LAW
on the safe deployment of nuclear activities*

CHAPTER I
General provisions

Art. 1. — The object of the present law is the safe deployment of nuclear activities to exclusively peaceful purposes so that they should meet the nuclear safety conditions set for the protection of the professionally exposed personnel, of the population, of the environment, and of the property, with minimal risks provided by regulations and with observance of the obligations proceeding from agreements and conventions to which Romania is party.

Art. 2. — The provisions of the present law shall apply to the following activities and sources:

a) research, designing, siting, production, construction, installation, commissioning, operation, modification, decommissioning, import and export of nuclear facilities and plants;

b) mining and processing of uranium and thorium ores;

c) production, supply, leasing, transfer, handling, holding, processing, treating, use, temporary or permanent storage, transport, transit, import and export of nuclear and radioactive materials, nuclear fuel, radioactive waste, and ionizing radiations generating devices inclusive;

d) supply and utilization of ionizing radiations dosimetric control apparatus, of materials and devices used for protection against ionizing radiations as well as of containerization or of transport means specially arranged to this end;

e) production, supply, leasing, transfer, holding, export, import of the materials, devices, and equipment provided in Appendix 1 to the present law;

f) holding, transfer, import and export of unpublished information relating to materials, devices and equipment pertinent for the proliferation of nuclear weapons or of other explosive nuclear devices;

g) realization of products and services designed for nuclear facilities and plants.

Art. 3. — Terms used within the content of the law are defined in Appendix 2 to the present law.

Art. 4. — (1) The national authority competent in the nuclear field exercising the regulation, authorization and control powers provided under the present law shall be the National Commission for Nuclear Activities Control under Government subordination.

(2) The National Commission for Nuclear Activities Control called further on the Commission, shall elaborate its own organizing and functioning regulations which shall be approved by Government decision.

(3) The funding of the Commission activity shall be provided from the state budget.

(4) Authorization fees for the activities provided under Article 2 shall be made revenue to the state budget.

(5) A quota from the receipts of the Commission from tariffs, representing the countervalue of the technical expertizing, examination and control expenses, with a view to the authorization of the nuclear activities provided under Article 2, shall be made revenue to the state budget; the balance from the tariff receipts may be used by the Commission for personnel expenses, material expenses, endowments and investments specific to these activities to be entered in a separate account as extrabudgetary sources. The respective quotas shall be defined by a Government decision.

Art. 5. — (1) The Commission is empowered to issue regulations for the specification in detail of the general requirements for nuclear safety, for protection against ionizing radiations, for quality assurance, for controlling the non-proliferation of nuclear weapons, for physical protection and emergency plans for intervention in case of nuclear accident, authorization and control procedures inclusive, as well as any other regulations needed for the authorization and control activity in the nuclear field.

(2) The Commission may also issue regulations, in consultation with ministries and other interested factors, according to their specific responsibilities.

(3) Regulations and powers of authorization and control for which express provisions of empowering of other ministries and special bodies of the central public administration are specified under the present law shall be excepted from the provisions of paragraph (1).

(4) By issued regulations and ordered measures within the framework of authorization and control procedures the Commission shall ensure an adequate framework for natural or juristic persons to safely deploy activities subject to the provisions of the present law.

(5) The Commission shall review the regulations whenever it is necessary for consistence with international standards and with ratified international conventions in the domain, and shall order the measures required for their application.

(6) The Commission shall review the fees and tariffs Regulations for the authorization and control of nuclear activities whenever necessary, with the advice of the Ministry of Finance.

Art. 6. — Research, experimentation, development, manufacture, import, export, transit, holding, or detonation of a nuclear weapon or of any nuclear explosive device shall be prohibited on the territory of Romania.

Art. 7. — The import of radioactive waste shall be prohibited, except situations in which the import follows directly from the processing outside the territory of Romania of a previously authorized export of radioactive waste, including spent nuclear fuel, on the basis of the provisions of some international agreements or contracts concluded with commercial partners having been registered abroad, under the terms provided by the present law.
CHAPTER II
Authorization conditions

Section 1
Authorizations and permits for the exercise of activities in the nuclear field

Art. 8. – (1) The activities and sources provided under Article 2 require an authorization issued by the Commission with observance of the licensing procedure specific to each kind of activity or source, in accordance with the provisions under Art. 5.

(2) Authorizations shall be issued only to juristic persons, at their request, if they can prove the compliance with the provisions under the present law.

