection and nuclear safety;
- 21) ionising radiation – radiation composed of directly or indirectly ionising particles, or of both those types of particles, or electromagnetic waves of a wavelength of 100 nm (nano-meters), or less;
- 22) natural radiation – ionising radiation emitted from natural sources of terrestrial and cosmic origin;
- 23) spent nuclear fuel storage facility – nuclear facility intended for the safe, secure, stable and protected storage of spent nuclear fuel, after its unloading from the nuclear reactor or from the fuel pool at the reactor and before its handing over for reprocessing or for disposal as radioactive waste;
- 24) storage – holding of radioactive waste or spent fuel with the intention of its retrieval for processing, reprocessing or disposal;
- 25) spent nuclear fuel reprocessing – process or operation aimed at partial or total extraction of radioactive isotopes from spent nuclear fuel for their further use;
- 26) radioactive waste processing – process or operation to minimise the volume of waste, waste segregation according to waste category and preparation for transport;
- 27) radioactive waste or spent nuclear fuel disposal – emplacement of radioactive waste or spent nuclear fuel in a facility designed for this purpose with no intention of retrieval;

- 28) radioactive substance – material containing one or more radioactive isotopes, with activity or radioactive concentration that can not be disregarded from the radiological protection viewpoint;
- 29) spent nuclear fuel – nuclear fuel that has been irradiated in and permanently removed from a nuclear reactor core;
- 30) potential exposure – exposure which is possible and for which the probability and magnitude may be estimated beforehand;
- 31) closure of a radioactive waste or spent nuclear fuel repository – discontinuation of further shipments of radioactive waste or spent nuclear fuel to the repository, decided upon by an appropriate authority, and accomplishment of all works necessary to ensure the facility's safety and security;
- 32) radiological emergency – hazardous situation which requires urgent remedial actions for protection of workers or of the general public;
- 33) radioactive source – a radioactive substance made ready for use of its ionising radiation;
- 34) ionising radiation source – a radioactive source, device containing such source, device generating ionising radiation or an installation emitting radioactive substances.

Chapter 2

LICENCES ADDRESSING NUCLEAR SAFETY AND RADIOLOGICAL PROTECTION ISSUES

Article 4

1. Any practice involving exposures and concerning:
 - 1) manufacturing, processing, storage, disposal, transport or use of and trade in nuclear materials, radioactive sources, radioactive waste and spent nuclear fuel;
 - 2) construction, commissioning, experimental or steady state operation and decommissioning of nuclear facilities;
 - 3) construction, operation, closure and decommissioning of radioactive waste repositories and spent nuclear fuel repositories, and construction and operation of storage facilities for spent nuclear fuel;
 - 4) manufacture, installation, use and maintenance of devices containing radioactive sources and trade in such devices;
 - 5) manufacture, purchase, commissioning and use of devices generating ionising radiation;

- 6) commissioning of laboratories and workrooms using ionising radiation sources, including X-ray laboratories;
 - 7) deliberate addition of radioactive substances in the processes of manufacturing consumer and medicinal products and trade in such goods;
 - 8) deliberate administration of radioactive substances to humans and animals for medical or veterinary diagnostics, therapeutic purposes or for research;
 - 9) shall require a licence or a notification from the viewpoint of nuclear safety and radiological protection, subject to Article 6(1).
2. Practices involving the addition of radioactive substances to foodstuffs, toys, personal jewellery or cosmetic products, as well as the import of such products into, and export from the territory controlled by Polish customs, shall be prohibited.

Article 5

1. Applications to issue a licence for practices referred to in Article 4(1) or the notification of such practices shall be submitted by the head of the organisational entity.
2. Licences shall be issued by or the notification shall be made to the President of the National Atomic Energy Agency, hereinafter referred to as “the Agency’s President”, subject to Paragraph 3.
3. Licence for manufacturing, acquiring, commissioning and operating for medical purposes X-ray sets with radiation energy up to 300 keV (kilo electron-volt) shall be issued by the sanitary inspector of the *Voivod* (regional governor), or in the case of organisational entities subordinated to or supervised or established by the Minister for National Defence – by the military sanitary inspector.
4. The bodies referred to in Paragraphs 2 and 3 shall establish and maintain a register of those organisational entities whose practices require at least a notification.
5. Decisions to withdraw a licence shall establish the method for ensuring safety of nuclear materials, ionising radiation sources, radioactive waste or spent nuclear fuel in the possession of the organisational entity.
6. In all matters not regulated by this Act and concerning the licences, the provisions of the Act of Parliament of 19 November 1999 on Business Enterprises (O.J. of 1999, No. 101, Item 1178, and O.J. of 2000, No. 86, Item 958 and No. 114, Item 1193) shall apply.
7. Use for economic purposes of industrial waste containing natural radioactive isotopes shall be subject to the rules defined in the regulations on environmental protection.

Article 6

The Council of Ministers shall establish by regulations:

- 1) cases where practices referred to in Article 4(1) shall be exempted from obtaining a licence or from issuing a notification, and cases where such practices may be performed on the basis of a notification, by defining appropriate exemption criteria in the form of limiting values for radioactive isotopes total activity and radioactivity concentration;
- 2) documents required together with a licence application submitted for practices referred to in Article 4(1) or with the notification of such practices, which are necessary to confirm that the applicant fulfils the conditions satisfying nuclear safety and radiological protection requirements, taking into account specific characteristics of various practices as well as the actions of the authority issuing the licence or receiving the notification in the event that the content of such documents is not sufficient to prove that these conditions have been fulfilled;
- 3) requirements concerning natural radioactive isotope content in raw materials and in construction materials used in the buildings intended for humans and livestock and also in industrial waste used in the construction industry, as well as the control over the content of such isotopes.

Chapter 3

NUCLEAR SAFETY RADIOLOGICAL PROTECTION AND HEALTH PROTECTION OF WORKERS

Article 7

1. Responsibility for compliance with nuclear safety and radiological protection requirements shall rest with the head of the organisational entity pursuing the activities involving exposure.
2. An organisational entity conducting practices for which a licence is required shall establish and implement a quality assurance program.
3. In an organisational entity conducting practices for which a licence is required, nuclear safety and radiological protection conditions shall be supervised by an authorised radiological protection inspector.
4. An application to be authorised to become a radiological protection inspector may be filed by the interested party or by the head of the appropriate organisational entity.
5. An authorisation to become a radiological protection inspector shall be granted to an individual who:
 - 1) is fully qualified from the legal point of view;

- 2) is at least a secondary school graduate;
 - 3) passed an exam referred to in field of training specified in the regulations issued on the basis of Article 12(2);
 - 4) possesses a medical certificate declaring lack of contraindications for work in occupational exposure conditions.
6. Authorisation to be a radiological protection inspector shall be issued by the Agency's President, subject to Paragraph 7.
 7. The Minister competent in health matters shall establish by regulation the competent body for granting appropriate authorisations for radiological protection inspectors in X-ray laboratories using for medical purposes X-ray sets with radiation energy up to 300 keV.
 8. Costs associated with obtaining such an authorisation shall rest with the applicant.

Article 8

1. Before the start of practices involving exposure, the head of the organisational entity shall prepare a justification for the practice, which should demonstrate that the scientific, economic, social and other benefits expected from this practice will prevail over possible damage to human health and to the state of the environment caused by this practice.
2. If some new and important circumstances concerning the effects of a given practice arise, the head of the organisational entity shall verify the justification, taking into account the same factors as those required for the justification itself.

Article 9

1. The head of the organisational entity shall ensure that the activities are conducted according to the optimisation principle, which requires that – after reasonably taking into account economic and social factors, the number of exposed persons and the radiation doses received by those persons shall be as low as reasonably achievable, subject to Article 15(3).
2. If dose constraints are established in the licence, then any possible excess of the dose shall be reported by the head of the organisational entity to the licensing authority.

Article 10

1. A worker may be employed in exposure conditions after an appropriately qualified medical practitioner, hereinafter referred to as an “authorised medical practitioner”, issues a certificate stating that there are no contraindications for such employment.

2. Qualifications of authorised medical practitioners, procedures for the issue and conservation of such certificates and the type and frequency of medical examinations for workers employed in exposure conditions, shall be established by the provisions of labour law, unless otherwise provided in this Act.

Article 11

1. Work involving nuclear material, ionising radiation sources, radioactive waste or spent nuclear fuel, shall be performed by an employee possessing the knowledge of nuclear safety and radiological protection regulations appropriate for this position, as well as appropriate skills and qualifications.
2. The head of the organisational entity shall be responsible for conducting preliminary and periodic training for workers, apprentices and students on nuclear safety and radiological protection issues, according to a training programme developed by him. This training shall also be given to workers participating in the transport of nuclear materials, radioactive sources, radioactive waste and spent nuclear fuel.
3. Training programmes, which include information on health protection issues, developed by the head of the organisational entity operating on the basis of a licence, shall be approved by the licensing authority.

Article 12

1. In an organisational entity, a position which is important for ensuring nuclear safety and radiological protection may only be occupied by an individual possessing an appropriate authorisation issued by the Agency's President.
2. The Council of Ministers shall establish by regulation the types of positions referred to in Paragraph 1, detailed conditions and procedures for the issuance by the Agency's President of authorisations for radiological protection inspectors and people occupying positions referred to in Paragraph 1, required scope of training and conditions to be fulfilled by the entities conducting the training, taking into account the training curriculum and organisational forms, the standard form of authorisation certificates and the overall scope of authority and duties of a radiological protection inspector.
3. The Minister competent for health issues shall establish by regulation detailed conditions and procedures governing the issuance of authorisations to radiological protection inspectors employed in X-ray laboratories using for medical purposes X-ray sets with radiation energy up to 300 keV, in particular taking into account standard forms for certification of appropriate qualifications, the methods of conducting examinations and of establishing an examinations commission, as well as detailed training curricula.

Article 13

1. Dose limits shall include the total sum of the doses from external and internal exposures.
2. Dose limits shall not include the exposures to natural radiation provided that such exposures have not been enhanced by human activity; in particular they shall not include exposures resulting from radon in homes, natural radioisotopes incorporated in human bodies, cosmic radiation on ground level and above-ground exposures to radioisotopes present in the undisturbed earth's crust.

Article 14

1. The sum of all ionising radiation doses to the workers and the general public, incurred jointly from all kinds of practices, shall not exceed, subject to Articles 19(1), 20(2) and 20(3), the dose limits established in the regulations based on Article 25(1).
2. Dose limits shall not apply to individuals exposed to ionising radiation for medical purposes.

Article 15

1. Ionising radiation applications for medical purposes include the exposures of:
 - 1) patients who undergo medical examinations and therapy, including preliminary and periodic medical examinations,
 - 2) individuals who undergo radiological screening examinations,
 - 3) healthy people or patients participating in medical experiments,
 - 4) people examined for medico-legal purposes,
 - 5) individuals who knowingly and willingly help, support and comfort patients undergoing medical procedures.
2. Referral to an examination or to treatment involving the application of ionising radiation should be based on the referring medical practitioner's (prescriber's) conviction that this examination or treatment shall provide information contributing to a proper diagnosis or to the exclusion of an illness, to the prognosis of the course of disease, to the necessary evaluation of treatment effectiveness, and that the net benefit thus obtained shall predominate over possible health detriments resulting from ionising radiation exposure.
3. The Minister competent for health issues shall establish by regulation the conditions for safe ionising radiation applications referred to in Paragraph 1 and also the procedures for internal control of compliance with those conditions, in particular taking into account the optimisation principle, dose constraints for the persons referred to in Paragraph 1, Subparagraph 5, special

rules applying to medical exposure to ionising radiation of children, pregnant women and breast-feeding women undergoing examinations and medical treatments and also accident prevention, and the requirements for quality assurance and control system in X-ray diagnostic procedures, nuclear medicine and radiotherapy.

Article 16

1. In the case of accidental exposure, the assessment shall include the ionising radiation dose received by an exposed individual. Such exposure shall not concern the situation referred to in Article 20(1).
2. Assessment of exposure referred to in Paragraph 1 shall be performed by the head of the organisational entity on whose site the exposure has occurred, or by the Agency's President if the identification of such organisational entity is not possible.

Article 17

1. To match the methods of exposure assessment to its expected level for workers employed in organisational entities, two categories of workers shall be established, depending on the magnitude of exposure:
 - 1) category A, for workers who may be exposed to an effective dose exceeding 6 mSv (milli-sievert) in one year or to an equivalent dose exceeding one-third of the dose limits for eye lens, skin and extremities, established in the regulations based on Article 25(1);
 - 2) category B, for workers who may be exposed to an effective dose exceeding 1 mSv in one year or to an equivalent dose exceeding one-twentieth of the dose limits for eye lens, skin and extremities, established in the regulations based on Article 25(1), and who are not included in category A.
2. Occupational exposure assessment shall be based on control measurements of individual doses or on dosimetric measurements in the workplace.
3. Exposure assessments for category A workers shall be based on systematic individual dose measurements and if such workers may be exposed to radiation from internal contamination having an impact on the level of the effective dose for this category of worker, such workers shall be also subject to internal contamination measurements.
4. Exposure assessment for category B workers shall be based on dosimetric measurements in the workplace, performed in a manner which allows verification that they should belong in this category. Licence conditions may include the requirement to perform exposure assessment for category B workers employed at tasks covered by this licence, based on individual dose measurements.
5. If individual dose measurement is impossible or insufficient, the assessment of the individual dose received by category A worker may be made on the basis of individual dose measurement

results for other exposed workers belonging to this category, or on the basis of dosimetric measurements in the workplace.

6. Classification of occupationally exposed workers into category A or B shall be done by the head of the organisational entity, according to the expected level of exposure of these workers.
7. Regarding the ability to perform tasks in the category A worker's group, the following medical classification shall be established: able, able under certain conditions, unable.
8. A worker shall not be employed in a specified position within category A if an authorised medical practitioner issues a certificate stating that this worker is unable to perform such work.

Article 18

1. To adapt the actions and means used for radiological protection of workers to the magnitude and type of a potential exposure, the following classification of workplace sites shall be introduced:
 - 1) controlled areas, in which there is a possibility of receiving doses established for category A workers or a possibility of radioactive contamination,
 - 2) supervised areas, in which there is a possibility of receiving doses established for category B workers and which have not been classified as controlled areas.
2. The head of the organisational entity shall be responsible for the fulfilment of requirements established in the regulations for controlled and supervised areas, based on Article 25(2).

Article 19

1. In special cases, excluding radiological emergencies, category A workers may, willingly and with the consent of the Agency's President, receive doses exceeding dose limit values, if this is necessary to perform a specified task.
2. Exposure referred to in Paragraph 1 shall be prohibited for apprentices, students and female pregnant and breast-feeding workers, if the exposure involves a probability of their radioactive contamination.
3. The head of the organisational entity shall justify the necessity of the exposure referred to in Paragraph 1 and shall discuss the situation in advance with interested volunteers or with their representatives, as well as with the authorised medical practitioner and the radiological protection inspector.
4. Proceedings referred to in Paragraphs 1 and 3 shall be documented in a written form.
5. Doses received by the worker, referred to in Paragraph 1, shall be registered separately in the records referred to in Article 30(3). Such exposures shall not result in the worker's withdrawal

from normal tasks nor in his transfer to another position against his will, subject to Article 31(2) and 31(3).

Article 20

1. No individual participating in the elimination of radiological emergency consequences and in intervention actions (exceptional exposure) shall receive during such actions a dose exceeding the annual effective dose limit for occupational exposure, subject to Paragraphs 2 and 3.
2. No individual participating in the intervention action with the aim of preventing:
 - 1) a serious health detriment,
 - 2) a major irradiation of a significant number of persons,
 - 3) a large-scale disaster,– shall receive an effective dose in excess of 100 mSv.
3. No individual participating in the rescue of human life shall obtain an effective dose in excess of 500 mSv.
4. Actions referred to in Paragraphs 2 and 3 shall be undertaken exclusively by volunteers, who have been informed in advance of the health risks involved, and who subsequently voluntarily undertook the decision to participate in such intervention actions. Resignation from participation in such an action may not constitute the grounds for terminating an employment contract.
5. During the intervention actions referred to in Paragraphs 1 to 3, all possible means shall be undertaken to ensure proper protection as well as the assessment and recording of the doses received by the individuals participating in these actions. After completion of these actions, the individuals involved shall obtain information on doses received and on the resulting health risks.
6. Persons having received the doses referred to in Paragraphs 1 and 2 shall not be withdrawn from further employment in exposure conditions nor transferred to other positions against their will, subject to Articles 31(2) and 31(3).
7. A person who has received the dose referred to in Paragraph 3 shall be referred for medical examinations by the head of the organisational entity. The provisions of Article 31(2) and 31(3) shall apply accordingly.

Article 21

1. The head of the organisational entity shall keep register of individual doses received by category A workers, based on the results of measurements and assessments referred to in Paragraph 2.

2. Individual dose measurements and assessment of doses resulting from internal contamination shall be performed by bodies possessing appropriate accreditation obtained on the basis of separate regulations.
3. The central register of the doses referred to in Paragraph 1 shall be kept by the Agency's President, based on measurement results referred to in Paragraph 2, obtained from the head of the organisational entity.

Article 22

The head of the organisational entity, prior to employing a worker in radiation exposure conditions, shall obtain from the central dose register the information on the doses previously received by the worker.

Article 23

1. Occupational activities related to the presence of natural radiation leading to an increase of the exposure of workers or the population, which is significant from the radiological protection viewpoint, shall require an assessment of this exposure.
2. Exposure assessment shall be based on dosimetric measurements in the workplace.
3. The activities referred to in Paragraph 1 shall include in particular the work performed in:
 - 1) mines, caves and other underground sites;
 - 2) aviation, excluding the tasks performed by the ground personnel.
4. The head of the organisational entity shall establish method for exposure assessment and the means of reducing this exposure, taking into account the regulations based on Article 25(1) and the specific features of the work performed by the exposed person.

Article 24

Exposure of the population as a whole, due to activities involving ionising radiation, shall be regularly assessed by the Agency's President and shall be described in the report referred to in Article 110(13).

Article 25

The Council of Ministers shall establish by regulations:

- 1) ionising radiation dose limits and indicators allowing the determination of those doses, used in exposure assessment and the method and frequency of the assessment of exposure of

workers and the general public, taking into account – while defining dose limits for the workers – the doses for apprentices, students and female pregnant and breast-feeding workers;

- 2) basic requirements for controlled and supervised areas, including the means for their designation, conditions for access and leaving these areas by workers and other persons, and conditions which should be fulfilled for dosimetric measurements in the workplaces within these areas, in particular the scope of the measurement programme and the criteria used to choose the persons who conduct such measurements.

Article 26

The head of the organisational entity employing workers for tasks involving exposure, shall:

- 1) provide such employees with medical protection, the necessary means of individual protection and dosimetric equipment, corresponding to the exposure conditions;
- 2) ensure that individual dose measurements or dosimetric measurements are performed in the workplace, according to Article 17(3) and 17(4), and that records of pertinent data are maintained.

Article 27

1. Dosimetric equipment used for exposure control and assessment, which is not covered by obligatory metrological control established in the regulations on measurements, shall possess a calibration certificate.
2. The calibration certificate referred to in Paragraph 1 shall be issued by the measurement laboratory which possesses an accreditation issued on the basis of separate regulations.

Article 28

The Council of Ministers shall establish by regulations the requirements for:

- 1) individual dose recording, taking into account the exposures referred to in Articles 19(1) and 20(1), the results of dosimetric measurements, the period during which the measurement results should be maintained and organisational means for data collection, transfer and availability,
- 2) dosimetric equipment, taking into account the technical requirements for its application in normal circumstances during radiological emergencies.

Article 29

1. The head of the organisational entity shall ensure that the workers employed by some other employer (external employer) or self-employed workers engaged in any activity within a controlled area (external workers) shall have protection equivalent to the protection provided to workers employed by this organisational entity.
2. The head of the organisational entity, after completion by an external worker of his task in a controlled area, shall issue him with a document which contains data concerning:
 - 1) the nature and duration of the task performed,
 - 2) a dose assessment expressed in terms of quantities used for dose limits, respectively for the whole body, non-homogeneous exposure and internal exposure.
3. The Council of Ministers shall establish by regulation detailed description of the duties of the head of the organisational entity, the external employer and the external worker respectively in the field of radiation protection of external workers occupationally exposed in controlled area, taking into account protection methods applied to the employees of the organisational entity.