(3) The authorization may be used only for the purpose for which it was issued, with the observance of the limits and conditions precisely stated in it.

(4) The authorizations provided under paragraph (1) shall be applied for and, respectively, issued simultaneously or successively, separately for each kind of activity, or for each facility functioning independently belonging to applicant’s property, or for each distinct type of radioactive material, of ionizing radiations generating device, of devices for dosimetric control of the ionizing radiations or of the degree of the radioactive contamination, of material or device used for protection against ionizing radiations, of containerization or transport means specially arranged to this end, which the applicant of the production authorization intends to achieve with a view to its use or marketing.

(5) The authorization of any facility during any construction or operating phase can be issued only if all the previous phases had been covered with the authorization types required.

(6) The authorization phases of the nuclear facilities and plants as provided under paragraph (5) shall, as applicable, be the following:
   a) designing;
   b) siting;
   c) production;
   d) construction and installation;
   e) commissioning;
   f) test operation;
   g) operation and maintenance;
   h) repair or modification;
   i) conservation;
   j) decommissioning.

(7) Partial authorizations may be issued to cover operating phases.

(8) Partial authorizations issued simultaneously or successively for one and the same stage from among those provided under paragraph (6) may have the character of a provisional decision of the Commission if the applicant requests so. In such a case their validity shall extend up to the issuing of the final authorization of that type, but no more than two years with an extension right on request for two more years when all necessary information is not available in due time.

(9) The Commission shall withdraw the partial authorization whenever it shall find a lack of concern on the part of the authorization holder for completion of the necessary information in support of the application for the issue of the authorization.

Art. 9. – (1) The holder of the authorization issued under Article 8 shall employ in authorized activities only personnel possessing an practise permit valid for these activities.

(2) The practise permit shall be issued on the basis of the regulations established according to the provisions under Article 5.

(3) The practise permit shall be issued on the basis of an evaluation and examination by the competent national authority only to natural persons having responsibilities in the safe deployment of nuclear activities.

Art. 10. – (1) The authorization and the practise permit shall be issued for a period determined by the regulations issued according to the provisions under Article 5.

(2) The right acquired on the basis of the authorization and the practise permit shall not be transmitted without the issuer’s consent.

(3) For the authorization or the practise permit to be issued the applicant shall:
a) pay to the Commission's account the technical expertise, examination and control tariff in keeping with the regulations provided under Article 5 paragraph (6);

b) pay to the state treasury the authorization fee in keeping with the regulations provided under Article 5 paragraph (6).

Art. 11. — Authorizations provided under Article 8 shall be suspended or withdrawn totally or partially by the issuer at his own initiative or on being informed by other natural or juristic persons, in all cases in which the Commission finds that:

a) the authorization holder failed to observe the provisions of the present law and the specific regulations, or the limits and conditions provided in the authorization;

b) the measures ordered by the control bodies empowered under the present law are not fulfilled completely and at the set dates;

c) there shall appear new situations from a technical point of view, or of another nature, unknown at the date when the authorization was issued, which may affect the safe deployment of nuclear activities;

d) the authorization holder fails to fulfil his obligations with regard to the contribution to the Fund for the management of radioactive waste and decommissioning, or to the insurance against civil risks for damages to third parties in case of nuclear accident;

e) the authorization holder shall cease to be legally constituted;

f) the authorization holder shall lose his legal capacity.

Art. 12. — The practise permit provided under Article 9 shall be suspended or withdrawn by the issuer at his own initiative or on being informed by other institutions with control powers according to the present law, or of specialist persons, in all cases in which the issuer finds that:

a) the practise permit holder failed to observe the provisions mentioned in the regulations issued according to the provisions under Article 3;

b) the practise permit holder died or lost his legal capacity.

Art. 13. — (1) The Commission may complete, review, or modify on stated grounds the limits and conditions specified in practise permits or authorizations.

(2) In case the new conditions imposed according to paragraph (1) are not observed, the provisions under articles 11 or 12, respectively shall apply.

Art. 14. — The extension of the validity period of an authorization or of a practise permit, the re-authorization or granting of a new permit shall be made as stipulated under articles 8–10, and 15.

Art. 15. — (1) The withdrawal by way of exception of the authorization provided under Article 8 shall entitle the authorization holder to a compensation from the authority having ordered the withdrawal of the authorization. The amount of the compensation shall be determined by taking into account the public interest as well as that of the holder of the authorization withdrawn, and the grounds which led to the withdrawal of the authorization, too. The amount of the compensation shall be established by agreement of the parties or, in case of disagreement, by a court of justice.