Article 30

1. Responsibility for medical surveillance of category A workers shall lie with the head of the organisational entity and with the authorised medical practitioner, who shall have access to the information necessary to issue a certificate concerning the workers' ability to perform specified tasks, including the information on environmental conditions in the workplace.
2. The medical surveillance referred to in Paragraph 1 shall include a preliminary examination prior to employment to ascertain whether the individual may be employed as a category A worker, and periodic medical examinations, performed at least once a year, to verify whether the employee may continue to perform his duties.
3. For each category A worker, the authorised medical practitioner shall set up a medical record, which shall be maintained and updated throughout the whole period of his employment as a worker in this category. This record shall be preserved until the worker attains the age of 75 years or at least for 30 years after the termination of work in occupational exposure conditions.
4. The medical record shall include information on the type of task performed, the results of medical examinations performed prior to employment as a category A worker, the results of periodic examinations and the dose records referred to in Article 21(1).
5. After the termination of work in occupational exposure conditions, the authorised medical practitioner may order further medical surveillance, if this shall be deemed necessary for the worker's health protection.

Article 31

1. In the case of a proven excess of any of the dose limits established in the regulations based on Article 25(1), the head of the organisational entity shall refer the worker for an obligatory medical examination.
2. Further work in occupational exposure conditions shall require the consent of the authorised medical practitioner.
3. In the event that the authorised medical practitioner refuses to allow further employment in occupational exposure conditions, the provisions of labour law relating to workers with recognised symptoms of an occupational disease shall apply accordingly.

Article 32

The worker shall have the right to appeal to the labour court against the medical decisions referred to in Articles 17(8) and 31(2).

Article 33

1. To ensure national nuclear safety and radiological protection in ionising radiation applications in normal circumstances and in radiological emergency situations, the costs of activities referred to in Paragraph 2 may be partially reimbursed from the national budget in the form of a special purpose subsidy, hereinafter referred to as “the subsidy”.
2. The subsidy may be used for:
 - 1) operating and decommissioning nuclear research reactors,
 - 2) operating accelerators, X-ray sets and gamma ray sources located in scientific and research and development (R&D) entities, which are used for health service purposes other than diagnostics and radiotherapy,
 - 3) performing radiological protection, nuclear safety and physical protection services to ensure safety and security of the nuclear centre located in Otwock-Swierk,
 - 4) assessing the impact of nuclear facilities, accelerators, X-ray sets and gamma ray sources on the environment and human health and conducting research and analyses necessary for such assessments as well as performing control and diagnostic activities following irregularities reported by border and rescue services,
 - 5) conducting activities aimed at the elimination of the consequences of a radiological emergency occurring in nuclear facilities, and in organisational entities which use ionising radiation sources,

- 6) performing measurements of ionising radiation dose rates or of radioactive contamination thorough the country, including in organisational entities using ionising radiation sources,
 - 7) calibrating the dosimetric equipment,
 - 8) developing and applying numerical models for radiation situation assessments, which are necessary for implementation of appropriate domestic intervention measures in the case of a radiological emergency,
 - 9) investments supporting the activities referred to in Paragraphs 1 to 8.
3. A subsidy shall be granted by the Agency's President from financial resources provided for this purpose in the Appropriation Act.
 4. The subsidy amount shall not be greater than the costs incurred while pursuing pertinent activities, reduced by the proceeds from these activities, and shall not exceed 85% of overall costs of conducted activities.
 5. The Council of Ministers shall establish by regulation detailed rules and procedures governing the allocation, accounting and return of subsidies, including a standard application form for the allocation of the subsidy and the necessary enclosures, and the method of documenting the implementation of the task and the use of expenditures covered by the subsidy.

Chapter 4

NUCLEAR FACILITIES

Article 34

1. Nuclear facilities shall include in particular:
 - 1) nuclear power plants, thermal-electric power plants and heating plants equipped with nuclear power reactors,
 - 2) research, experimental and other nuclear reactors,
 - 3) facilities designed for manufacturing, processing, storage and disposal of nuclear materials and nuclear fuel,

– from the start of their construction until the completion of the decommissioning process.
2. Nuclear facilities shall be subject to physical protection.

Article 35

1. The obligation to fulfil the requirements of nuclear safety, radiological protection and physical protection of a nuclear facility during the stages of siting, design, construction, commissioning and test operation shall lie with the investor, whereas during the stages of regular operation or decommissioning, such responsibilities lie with the head of the operating organisation.
2. Independently from the investor's duties, the obligation to fulfil nuclear safety and radiological protection requirements shall be borne by the other participants in the investment process, according to the scope of their tasks.
3. During nuclear facility design, construction, commissioning and operation, all technical and organisational solutions should be applied that, in view of scientific and technological developments, are necessary to ensure that at all stages of the facility operation, the exposure of persons on the site or of other people, and the contamination of the environment will be as low as possible, when reasonably taking into account economic and social factors, and will not exceed dose limit values established in the regulations based on Article 25(1).

Article 36

The authority competent to decide on construction and development conditions on the site of a future nuclear facility, according to the Act of Parliament of 7 July 1994 on Land Use Planning (O.J. of 1999 No. 15, Item 139, No. 41, Item 412 and No. 111, Item 1279 and of 2000 No. 12, Item 136, No. 109, Item 1157 and No. 120, Item 1268) shall issue this decision after obtaining positive opinion from the Agency's President on nuclear safety and radiological protection matters.

Article 37

The Agency's President shall issue a licence for construction, commissioning and test operation of a nuclear facility at the investor's request, whereas the licence for regular operation and decommissioning shall be issued at the operating entity's request. The licence shall be a prerequisite in order to obtain permit for nuclear facility construction, utilisation and dismantling referred to in the Act of Parliament of 7 July 1994 – Construction Law (O.J. of 2000 No. 106, Item 1126, No. 109, Item 1157 and No. 120, Item 1268).

Article 38

1. The Voivod (regional governor) shall establish a restricted use area surrounding the nuclear facility, referred to in the Act of Parliament of 27 April 2001 – Environmental Protection Law (O.J. of 2001, No. 62, Item 627).
2. After consultation with the Agency's President, the minister competent in environmental matters, shall establish by regulations detailed rules for the creation of a restricted use area surrounding the nuclear facility, indicating relevant restrictions concerning its uses and in particular taking

into account the site characteristics and conditions, possible accident situations and the distribution of ionising radiation doses at various distances from the facility.

3. The provisions of the Act referred to in Paragraph 1 shall be applicable to cases relating to damage caused by the establishment of a restricted use area.

Article 39

The Agency's President shall issue an order decreasing the power or stopping the operation of a nuclear facility if, in his assessment, further operation of this facility shall endanger nuclear safety. A subsequent increase of power or start-up of the facility shall require the consent of the Agency's President.

Chapter 5

NUCLEAR MATERIALS

Article 40

1. The head of the organisational entity shall be responsible for carrying out nuclear materials accounting and for ensuring the physical protection of nuclear materials referred to in the regulations based on Article 42(1) and 42(2).
2. The system of nuclear materials accountancy shall include:
 - 1) an internal inventory register, systems of material accounting and controls of nuclear materials conducted in organisational entities engaged in activities involving nuclear materials,
 - 2) the central accounting and control based on the structure of areas for nuclear materials inventory, hereinafter referred to as "material balance areas".
3. The central nuclear materials accounting and control shall be maintained by the Agency's President in co-operation with appropriate international organisations.

Article 41

1. Nuclear materials shall be subject to physical protection during their manufacturing, processing, storage, use, transport, disposal and trade.
2. The head of the organisational entity engaged in practices involving nuclear materials shall establish a physical protection system which, after the approval of the Agency's President, shall be agreed upon with the Chief of the Police Department of the appropriate voivodship.

3. The Agency's President shall conduct periodic controls of the system referred to in Paragraph 2.

Article 42

The Council of Ministers shall establish by regulations:

- 1) nuclear materials subject to accountancy, the rules for maintaining the material balance areas and the procedures for maintaining central and internal accounting and control of nuclear materials, including the type of documentation and control performance frequency,
- 2) nuclear materials subject to physical protection and the types of organisational and technological undertakings in the field of physical protection, establishing nuclear material categories and physical protection levels for each category, as well as the procedures for control performance referred to in Article 41(3).

Chapter 6

IONISING RADIATION SOURCES

Article 43

1. Ionising radiation sources shall be subject to controls and radioactive sources shall also be subject to registration.
2. Responsibility for performing controls of ionising radiation sources and for maintaining registers of radioactive sources status and movements shall lie with the head of the organisational entity engaged in practices involving such sources.

Article 44

1. Devices that contain radioactive substances or produce ionising radiation, prior to their introduction into service, shall be subject to control from the radiological protection point of view. This control shall not cover the devices that can be used in practices which do not require a licence.
2. The control shall be conducted by the organisational entity holding the licence for installation of or trade in such devices.

Article 45

The Council of Ministers shall establish by regulations the detailed conditions for safe work involving ionising radiation sources, taking into account:

- 1) technological and radiological protection requirements for laboratories using radioactive sources or devices containing such sources, as well as requirements for devices generating ionising radiation and for the laboratories operating such devices,
- 2) rules for work involving radioactive sources, devices containing such sources and devices generating ionising radiation, which are used in places other than the laboratories referred to in Paragraph 1,
- 3) methods of carrying out controls and maintaining registers referred to in Article 43(1), including a standard form for maintaining registers of radioactive sources inventory.

Article 46

The Minister competent for health matters shall establish by regulation detailed conditions for safe work involving X-ray sets with radiation energy up to 300 keV used for medical purposes, taking into account:

- 1) technological requirements and radiological protection requirements for such devices and for the laboratories using them,
- 2) possible departures from those requirements,
- 3) methods of carrying control over such devices.

Chapter 7

RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

Article 47

1. Radioactive waste shall be classified into three categories according to its activity level or surface dose rate: low, medium and high-level radioactive waste. These categories may be further subdivided into sub-categories according to the half-life of radioactive isotopes contained in the waste, or according to its thermal power.
3. Disused (spent) sealed radioactive sources shall form an additional category of radioactive waste.
3. Spent sealed radioactive sources shall be classified into the following sub-categories of spent sealed radioactive sources according to the level of their activity: low, medium and high-level, which shall be further subdivided according to the half-life of contained radioactive isotopes into short-lived and long-lived sub-categories.

Article 48

1. Radioactive waste classification shall be performed by head of the organisational entity, on whose site the waste is present.
2. Radioactive waste classification may be performed by the Agency's President in cases of:
 - 1) discrepancies in waste classification performed by the head of the organisational entity on whose site the waste is present and the classification performed by the head of the organisational entity receiving the waste;
 - 2) evidence of irregularities in waste classification by head of the organisational entity on whose site the waste is present.