(2) The authorization shall be withdrawn without compensation in the following situations;

a) when the authorization holder obtained it by using spurious declarations;

b) the authorization holder violated the provisions under the present law, the dispositions of the authorizing and control bodies in the matter, or the limits and conditions provided in the authorization;

c) the withdrawal of the authorization was ordered owing to the fact that the holder's personnel, third parties, the population, or the environment were exposed to risks above the regulation limits, generated by the authorized activity.

(3) The provisions under the present article shall also apply in conditions specified under Article 13.

Art. 16. — (1) Activities in which materials with low total activity or with low mass concentration, generating ionizing radiations of the type approved by the Commission, and any electron tubes fulfilling the limits and criteria of exemption provided in international
standards so that the risks relating to the activity of the source shall be the minimum accepted ones, shall be exempt, partially or totally from the application of the authorization conditions provided under the present law.

(2) The detailed limits and criteria of total or partial exception from the application of the authorization conditions shall be established by the regulations issued in compliance with the provisions under Article 5.

Art. 17. — (1) For activities intended to be deployed, juristic persons may apply for a preliminary advice from the Commission, showing, on the ground of information presented by the applicant, that the exception limits provided under Article 16 will apply.

(2) In case the preliminary advice fails to confirm that the exception limits will apply, the applicant shall be obliged to request the authorization of the respective activities, complying with the provisions under Article 8.

(3) The responsibility for the correctness of the information presented in support of the application for a preliminary advice shall be borne by the applicant.

Section 2
Authorization conditions

Art. 18. — (1) Authorizations provided under Article 8 shall be issued only if the applicant for an authorization fulfills the following conditions, as applicable, if he:

a) can prove the professional qualification for each position, of his own personnel; that they know the requirements of the regulations with regard to nuclear safety and protection from ionizing radiations as well as the probity of the persons having decisional authority in the management of the works during the construction and operation of the facilities or in the management of other nuclear activities from among those mentioned under that article;

b) can prove his organizing capacity and responsibility in the prevention and limitation of the consequences of emergencies with possible negative effects on the life and health of his own personnel and of the population, on the environment, on the property of third parties, and on his own assets;

c) is responsible for the fact that the rest of his personnel which ensures the operation of the facility shall have the level of knowledge specific to the position fulfilled with regard to the exploitation of the facility under conditions of nuclear safety, the associated risks, and the applicable nuclear safety measures;

d) takes all the necessary measures at the level of technological and scientific rules in force for preventing the production of damages that would result from the construction and operation of the facility;

e) institutes an insurance or any other financial guarantee to cover his civil liability for nuclear damages, the amount, nature, and terms of the insurance or guarantee being in accordance with those provided under the law and the international conventions to which Romania is party;

f) is responsible for taking the measures necessary for the prevention of interference of any kind, or for removing the perturbations due to any third parties in the decision taking process, during the construction and operation of the nuclear facility;

g) proposes a siting of the facility not conflicting with the legal provisions and prevailing public interests with regard to the non-contamination of the soil, air, or water, and does not affect the operation of other facilities situated in the vicinity;

h) disposes of material and financial arrangements adequate and sufficient for the collection, transport, treatment, conditioning, and storage of radioactive waste generated from his own activity as well as for decommissioning the nuclear plant when it shall completely cease its authorized activity, and has paid his contribution for setting up the Fund for the management of radioactive waste and decommissioning;

i) institutes and maintains a system according to the specific protection regulations against ionizing radiations;

j) institutes and maintains a system conformable to the specific regulations of physical protection of the nuclear fuel, radioactive and nuclear materials, radioactive waste and products as well as of the nuclear facilities including
storage facilities for nuclear fuel, nuclear and radioactive materials, radioactive waste;
k) institutes and maintains an authorized system for the quality assurance in its own activity, and makes sure that his suppliers of products and of services as well as their sub-suppliers institute and maintain their own controlled quality assurance system;
l) institutes and maintains an approved preparatory system for the intervention in case of nuclear accident;
m) institutes and maintains a system according to the application regulations of nuclear guarantees;
n) holds all the other agreements, authorizations and advices provided by law;
o) institutes and maintains a public information system in keeping with legal regulations.

(2) The authorization terms provided under paragraph (1) shall be detailed in the regulations issued according to the provisions under Article 5.