Article 49

1. Head of the organisational entity, on whose site the radioactive waste or spent nuclear fuel is present, shall be responsible for keeping inventory registers. Inventory registers shall be kept for each type of practice involving radioactive waste or spent nuclear fuel.
2. Radioactive waste containing nuclear materials and spent nuclear fuel shall be subject to physical protection.

Article 50

Radioactive waste and spent nuclear fuel shall be stored in conditions allowing their segregation and in a manner which ensures adequate protection of humans and the environment.

Article 51

The Council of Ministers shall establish by regulations:

- 1) a method to classify radioactive waste into categories and sub-categories, taking into account the criteria referred to in Article 47(1) and 47(3);
- 2) procedures for maintaining inventory registers and performing controls of radioactive wastes as well as a standard inventory form, taking into account the procedures for maintaining common inventory registers for various practices involved in dealing with radioactive waste or with spent nuclear fuel, and the types of control activities,
- 3) conditions for storage of radioactive waste or spent nuclear fuel and the requirements to be met by the facilities, rooms and packaging designed for the storage of radioactive waste belonging to various categories, taking into account the state of matter and other

physicochemical properties of the waste, as well as the requirements to be met by storage facilities for spent nuclear fuel.

Article 52

1. Liquid or gaseous radioactive waste generated as a result of practices referred to in Article 4(1), may be discharged into the environment provided that its radioactive concentration in the environment may be disregarded from the radiological protection point of view. The method for waste discharge and its permissible activity shall be specified in the licence.
2. Radioactive waste that has been treated or which do not require treatment, and spent nuclear fuel which will not be reprocessed, shall be disposed of in repositories.
3. Spent nuclear fuel intended for disposal shall be considered as high-level radioactive waste.
4. Radioactive waste shall be disposed of exclusively in solid form and packaged in a manner which ensures radiological safety for humans and the environment, ensuring heat transfer, prevention of critical mass formation and continuous control of these factors during the disposal and after repository closure.

Article 53

1. Radioactive waste repositories may be divided into near-surface and deep repositories.
2. By decision of the Agency's President, a radioactive waste repository may be declared as the National Radioactive Waste Repository.

Article 54

The authority which, according to the Act referred to in Article 36, is competent to issue decisions on the conditions for construction and development of the site intended for construction of a repository, shall issue such decision after obtaining positive opinion from the Agency's President from the viewpoint of nuclear safety, radiological protection and physical protection.

Article 55

The Council of Ministers shall establish by regulations:

- 1) radioactive waste categories and sub-categories which may be disposed of in specified types of repositories, taking into account the state of matter and physicochemical properties of the waste intended for disposal,

- 2) detailed requirements for specific types of repositories concerning siting, construction, operation and closure, taking into account natural phenomena, geological conditions and systems of control,
- 3) conditions which a repository must fulfil in order to be granted the status of National Radioactive Waste Repository, taking into account the type of repository, categories of radioactive waste and time during which waste can be admitted into the repository,
- 4) detailed requirements for radioactive waste preparation for disposal, including the types of packaging of the waste placed for disposal.

Article 56

1. Activities involved in dealing with radioactive waste and spent nuclear fuel shall be conducted by the enterprise of public utility referred to in Chapter 14.
2. Activities referred to in Paragraph 1, with the exclusion of radioactive waste and spent nuclear fuel disposal and transport to the repository, may be conducted by some other organisational entity, provided that this organisational entity shall fulfil the requirements for nuclear safety and radiological protection and shall obtain the appropriate licence. In particular, the organisational entity in whose facility the radioactive waste or spent nuclear fuel was generated, may process and store them for the time specified in the licence.

Article 57

1. The “gmina” (commune) on whose territory the National Radioactive Waste Repository is sited, is qualified to receive an annual payment from the national budget:
 - 1) from the date on which the first shipment of waste is accepted for disposal until the date on which the decision to close the repository is made – which shall amount to 400% of the previous year’s income from local real estate tax, increased proportionally to the rise in the retail and consumer services price index, established according to the procedure provided in the Act of Parliament of 12 January 1991 on Local Taxes and Duties (O.J. No. 9, Item 31 and No. 101, Item 444; of 1992 No. 21, Item 86; of 1994 No. 123, Item 600; of 1996 No. 91, Item 409 and No. 149, Item 704; of 1997 No. 5, Item 24, No. 107, Item 689, No. 121, Item 770 and No. 123, Item 780; of 1998 No. 106, Item 668, No. 150, Item 983 and No. 160, Item 1058, and of 2000 No. 88, Item 983, No. 95, Item 1041 and No. 122, Item 1325),
 - 2) after the decision to close the repository has been made – which shall amount to 50% of the payment referred to in Paragraph 1, for the period corresponding to the duration of operation of the repository.
2. The payment referred to in Paragraph 1 shall be transferred to the commune from the national budget in equal quarterly instalments, not later than 14 days after the last month of a given quarter.

3. The commune shall not be entitled to such a quarterly instalment if, due to the decisions of appropriate authorities of the commune or of the “powiat” (district) where the commune is located, during any period of the given quarter the admission of radioactive waste shipments into the repository was not possible.

Chapter 8

TRANSPORT OF NUCLEAR MATERIALS, IONISING RADIATION SOURCES, RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

Article 58

Nuclear materials shall be prepared for transport and transported in a manner which prevents the occurrence of a self-sustaining chain nuclear fission reaction and which complies with physical protection principles.

Article 59

In preparation for transport and during the transport of nuclear materials, ionising radiation sources, radioactive waste and spent nuclear fuel, one should take into account the risks that may result from their physicochemical properties and fulfil the conditions and requirements imposed on hazardous materials transport, established in other regulations.

Article 60

Exposure of individuals participating in the transport, including persons loading and unloading nuclear materials, ionising radiation sources, radioactive waste and spent nuclear fuel, shall be subject to control and the doses received by these individuals shall not exceed the dose limits for occupationally exposed workers established in the regulations issued on the basis of Article 25(1).

Article 61

Conditions and requirements governing the on-site transport, within the site of the organisational entity engaged in manufacturing, processing, use, storage and disposal of nuclear materials, ionising radiation sources with the exception of devices generating ionising radiation, radioactive waste and spent nuclear fuel, shall be established by the Agency’s President in the licence.

Article 62

1. Import into and export from the territory controlled by Polish customs of nuclear materials, radioactive sources and devices containing such sources, import of consumer goods emitting ionising radiation, as well as import and export of radioactive waste and spent nuclear fuel, shall

be conducted on the basis of a licence for the performance of practices referred to in Article 4(1), subject to Article 4(2).

2. Import into, export from and transit through the territory controlled by Polish customs of radioactive waste and spent nuclear fuel shall require the consent of the Agency's President.
3. Export from the territory controlled by Polish customs and transit through this territory of radioactive waste and spent nuclear fuel shall be prohibited if the destination of such shipment lies south of 60° southern latitude.
4. The Council of Ministers shall establish by regulations:
 - 1) conditions governing import into, export from and transit through the territory controlled by Polish customs of nuclear materials, radioactive sources and equipment containing such sources,
 - 2) the basics for granting the consent referred to in Paragraph 2, the procedure for applying for such consent and the standard document for this procedure.

Chapter 9

NUCLEAR SAFETY AND RADIOLOGICAL PROTECTION CONTROL

Article 63

1. Practices which cause or may cause the exposure of humans and the environment to ionising radiation shall be subject to control from the viewpoint of nuclear safety and radiological protection.
2. Control referred to in Paragraph 1 shall be executed by the:
 - 1) nuclear regulatory bodies – in the case of practices for which the licence is issued, or the notification is received, by the Agency's President,
 - 2) the voivodship sanitary inspector or military sanitary inspector – as regards the practices licensed by those bodies.
3. The Minister competent for health issues shall establish by regulations the rules and procedures for control concerning the safe operation for medical purposes of X-ray sets with radiation energy up to 300 keV.
4. The Prime Minister shall establish by regulation the procedures for control within the Office of State Protection by the nuclear regulatory bodies, taking into account the procedures for control

preparation, the documentation of control activities, the preparation of control records, the post-control interventions and information on control results.

Article 64

1. The nuclear regulatory bodies referred to in Article 63(2)(1) shall be the following:
 - 1) the Agency's President, as the supreme nuclear regulatory body,
 - 2) the Chief Nuclear Regulatory Inspector as the line supervisor of the inspectors responsible for nuclear control,
 - 3) the regulatory inspectors responsible for nuclear control.
2. The Chief Nuclear Regulatory Inspector shall be nominated and recalled by the Agency's President from among inspectors responsible for nuclear control.
3. Inspectors responsible for nuclear control shall be nominated and recalled by the Agency's President at the request of the Chief Nuclear Regulatory Inspector.
4. Responsibilities of the nuclear regulatory body shall include in particular:
 - 1) issuing the licences and notifying other decisions in the matters involving nuclear safety and radiological protection, according to the principles and procedures established by this Act,
 - 2) performing control in nuclear facilities and in organisational entities possessing nuclear materials, ionising radiation sources, radioactive waste and spent nuclear fuel,
 - 3) issuing ad hoc instructions referred to in Article 68,
 - 4) approving training programmes referred to in Article 11(3), with the exclusion of training programmes prepared by organisational entities which for medical purposes operate X-ray sets with radiation energy up to 300 keV.
5. Inspectors responsible for nuclear control shall perform the control under the authority of the Agency's President or of the Chief Nuclear Regulatory Inspector.

Article 65

1. In order to be eligible for nomination an inspector responsible for nuclear control, one must:
 - 1) possess a certificate of higher education in physics, chemistry, technology or other specialisation useful in nuclear control,

- 2) have no record for intentional offences,
 - 3) have carried out practical training and passed a qualifying exam for the job of inspector responsible for nuclear control in the area of nuclear safety and radiological protection, conducted by the commission established by the Agency's President,
 - 4) possess a medical certificate to the effect that there are no contraindications for employment in occupational exposure conditions.
2. Costs incurred in relation to the activities of the commission referred to in Paragraph 1(3) shall be covered from the National Atomic Energy Agency budget.

Article 66

1. In the context of regulatory control, the nuclear regulatory bodies shall be entitled to:
 - 1) around the clock access to transport vehicles and the sites of organisational entities where nuclear materials, ionising radiation sources, radioactive waste and spent nuclear fuel are produced, used, stored, disposed of or transported,
 - 2) review the documentation concerning nuclear safety and radiological protection in the controlled organisational entity,
 - 3) check if the activities referred to in Article 4(1) are conducted in compliance with nuclear safety and radiological protection regulations and with the requirements and conditions established in the licence,
 - 4) conduct independent technical and dosimetric measurements whenever needed,
 - 5) request written or oral information if this is necessary to clear up an issue.
2. In performing their control (inspection) duties, the nuclear regulatory bodies shall enjoy the protection provided for public officials in the Penal Code.

Article 67

1. The head of the inspected organisational entity shall ensure the conditions necessary for the conduct of control and shall make available the documents referred to in Article 66(1)(2).
2. Employees of the inspected organisational entity shall provide the regulatory body with all relevant written or oral explanations on the issues involved in the control objectives.
3. The person performing the inspection shall issue a written report, which shall be signed by this person and by the head of the controlled organisational unit.

4. On the basis of the report identifying a non-compliance with nuclear safety and radiological protection regulations, in particular in the form of lack of licence or departure from requirements and conditions established in the licence, the Chief Nuclear Regulatory Inspector shall issue a directive to correct the non-compliance within a specified time.

Article 68

1. If a threat to nuclear safety and radiological protection has been identified during the inspection, to remove that threat the nuclear regulatory body shall issue summary orders containing an injunction or interdiction related to specified activities.
2. Summary orders aimed at removal of a direct threat to nuclear safety and radiological protection shall be executed immediately. Such orders shall be issued in writing; in exceptional circumstances they shall be issued in oral form and should be confirmed immediately in writing.
3. Summary orders addressing threats other than those referred to in Paragraph 2 shall be executed within the time specified in these orders.
4. The head of the inspected organisational entity may appeal to overrule or modify the order referred to in Paragraph 3 to the Chief Nuclear Regulatory Inspector if the order has been issued by a regulatory inspector responsible for nuclear control, or to the Agency's President if the order has been issued by the Chief Nuclear Regulatory Inspector.
5. The appeal referred to in Paragraph 4 shall not suspend the execution of the summary order.

Article 69

1. If non-compliance with a potential impact on nuclear safety and radiological protection has been detected during the inspection, the Agency's President may issue a directive to the head of the controlled organisational entity or to the head of the supervising unit, requesting appropriate corrective actions.
2. The head of the entity or unit to whom such directive is addressed shall notify the Agency's President of the time and method of implementation of the corrective actions within 30 days of receiving the directive.

Article 70

Proceedings concerning control issues shall be based on the Administrative Code regulations.

Article 71

The Council of Ministers, by regulation :

- 1) may establish detailed tasks and procedures for performance of such control activities, including the tasks of the Chief Nuclear Regulatory Inspector,
- 2) shall establish detailed requirements for practical training and the qualifying exam for the position of regulatory inspector responsible for nuclear control, taking into account the differences stemming from the regulatory needs for control of specific practices involving exposure and shall establish a standard certificate to attest the acquisition of this qualification.

Chapter 10

ASSESSMENT OF THE NATIONAL RADIOLOGICAL SITUATION

Article 72

1. The Agency's President shall conduct systematic assessments of the national radiological situation.
2. For the assessments referred to in Paragraph 1, the Agency's President shall:
 - 1) collect, verify and analyse information obtained from the stations for early detection of radioactive contamination, hereinafter referred to as "the stations," and from the units performing radioactive contamination measurements, further called "the units," and from the services possessing the data needed for the assessment of the national radiological situation, including meteorological services,
 - 2) verify and analyse information obtained from other sources,
 - 3) create databases and information systems essential for the assessment of the national radiation situation,
 - 4) analyse and forecast the development of the national radiological situation and estimate the hazards for the population and the environment, on the basis of the information referred to in Paragraphs 1 and 2 and on the databases referred to in Paragraph 3.
3. The Agency's President shall perform the tasks referred to in Paragraph 2 with the support of the Centre for Radiological Emergencies established within the National Atomic Energy Agency.

Article 73

1. Stations and units referred to in Article 72(2)(1) shall operate in the National Atomic Energy Agency, in the bodies subordinated to the National Atomic Energy Agency and in the bodies subordinated to the ministers competent in the areas of internal affairs, environment, higher education, agriculture, health and to the Minister of Defence.
2. Stations shall perform the following tasks:
 - 1) continuous measurements of gamma dose rate,
 - 2) automatic detection and signalling any 15% excess in the dose rate value, caused by the presence of artificial radioactive substances,
 - 3) immediate and automatic transmission of measurement data to the Centre for Radiological Emergencies,
 - 4) ensuring that the data shall be transmitted in the way compatible with calculation models used in radiation situation assessments.
3. Units shall perform the following tasks:
 - 1) detection, identification and measurements of radioactive contamination in the environment, agricultural products and foodstuffs,
 - 2) preliminary evaluation of measurement results and their transmission to the Agency's President.

Article 74

The Agency's President shall co-ordinate the operation of stations and units, and in particular shall:

- 1) co-operate with appropriate ministers competent for the areas of internal affairs, environment, higher education, agriculture and health and with the Minister of Defence,
- 2) approve measurement technologies, measurement programmes and measurement organisation,
- 3) collaborate with appropriate foreign agencies on matters of radioactive contamination detection and measurements.

Article 75

The Council of Ministers shall establish the list of stations and units and their detailed tasks and functions, as well as the ways of performing those tasks, taking as the criterion the feasibility of obtaining the data necessary for the assessment of the national radiological situation.

Article 76

The Agency's President shall receive information on domestic radiological emergencies, in particular those obtained on the basis of Articles 83 and 85(1), and, if necessary, on the basis of information obtained, shall lend immediate assistance in the assessment of the radiation hazard magnitude.

Article 77

1. The Agency's President, in performing the tasks arising from the international system of radiological events notification in the fields of early notification of a nuclear accident, assistance in the event of a nuclear accident or radiation emergency, physical protection of nuclear materials and illicit trade in such materials, as well as carrying out the obligations of the Republic of Poland under bilateral international agreements, shall establish the national contact point.
2. The tasks of the national contact point shall include in particular:
 - 1) receiving the notifications from the International Atomic Energy Agency (IAEA) and foreign contact points of nuclear accidents, illegal use, displacement or processing of nuclear materials or of a real threat of any such deed, as well as receiving the requests for assistance in the event of a radiological emergency,
 - 2) notifying the IAEA and contact points referred to in Paragraph 1 of radiological emergencies occurring on the territory of the Republic of Poland and of illegal use, displacement or processing of nuclear materials or of a real threat of any such deed, as well as transmitting requests by the Republic of Poland for assistance in the event of a radiological emergency,
 - 3) supplying the contact points referred to in Paragraph 1 with other information, according to the obligations of the Republic of Poland under concluded international agreements.

Article 78

The Agency's President may entrust the tasks referred to in Articles 74, 76 and 77 to an institution specialised in radiological protection matters.

Article 79

Upon the Agency's President request, the institutions, organisations and individuals possessing the data and information essential for analyses and assessments of the national radiation situation, shall make them available free of charge.

Article 80

The Agency's President, on the basis of the assessment of the national radiological situation, shall:

- 1) issue the messages addressed to the general public on the national radiological situation, including information on radioactive contamination levels under normal conditions and in radiological emergency situations,
- 2) inform the appropriate Voivod (regional) governor or the Council of Ministers of an emergency on a regional or national scale,
- 3) deliver the information on the radiological emergency and on the foreseen development of the national radiological situation to the Chairman of the Emergency Management Committee at the Council of Ministers.

Article 81

The Agency's President shall issue quarterly messages to the general public concerning the national radiological situation, published in the Official Journal of the Republic of Poland "Monitor Polski (Polish Monitor)". In the event of a radiological emergency, the public shall be informed according to the procedures specified in Articles 92(3) and 92(4).

Chapter 11

RADIOLOGICAL EMERGENCY MANAGEMENT

Article 82

1. The following types of radiological emergencies shall be distinguished, according to the extent of their impact:
 - 1) on-site emergency – radiological emergency occurring on the site of the organisational entity, with the impact limited to the area within the site boundaries of the organisational entity,
 - 2) public emergency on a regional scale – a radiological emergency occurring on the site of the organisational entity or off-site during field works or during the transport of nuclear

materials, ionising radiation sources, radioactive waste and spent nuclear fuel, with the impact limited to the territory of one region only,

- 3) public emergency on a national scale – a radiological emergency referred to in Paragraph 2, if its impact extends or may extend to a territory larger than that of the region.
2. Each radiological emergency which occurs within the national borders or beyond them, with the impact reaching beyond the borders of the Republic of Poland, shall constitute a public emergency of national scale.

Article 83

In the event of a radiological emergency, the head of the organisational entity conducting activities referred to in Article 4(1) shall secure the emergency site and shall immediately notify the Agency's President and additionally, where the circumstances so justify, shall also notify other organisations and services, in accordance with the facility emergency preparedness plan.

Article 84

1. A radiological emergency, which constitutes an on-site hazard or a threat on a regional or national scale, requires the adoption of appropriate actions, defined respectively in the facility, regional or national emergency preparedness plan.
2. During an on-site radiological emergency, actions aimed at eliminating the threat and its consequences shall be directed by the head of the organisational entity on whose site the emergency has occurred.
3. During a radiological emergency on a regional scale, actions aimed at eliminating the threat and its consequences shall be directed by the Voivod (regional governor), subject to Paragraph 4.
4. If a radiological emergency occurs during transportation, actions aimed at eliminating the threat and its consequences shall be directed by the person responsible for the shipment security in transport, in arrangement with the Voivod (regional governor) appropriate for the locality at which the radiological emergency took place.
5. During a radiological emergency on a national scale, actions aimed at eliminating the threat and its consequences shall be directed by the minister competent for internal affairs, with the assistance of the Agency's President.

Article 85

1. In the event of a radiological emergency caused by an unknown perpetrator, the service which first obtained the information on the event shall secure the emergency site and notify the Agency's President and the Voivod (regional governor) of the affected region.

2. In the case referred to in Paragraph 1, actions aimed at eliminating the threat and its consequences shall be directed by the Voivod (regional governor) of affected region, subject to Article 84(5).

Article 86

If an increased radiation level has been detected, the source of which is unknown, actions aimed at eliminating the threat and its consequences shall be directed by the governor of the affected region, subject to Article 84(5).

Article 87

The Council of Ministers shall establish by regulation:

- 1) a national emergency preparedness plan, including procedures for co-operation of various authorities and services participating in the elimination of radiological emergencies and of their consequences,
- 2) a generic facility and regional emergency preparedness plan, indicating the elements essential for prompt response by the appropriate services,
- 3) intervention level values for various types of intervention, taking into account the recommendations of appropriate international organisations.