Art. 19. — (1) Nuclear fuel may be held only by juristic persons. The holding of nuclear fuel without having for it a holding authorization as well as one of the following authorizations: production, storage, treatment, processing, use, transport, import or export authorization in accordance with the activities deployed, issued conformably to the provisions under articles 18, and articles 20–22 shall be prohibited.

(2) Unlawfully held nuclear fuel shall be confiscated, appropriated to the state's public property, and handed over to a custodian specially appointed to this end.

(3) The appointment of an authorization holder as custodian of the nuclear fuel shall be made by the issuer of the authorization by specifying in the authorization the obligation to accept the nuclear fuel in custody, in the name of the State.

(4) Obligations with regard to the preservation in custody shall also apply to spent nuclear fuel and other nuclear materials except radioactive waste.

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

a) the holder is previously in possession of one of the authorizations provided under paragraph (1);
b) the nuclear fuel is to be entrusted to an authorized carrier with view to carry out an authorized transport to an authorized recipient.

(6) Custody expenses of the authorization holder shall be borne by the holder of the property documents on the nuclear fuel deposited in custody on the basis of an understanding stipulated by contract or, in case of disagreement, by a judicial decision.

(7) Nuclear fuel unclaimed with due property documents shall become public property of the state since it is so determined.

Art. 20. — (1) The transport of nuclear fuel outside the precincts of the nuclear plants or outside the site in which the nuclear fuel is kept in custody shall be carried out only by carriers or transport agents authorized to this end in keeping with the provisions under articles 8 and 18.

(2) The authorizations provided under paragraph (1) shall be issued only if the following conditions are fulfilled, namely, that:

a) the nuclear fuel shall be transported according to the national regulations with regard to the transport of radioactive materials issued in accordance with the provisions under Article 5, and to the international ones with regard to the transport of dangerous merchandise;
b) the transport mode, time, and route shall not run counter to the public interest.

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

Art. 21. — The utilization of transport means specially arranged for the transport of nuclear fuel, of nuclear materials, of radioactive products or of radioactive waste shall be permitted only when the authorized carrier is in possession of an authorization for the respective transport means granted by the Commission.

Art. 22. — (1) The import or export authorization provided under Article 8 shall be issued only under the following conditions, as applicable:

a) the applicant of the authorization is capable of proving the competence and probity of the persons with a decisional control activity on the import or export
operations which the granting of the authorization is solicited for, in keeping with regulations in force;

b) the applicant of the import authorization pledges himself to ensure the observance of the provisions under the present law, of the regulations issued in conformity with Article 5, and with international commitments assumed by Romania in the nuclear energy domain, to deliver the products and information only to beneficiaries authorized to this end, in accordance with the provisions under Articles 8 and 18 and to report immediately to the Commission on the entry into the country of the products and information imported;

c) the applicant of the export authorization obtains from his external partner the necessary guarantees from which it shall follow that the aforesaid partner will not use it for purposes that would be prejudicial to the international obligations assumed by Romania or to the national security. Likewise he shall have to prove that the export complies with the provisions under the present law and the specific regulations.

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

(3) In the sense of the present law, any dispatch to the territory of Romania shall be considered an import, and any dispatch from the territory of Romania shall be considered an export.

Art. 23. — (1) The production, supply, or import of the items provided under Article 8 paragraph (4) shall require the obtaining as a prerequisite of a product, model, or type authorization granted by the Commission.

(2) The standard radiation sources and measuring means in the domain of ionizing radiations must have a model approval granted by the Romanian Legal Metrology Bureau and should be metrologically checked in accordance with legal provisions.

(3) The designing, implementation, utilization, holding, and checking of measuring means in the field of ionizing radiations for army requirements shall be authorized by the Ministry of National Defence.

Art. 24. — (1) The quality assurance authorization of supply, designing, manufacture, construction-installation, repair and maintenance activities for products, services and systems classified as important for the safety of the nuclear facility shall be compulsory.

(2) The authorization shall be issued by the Commission in accordance with the provisions under Articles 8 and 18 and with the specific regulations referring to the suppliers of products and services from this classes as well as their sub-suppliers.