Article 88

1. Decisions on the implementation of specific intervention measures may be taken after:
 - 1) the Agency's President message stating that the radiation emergency with consequences referred to in Article 82(1), Subparagraphs 2 and 3, and 82(3), may result in exceeding the intervention level values,
 - 2) evaluation of intervention measures feasibility.
2. During the evaluation of intervention measures feasibility, the following should be taken into account:
 - 1) present and foreseen emergency scenario and range,
 - 2) actual or possible values for ionising radiation doses,
 - 3) number of threatened people,
 - 4) health impact of those intervention measures,

- 5) foreseen intervention measures costs and the extent of their economic and social impact.

Article 89

1. Intervention measures related to a radiological emergency with impact limited to the territory of a single region shall be implemented in the form of a regulation on order and discipline issued by the Voivod (regional governor) appropriate for the locality at which the event took place. Such a regulation on order and discipline shall be published according to the procedures established for the publication of local laws and regulations.
2. Intervention measures related to a radiological emergency with an impact beyond the territory of a single region shall be implemented in the form of a regulation by the Council of Ministers.
3. The regulation referred to in Paragraph 2, apart from its publication in the Official Journal of the Republic of Poland, shall be made known to the general public through posters displayed in public places in the area where intervention measures are being implemented.
4. The regulations referred to in Paragraphs 1 and 2 shall state the causes of intervention measures, date of implementation, area and foreseen duration time and also the type of necessary intervention measures.
5. Publication of the regulations referred to in Paragraphs 1 and 2 shall be regulated by the provisions of the Act of Parliament of 26 January 1984 – Press Law (O.J. No. 5, Item 24; of 1988 No. 41, Item 324; of 1989 No. 34, Item 187; of 1990 No. 29, Item 173; of 1991 No. 100, Item 442; of 1996 No. 114, Item 542; of 1997 No. 88, Item 554 and No. 121, Item 770; of 1999 No. 90, Item 999).
6. Revocation of intervention measures, in the whole area of their implementation or in some part of this area, shall proceed according to the procedures foreseen for their publication.

Article 90

Intervention measures shall have the following form:

- 1) temporary relocation,
- 2) sheltering,
- 3) stable iodine administration,
- 4) bans or restrictions on contaminated food and water consumption, on feeding contaminated feeding stuffs to farm animals and on cattle grazing on contaminated pastures.

Article 91

Intervention measures shall be directed by the:

- 1) Voivod (regional governor) appropriate for the locality at which the radiological emergency took place – in the event of a radiological emergency which constitutes a public threat on a regional scale,
- 2) Minister competent for internal affairs – in the event of a radiological emergency causing:
 - a) a public threat on a national scale,
 - b) a public threat on a regional scale, if the implementation of the intervention measures is beyond the capabilities of services subordinated to the regional governor.

Article 92

1. In the event of a radiological emergency in which the dose to the population may exceed the dose limit, the population shall be notified by the Agency's President of:
 - 1) the radiological situation, and in particular of the emergency site, foreseen emergency scenario and impacts on people and the environment,
 - 2) the possible health protection measures and activities.
2. The Agency's President shall pass on the information referred to in Paragraph 1, Subparagraph 2, after consultation with the minister competent for health.
3. Publication of information referred to in Paragraph 1 shall be regulated by the Press law, subject to Paragraph 4.
4. Publication of the information referred to in Paragraph 1 shall not require its delivery by the government spokesman.

Article 93

Costs of intervention measures and of the elimination of radiological emergency consequences shall be borne by the organisational entity which caused the emergency; whereas in the case of emergencies caused by unknown perpetrators or emergencies which have occurred outside the borders of the Republic of Poland, such costs shall be borne by the national budget.

Article 94

A report on a radiological emergency, after the intervention measures deactivation, shall be submitted:

- 1) by the Voivod (regional governor) to the minister competent for internal affairs – in the case referred to in Article 91(1),
- 2) by the minister competent for internal affairs and the Agency's President to the Prime Minister – in the cases referred to in Article 91(2).

Article 95

1. If the means at the disposal of the authority directing the actions aimed at eliminating the threat and its consequences are inadequate, this authority may impose the obligation to render personal and material services.
2. Issues involving the obligations referred to in Paragraph 1 shall be governed by pertinent regulations concerning the services rendered in natural disaster situations.

Article 96

1. The head of the organisational entity and the Voivod (regional governor), each according to his respective scope of responsibilities, shall conduct periodic exercises aimed at emergency preparedness plan testing and updating. In case of nuclear facility, the exercise shall be conducted by the head of the organisational entity, starting from the activities included in the emergency plan for the commissioning stage. The exercise costs shall be borne respectively by the organisational entity or by the regional governor.
2. The Minister competent for internal affairs shall conduct periodic exercises to test the national emergency preparedness plan at least once every three years. The costs involved in the preparation and conduct of such exercises shall be borne by the budget of the Minister competent internal affairs.

Article 97

1. Foodstuffs, drinking water and feeding stuffs, imported into the territory controlled by Polish customs and originating from a country referred to in the regulations based on Article 99(1)(b), should possess an export certificate issued by the appropriate authority in the exporting country, stating that the radioactive material content does not exceed the levels specified in the regulations based on Article 99(1)(a).
2. In the event of a justified suspicion that the radioactive substances content in imported foodstuffs, drinking water and feeding stuffs exceeds the levels established in the regulations based on Article 99(1)(a), customs authorities may request the performance of verification measurements.

3. Measurements shall be performed by the units authorised to perform such measurements on the basis of separate regulations, and by other units designated by the Agency's President in agreement with the appropriate minister.
4. Sampling of foodstuffs, stimulants and feeding stuffs intended for measurements shall be taken according to the rules established in other regulations.
5. Measurements shall be performed at the expense of the importer.

Article 98

1. Subsequent to a radiological emergency, domestically produced foodstuffs, drinking water and feeding stuffs, before their introduction on the market, shall be subject to controls to establish that the radioactive substances content does not exceed the levels established in the regulations based on Article 99(1)(a).
2. Radioactive substances content measurements shall be regulated respectively by the Article 97(3) and 97(4). On the completion of the measurements, the units shall issue certificates stating the measurement results.
3. Foodstuffs, drinking water and feeding stuffs with radioactive substances content exceeding the values established in the regulations based on Article 99(1)(a), shall be deemed products unfit for consumption. The rules for handling such foodstuffs shall be established in separate regulations.

Article 99

The Council of Ministers, by regulations:

- 1) shall establish:
 - a) the level of radioactive substances content in the foodstuffs, drinking water and feeding stuffs contaminated as the result of a radiological emergency, imported for trade purposes and domestically produced in the case referred to in Article 98(1), taking into account ionising radiation dose limits established in the regulations based on Article 25(1),
 - b) a standard export certificate form and the list of exporting countries,
 - c) the date of introduction and discontinuation of the compulsory control referred to in Article 98(1) and the standard certificate referred to in Article 98(2),
- 2) may establish the level of radioactive substances content in raw materials and manufactured products imported into the territory controlled by Polish customs after radiological emergencies, taking into account ionising radiation dose limits and the rules for handling such products.

Chapter 12

CIVIL LIABILITY FOR NUCLEAR DAMAGES

Article 100

For the purposes of this Chapter, the terms listed below shall have the following meaning:

- 1) nuclear installation:
 - a) any nuclear reactor, with the exception of a reactor installed in a vehicle of sea or air transport, as a source of power, for propulsion or for any other purposes,
 - b) any facility using nuclear fuel for nuclear material manufacturing or facility for processing nuclear materials, including facilities for spent nuclear fuel reprocessing,
 - c) any installation in which nuclear material is stored, other than storage incidental to the transportation of such nuclear material,
- 2) nuclear reactor – any device containing nuclear fuel in such an arrangement that a self-sustaining chain nuclear fission reaction can occur therein without an additional neutron source,
- 3) nuclear fuel – any material which is capable of producing energy through a self-sustaining chain nuclear fission reaction,
- 4) nuclear material:
 - a) nuclear fuel, other than natural uranium or depleted uranium, capable of producing energy through a self-sustaining chain nuclear fission reaction outside a nuclear reactor, either by itself or in combination with other materials,
 - b) radioactive products or waste – radioactive material generated in the processes of nuclear fuel production or use, or material which became radioactive after irradiation during such processes, but excluding radioactive isotopes which have reached the final stage of their production so that they could be used for applications in research, medicine, agriculture, trade or industry,
- 5) nuclear damage:
 - a) personal injury,
 - b) damage to property,

- c) damage to the environment – the costs of measures of reinstatement which aim to restore the impaired environment viewed as common property to its natural state, unless such impairment is insignificant,
 - d) loss of potential income which the injured party could have obtained if it were not for the damages referred to in Subparagraphs (a) and (b), as well as the loss of income related to the damage to the environment viewed as common property
 - to the extent that the damage arises out of or results from ionising radiation emitted by any radiation source inside a nuclear installation or emitted from nuclear fuel, radioactive materials and radioactive waste or by nuclear materials originating in, generated in or introduced into a nuclear installation, whether they result from the radioactive properties of such materials or from the combination of such radioactive properties with toxic, explosive or other dangerous properties of such materials,
 - e) the costs of preventive measures or damages caused by such measures,
- 6) measures of reinstatement (to restore the environment to its unimpaired state) – any measures properly applied with a view to reinstating or repairing all damaged or destroyed components of the environment or – whenever justified – to introduce equivalent substitutes,
 - 7) preventive measures – any appropriate measures taken after a nuclear incident has occurred to prevent or minimise nuclear damage referred to in Paragraph 5, Subparagraphs (a) to (d),
 - 8) nuclear incident – any occurrence or series of occurrences having the same origin which causes nuclear damage or creates a grave and imminent threat of causing such damage,
 - 9) operator – any entity which operates a nuclear installation,
 - 10) SDR – the unit of account within the meaning of the Act of Parliament of 18 December 1998 – Foreign Currency Law (O.J. No. 160, Item 1063 and of 1999 No. 83, Item 931 and of 2000 No. 103, Item 1099).

Article 101

1. Exclusive liability for nuclear damage caused by a nuclear incident in a nuclear installation or related to this installation shall be borne by the operator, with the exception of damage caused directly by acts of war or armed conflict.
2. In the course of transportation of nuclear materials, the liability shall lie with the operator of nuclear installation from which such materials have been dispatched, unless otherwise stipulated in the contract with the consignee.
3. If the person suffering the damage, by result of intentional behaviour has caused or aggravated that damage, the court of justice may relieve the operator, wholly or partially, from his obligation to pay compensation in respect of the damages suffered by such individual.

Article 102

1. The operator's liability for nuclear damage to property or the environment shall be limited to the amount equivalent to 150 million SDRs; however the compensation for insignificant environmental damage shall be limited to the reimbursement of actual or future costs of reinstatement measures taken to restore the environment to its unimpaired status.
2. In the event that the claims for damage to property or to the environment exceed the amount referred to in Paragraph 1, the operator may establish a limited liability fund. The procedure for establishing and distributing of this fund shall be regulated by relevant regulations on the limited liability for sea claims in the Sea code, subject to Paragraphs 3 to 5.
3. In matters related to the establishment of the fund and of its distribution, jurisdiction shall lie with the District Court in Warsaw.
4. The petition to start the proceedings regarding the establishment and distribution of the fund should conform with general conditions for petitions to start legal proceedings and additionally should include:
 - 1) the name of the nuclear installation,
 - 2) identification of the nuclear incident which constitutes the basis for claims and information on the activities aimed at the determination of this accident's scenario,
 - 3) description of the type of claims to be settled and creditors to be satisfied from the fund, as well as information on the claims, which already – according to the applicant's knowledge – have been brought to the court,
 - 4) statement of the intention to establish the fund, the justification of its magnitude and the description of the method of its establishment.
5. Documents containing data relevant to the fund's magnitude should be jointed to the petition.

Article 103

1. The operator shall be required to maintain financial security covering his liability. If, apart from damage to property or the environment, a nuclear incident also causes personal injury, 10% of this financial security shall be earmarked for settling the claims involving nuclear damages to the affected persons.
2. If within five years from the date of a nuclear incident, the claims against the operator involving nuclear damages resulting in personal injury do not exceed the total amount of the security intended exclusively for settling such claims, the remainder of this security shall be used for settling claims involving damage to property or the environment, and also the claims for personal injury brought not later than within ten years from the date of the nuclear incident.

3. The National Treasury shall guarantee the payment of compensation for nuclear damage incurred by an individual, where such amount could not be settled from the financial security referred to in Paragraphs 1 to 2.
4. The Minister competent for public finance matters shall establish by regulations the procedures for setting up the financial security referred to in Paragraph 1, taking into account the amount, type and conditions of such security.

Article 104

1. Claims for nuclear damage may be filed directly against the person providing the financial security covering the operator's liability.
2. In the case referred to in Paragraph 1, the person providing the security may benefit from the limitation of liability and of other defences to which the operator is entitled.

Article 105

1. Claims for compensation for nuclear damage resulting in personal injury incurred by an individual shall not be extinguished.
2. Claims for compensation for nuclear damage to property or to the environment shall be extinguished if an action is not brought within three years from the date on which the person suffering the damage had knowledge or should have had knowledge of the identity of the liable party. However, such rights shall be extinguished after ten years from the date of the nuclear incident.
3. The right to claim compensation for nuclear damage to the environment shall be vested in the minister competent for environmental matters.

Article 106

1. Where the nuclear damage was caused by a nuclear incident that occurred within the territory of the Republic of Poland, applications instituting proceedings shall be filed with the district courts of law.
2. Cases related to damage claims shall be regulated by the provisions of the Code of Civil Procedure
3. Where the nuclear damage was caused by a nuclear incident that occurred outside the territory of the Republic of Poland, jurisdiction for applications instituting proceedings shall lie with the courts as determined by the Convention on Civil Liability for Nuclear Damage, adopted in Vienna on 21 May 1963 (O.J. of 1990 No. 63, Items 370 and 371).

Article 107

1. On the issues not covered by this Chapter, nuclear installations shall be regulated by relevant regulations for nuclear facilities.
2. Claims for damages, to the extent not covered by this Chapter, shall be regulated by the provisions of the Civil Code.

Article 108

The provisions of this Chapter shall not infringe upon the regulations on the payment of benefits for industrial injuries and occupational illnesses.

Chapter 13

THE PRESIDENT OF THE NATIONAL ATOMIC ENERGY AGENCY

Article 109

1. The President of the National Atomic Energy Agency, hereinafter referred to as “the Agency’s President”, constitutes the central organ of the governmental administration, competent for nuclear safety and radiological protection matters to the extent specified in this Act.
2. The Agency’s President shall be nominated and recalled by the Prime Minister.
3. The Agency’s deputy presidents shall be nominated and recalled by the Prime Minister, upon request of the Agency’s President.
4. Supervision over the Agency’s President shall be exercised by the Prime Minister.

Article 110

The scope of activities of the Agency’s President shall include the co-ordination of the tasks involving national nuclear safety and radiological protection, in particular:

- 1) preparation of draft documents relating to national policies involving nuclear safety and radiological protection, taking into account the development of a nuclear power programme and both internal and external risks,
- 2) exercising regulatory control over the activities leading to actual or potential ionising radiation exposure of humans and the environment, including the issuance of licences, authorisations and other decisions as provided in this Act,

- 3) publication of technical and organisational recommendations concerning nuclear safety and radiological protection,
- 4) performing the tasks concerning the assessment of the national radiological situation in normal conditions and in radiological emergency situations and the transmission of relevant information to appropriate authorities and to the general public,
- 5) performing the tasks resulting from the obligations of the Republic of Poland concerning nuclear materials accountancy, physical protection of nuclear materials and facilities, special control measures for foreign trade in nuclear materials and technologies and from other obligations resulting from international agreements on nuclear safety and radiological protection,
- 6) activities involving public communication, education and popularisation, as well as the scientific, technical and legal information concerning nuclear science and atomic issues, including the information on ionising radiation and its impact on human health and environment and on feasible measures to be activated in the event of radiological emergency,
- 7) co-operation with governmental and local administration authorities on matters involving nuclear safety and radiological protection, and in nuclear research issues,
- 8) performing tasks involving national and civil defence and the protection of classified information, resulting from separate legislation,
- 9) preparation of the opinions on proposed technical activities involving the peaceful uses of atomic energy, as may be needed by governmental and local administration authorities,
- 10) co-operation with appropriate foreign agencies and international organisations on the issues covered by this Act,
- 11) preparation of drafts of legislation and regulations on the issues covered by this Act and conducting the process of establishing their final form, according to the procedures established in the Council of Ministers working rules,
- 12) issuing opinions on the draft legislation developed by authorised bodies,
- 13) submitting to the Prime Minister annual reports on the Agency's President activities and on the assessments of the national nuclear safety and radiological protection situation.

Article 111

The Prime Minister may establish by regulation the detailed range of activities for the Agency's President.

Article 112

1. The Agency's President shall execute his tasks through the National Atomic Energy Agency, hereinafter referred to as "the Agency."
2. The Council for Atomic Affairs of the National Atomic Energy Agency, hereinafter referred to as "the Council", shall act as the Agency's President consulting and opinion-giving body.
3. The Prime Minister shall establish by regulation the scope and procedures for the Council's activities, defining its working rules and the number of its members.
4. The Council's Chairman shall be nominated and recalled by the Prime Minister, on the request of the Agency's President.
5. Members of the Council shall be nominated and recalled by the Agency's President.

Article 113

1. The Prime Minister shall invest the Agency with a statute establishing its internal organisation.
2. The Agency's detailed organisation, its working rules and the tasks of its organisational sub-units shall be established in organisational rules issued by the Agency's President in the form of an order.

Chapter 14

STATE-OWNED PUBLIC UTILITY "RADIOACTIVE WASTE MANAGEMENT PLANT"

Article 114

1. The State-owned public utility named "Radioactive Waste Management Plant" located in Otwock-Swierk, hereinafter referred to as "the Plant", shall be established for conducting the activities involving radioactive waste management and spent nuclear fuel management, and – above all – ensuring permanent feasibility of radioactive waste and spent nuclear fuel disposal.
2. The Plant may also perform activities in the field of hazardous waste management referred to in the regulations governing waste, and other activities specified in the statute referred to in Article 121.

Article 115

1. The Plant shall be invested with legal personality.

2. Governmental bodies may undertake decisions concerning the Plant's activity only in the cases covered by this Act.

Article 116

1. Supervision over the Plant and the founder's functions shall be executed by the minister competent for economic affairs.
2. The minister competent for economic affairs shall control the Plant's activities and submit those activities to an annual evaluation, which he shall present to the Prime Minister not later than on 30 March of the following year.
3. Minister competent for economic affairs may establish a commission to evaluate the Plant's administration and to prepare conclusions resulting from this evaluation.
4. On the basis of the commission's conclusions, the minister competent for economic affairs may oblige the Plant's director to improve the Plant's administration or to submit and implement a corrective action program. Such program shall be approved by the minister competent for economic affairs.
5. The Minister competent for economic affairs, upon finding that the Plant's director decision violates some law or regulation, shall order the suspension of the execution of the decision and shall oblige the Plant's director to modify or cancel this decision.
6. The Plant's director shall be entitled to appeal against the decisions taken by the Minister competent for economic affairs, according to the rules and procedures established in the regulations governing state-owned enterprises.

Article 117

1. The Plant shall be managed and externally represented by the director, who shall constitute the Plant's official organ.
2. The Plant's director shall be nominated and recalled by the Minister competent for economic affairs.
3. The director may nominate and recall the Plant's deputy directors and its agents, who shall act independently within their scope of competence.
4. Agents shall be granted their power of attorney in written form, otherwise it shall be considered null and void.
5. Power of attorney granting and revocation shall be entered into the register of state-owned enterprises, with the exception of powers of attorney for the performance of specific activities and for powers of attorney in legal proceedings.

6. Employee self-governing bodies shall not be active in the Plant.

Article 118

1. In business transactions the Plant shall act in its own name and on its own account.
2. The Plant shall collect payments for performed activities.
3. The sale and management of tangible fixed assets or of organised parts of the property shall be regulated by the regulations for state-owned enterprises.
4. Tangible fixed assets shall not be used for settlement of the Plant's monetary obligations.

Article 119

1. The Plant shall receive from the national budget an allocated subsidy for radioactive waste management and spent nuclear fuel management.
2. The amount of this subsidy shall be established in budgetary legislation, upon request of the Minister competent for economic affairs.
3. The Plant's director shall submit to the Minister competent for economic affairs the accounting for the disposal of the subsidy, according to the regulations based on Article 120(2).

Article 120

1. The Plant's finances shall be managed according to the rules for finance management in state-owned enterprises, except as otherwise provided in this Act.
2. The Council of Ministers shall establish by regulations accountability procedures for the subsidy referred to in Article 119(1), including the type of documentation and the data required for such accounting procedures, the method for fixing the payments referred to in Article 118(2), together with the factors which should be taken into account while fixing the payments, the procedures and timing for issuing public announcements on such payments and detailed rules for the Plant's finances management, including financial reports and rules for choosing the experts for performing audits and the competent authority for final approval of the Plant's annual financial reports, procedures for disposal of property, financing of salaries and investments, and also the procedures for decision making on financial issues.

Article 121

1. The Plant's detailed tasks, organisational scheme, procedures for creating outer branch offices and their powers, internal control system and operating rules shall be established in the Plant's statute; additional tasks shall be specified taking into account the necessity for ensuring the

implementation of the tasks for which the Plant has been created, the division of the Plant into the task and service departments, the scope of issues which shall not be delegated to outer branch offices.

2. The statute may provide for the establishment of advisory and opinion-making bodies for the Plant's director.
3. The Plant shall receive its statute in the form of a regulation issued by the Minister competent for economic affairs.

Article 122

The provisions of the Act of Parliament of 30 August 1996 on the Commercialisation and Privatisation of State-Owned Enterprises (O.J. No. 118, Item 561 and No. 156, Item 775; of 1997 No. 32, Item 184, No. 98, Item 603, No. 106, Item 673, No. 121, Item 770, No. 137, Item 926 and No. 141, Item 945; of 1998 No. 106, Item 668; of 1999 No. 40, Item 400 and No. 101, Item 1178; of 2000 No. 15, Item 180, No. 26, Item 306, No. 31, Item 383, No. 60, Item 703, No. 84 Item 948 and No. 122, Item 1315) shall not be applicable to the Plant.

Chapter 15

PENAL REGULATIONS

Article 123

1. A fine of an amount not exceeding five times the average monthly pay in the national economy, calculated for three quarters of the year prior to the occurrence of the violation and published by the President of the Central Statistical Office on the basis of the Act of Parliament of 26 July 1991 on Personal Income Tax (O.J. of 2000, No. 14 Item 176, No. 22 Item 270, No. 60 Item 703, No. 70 Item 816, No. 104, Item 1104, No. 117, Item 1228 and No. 122, Item 1324), shall be imposed on the head of the organisational entity, who:
 - 1) without the required licence, or in violation of the conditions attached to such a licence, engages in the activities referred to in Article 4(1), Subparagraphs 2 to 8, or in the import or export referred to in Article 62(1), or employs workers who do not possess the qualifications or skills established in this Act,
 - 2) bearing the responsibility for nuclear safety and radiological protection, allows the exposure of a worker or some other individual in violation of the provisions in Article 14(1) concerning the provisions of Article 25(1), and of Article 19(1) and Article 20, Paragraphs 1 to 3,
 - 3) does not fulfil his responsibilities concerning nuclear safety and radiological protection in work involving nuclear materials, ionising radiation sources, radioactive waste and

spent nuclear fuel and during the preparation of those materials for transport and disposal,

- 4) loses or leaves without proper protection nuclear material, ionising radiation source, radioactive waste or spent nuclear fuel consigned to his care,
 - 5) does not fulfil the requirements concerning dosimetric control or the inventory of nuclear materials, ionising radioactive sources, radioactive waste and spent nuclear fuel,
 - 6) prevents or impedes the conduct of regulatory inspection concerning nuclear safety or radiological protection, or refuses to give information or gives false information or conceals the truth in matters concerning nuclear safety and radiological protection.
2. A fine of an amount not twice the average monthly pay in the national economy, calculated for the year prior to the occurrence of the violation and published by the President of Central Statistical Office basing on the act referred to in Paragraph 1, shall be imposed on the nuclear facility employee, who does not notify his supervisor or the regulatory body of the event or condition which may cause a threat to nuclear safety or radiological protection.

Article 124

1. Financial penalties referred to in Article 123, in the form of an administrative decision, shall be imposed by:
 - 1) the Chief Nuclear Regulatory Inspector – in the cases when the Agency’s President issues the licence for, or receives the notification of, the practice,
 - 2) the regional sanitary inspector or military inspector – in the cases when the licence is issued by those bodies.
2. Decisions referred to in Paragraph 1 shall be executed immediately.

Article 125

1. Fines shall not be imposed after a lapse of five years since the perpetration of the offence.
2. Fines shall not be collected after a lapse of five years since the time of the final decision to impose the fine.

Article 126

1. Penalties imposed on the basis of Article 123, together with the default interest, shall be collected according to the procedure established in the regulations on the administrative execution proceedings.

2. Revenue obtained from fines shall constitute income for the national budget.

Article 127

Persons who do not respect the:

- 1) order for temporary relocation,
- 2) order on sheltering indoors,
- 3) ban on cattle grazing on contaminated area or the ban on feeding contaminated feeding stuffs to domestic animals,

– shall be subject to imposition of a fine or arrest.

Chapter 16

TRANSITIONAL, ADAPTIVE AND FINAL PROVISIONS

Article 128

The property of the “Experimental Plant for Radioactive Waste Management”, legally and organisationally dissociated from the property of the research and development entity named “Atomic Energy Institute” located in Otwock-Swierk, shall become the property of the Plant referred to in Article 114(1).

Article 129

The minister competent for economic affairs, by arrangement with the minister competent for public finance matters, may endow the Plant with property other than that referred to in Article 128.

Article 130

Until the appointment of the Plant’s director, the Plant shall be directed by a temporary director, appointed by the minister competent for economic affairs for a period not longer than six months.

Article 131

Employees of the Experimental Plant for Radioactive Waste Management of the Atomic Energy Institute shall become the employees of the Plant in accordance with Article 23 (Mod. 1) of the Labour Code.

Article 132

The Minister of Defence with regard to the organisational entities under his authority, and the minister competent for internal affairs with regards to the General Police, National Fire Service, National Border Guard and other subordinated organisational units, after consulting the Agency's President, shall establish implementation procedures for this Act by regulations.

Article 133

1. The Chief Nuclear Regulatory Inspector and regulatory inspectors who have been appointed or authorised before the date of entry into force of this Act, shall become respectively the Chief Nuclear Regulatory Inspector and regulatory inspectors within the meaning of this Act.
2. Licences issued according to the act referred to in Article 138 shall be valid for the time established in the licence.
3. Authorisations obtained according to the provisions of Article 33(3)(1) and 33(4) of the Act referred to in Article 138, shall be valid for the time established in the authorisation.
4. Licences concerning radioactive substances purchase and use, issued according to the regulations valid before the act referred to in Article 138 entered into force, and in particular those issued according to the:
 - 1) Council of Ministers Regulation of 18 June 1968 on Safety and Hygiene in Work Involving Ionising Radiation Applications (Official Journal No. 20, Item 122);
 - 2) Council of Ministers Resolution No. 266/64 of 29 August 1964 on Radioactive Substances Use;
 - 3) Regulation No. 23/70 of 21 July 1970 by the Government Plenipotentiary for Nuclear Energy Uses on Radioactive Materials Purchase and Applications– shall be valid until their replacement by licences issued according to the provisions of this Act, but not longer than for 24 months as from the date of its entry into force.
5. The National Radioactive Waste Repository in Rózan, established according to the regulations based on the provisions of the act referred to in Article 138, shall be recognised as the National Radioactive Repository Facility within the meaning of this Act.

6. Proceedings which have been started before the date of this Act entry into force shall be continued and concluded in accordance with previous regulations.

Article 134

In the Regulation by the President of Republic of Poland of 24 October 1934 – Bankruptcy Law (O.J. of 1991: No. 118, Item 512; of 1994 No. 1, Item 1; of 1995 No. 85, Item 426; of 1996 No. 6, Item 43, No. 43, Item 189, No. 106, Item 496, No. 149, Item 703; of 1997 No. 28, Item 153, No. 54, Item 349, No. 117, Item 751, No. 121, Item 770, No. 140, Item 940; of 1998 No. 117, Item 756 and of 2000 No. 26, Item 306, No. 84, Item 948, No. 94, Item 1037 and No. 114, Item 1193) the word “and” in Article 3, Paragraph 2, subsequent to the words “*Porty Lotnicze* (Airports)” shall be replaced by a comma, and after the words “*Poczta Polska* (Polish Post Office)” the following words shall be added: “and state-owned utility – Radioactive Waste Management Plant.”

Article 135

In the Act of Parliament of 25 September 1981 on State-Owned Enterprises (O.J. of 1991: No. 18, Item 80, No. 75, Item 329, No. 101, Item 444, No. 107, Item 464; of 1993: No. 18, Item 82, No. 60, Item 280; of 1994: No. 1, Item 3, No. 80, Item 368, No. 113, Item 547; of 1995: No. 1, Item 2, No. 95, Item 474, No. 154, Item 791; of 1996: No. 90, Item 405, No. 106, Item 496, No. 118, Item 561, No. 156, Item 775; of 1997: No. 43, Item 272, No. 106, Item 675, No. 121, Item 769 and 770 and No. 123, Item 777; of 2000 No.26, Item 306 and No. 84, Item 848), in Article 4(2) the following Paragraph 3 shall be added: “3) state-owned utility ‘Radioactive Waste Management Plant’.”

Article 136

The Act of Parliament of 4 September 1997 on the Governmental Administration Divisions (O.J. of 1999 No. 82, Item 928 and of 2000 No. 12, Item 136, No. 43, Item 489, No. 48, Item 550, No. 62, Item 718, No. 70, Item 816 and No. 73, Item 852, No. 109, Item 1158 and No. 122, Items 1314 and 1321) is hereby amended as follows:

- 1) in Article 9(3) the words “National Atomic Energy Agency” shall be deleted,
- 2) in Article 33a, after Paragraph 3, the following Paragraph 3a shall be inserted: “the National Atomic Energy Agency.”

Article 137

Implementing regulations, issued on the basis of the Act referred to in Article 138, shall be valid until the time of entry into force of the implementing regulations based on legal authorisations under the terms of this Act, within the scope consistent with the provisions of this Act, but not longer than for 12 months from the date of entry into force of this Act.

Article 138

The Act of Parliament of 10 April 1986 – Atomic Law (O.J. No. 12, Item 70; of 1987 No. 33, Item 180; of 1991 No. 8, Item 28; of 1994 No. 90, Item 418; of 1995 No. 104, Item 515; of 1996 No. 24, Item 110 and No. 106, Item 496) is hereby repealed.

Article 139

This Act shall enter into force on 1 January 2002, with the exception of:

- 1) Chapter 13 and Article 136, which shall enter into force 14 days after publication,
- 2) Article 21(2) and Article 27(2), which shall enter into force 24 months after publication.