(3) The authorization provided under paragraphs (1) and (2) shall be issued only if the solicitant of the authorization fulfils the following conditions, as applicable:

a) is capable to prove the professional qualification by positions of his own personnel; that they know the requirements of the regulations with regard to nuclear safety as well as the probity of the persons having decisional authority in the management of the activities which contribute to the achievement of the products, services, and systems forming the object of the authorization;

b) is responsible that the rest of his own personnel involved in the activities contributing to the achievement of these products, services or systems shall have the necessary level of knowledge with regard to the effects of quality deviations of these products, services, or systems on the safety of nuclear facilities in which they are to be incorporated;

c) is responsible for taking the measures necessary for the prevention of interference of any kind, or for removing the perturbations due to any third parties in the decisional process and in the deployment of the authorized activities;

d) institutes and maintains a controlled quality assurance system in his own activity, and makes sure that his suppliers of products and services as well as their sub-suppliers institute and maintain their own controlled quality assurance system.
(4) The authorization conditions provided under paragraph (5) shall be detailed in the regulations issued in accordance with the provisions under Article 5.

CHAPTER III
Obligations of the authorization holder
and of other natural or juristic persons

Art. 25. — (1) The holder of the authorization issued according to Article 8 shall have the obligation and responsibility to take all necessary measures in order to:
   a) ensure and maintain;
      — nuclear safety, protection against ionizing radiations, physical protection, his own emergency plans in case of nuclear accident, and quality assurance for activities deployed or sources associated with them;
      — a strict record of the nuclear and radioactive materials as well as of all sources used or produced in its own activity;
   b) the observance of the technical conditions and limits provided in the authorization and the reporting of any violation, in accordance with specific regulations;
   c) the limitation only to activities for which he was authorized;
   d) the development of his own system of requirements, regulations, and instructions ensuring the deployment of authorized activities without unacceptable risks of any kind.

(2) The responsibility for nuclear damages caused during or as a result of accident that might occur by deployment of the activities provided in the authorization or of other activities resulting in the death, damage to the corporal integrity or health of a person, destruction, degradation, or temporary impossibility of using some goods lies entirely with the holder of the authorization under the terms established by law and by international commitments to which Romania is party.

Art. 26. — For the deployment of a nuclear activity generating or having generated radioactive waste, the authorization holder shall compulsorily:
   a) be responsible for the management of radioactive waste generated by his own activity;
   b) bear the expenses related to the collection, handling, transport, treatment, conditioning and temporary or permanent storage of this waste;
   c) pay the legal contribution to the Fund for the management of radioactive waste and decommissioning.

Art. 27. — The holder of the authorization issued under Article 8 shall:
   a) develop a programme for the preparation of the decommissioning and submit it for approval to the Commission;
   b) produce the proof of having paid the legal contribution to the Fund for the management of radioactive waste and decommissioning.

Art. 28. — (1) Expiry of the authorization's validity, its suspension or withdrawal shall not exonerate the authorization holder or the one who has taken over the property title on the nuclear materials, facilities or plants, which were stated in the authorization, from the obligations provided under articles 25–27 or those following from the conditions provided in the authorization.

(2) On discontinuation of the activity or decommissioning of nuclear facilities as well as on the partially or totally transfer of the nuclear facilities or plants, of radioactive products or of ionizing radiations generating devices, the authorization holder shall have the obligation to apply and to obtain first, under the terms provided by the present law, an authorization to hold, decommission or transfer them, as applicable.

(3) The practise authorization or permit issued on the grounds of the provisions under the present law shall not exonerate the holder from observing the legislation in force.

(4) The Commission shall establish the concrete application modalities of the present law whenever its provisions cannot be applied simultaneously with legal provisions of another kind, with the consultation of the public administration authorities in the matter giving priority to the observance of the conditions of safe deployment of the nuclear activities.

Art. 29. — (1) Natural persons and juristic persons extracting or processing mineral substances associated in the deposit with uranium or thorium, or substances which
in the technological processing flow are susceptible to contain radioactive materials shall have the obligation to take checking measures on the materials and equipment over the whole production, handling, transport, and storage cycle in order to find whether they show a concentration of radioactive substances or a radioactivity exceeding at a given moment the accepted limits included in the regulations provided under Article 16.

(2) In case the exception limits are exceeded, the respective activities shall be subject to the authorization conditions provided under the present law.

CHAPTER IV
Control rules

Art. 30. – The preventive, current-operative and ulterior control of the observance of the provisions of the present law and of the regulations issued in accordance with Article 5 shall be carried out by the specially empowered representatives of the Commission, at the applicants or authorizations holders. The control shall be carried out within the precincts in which these deploy activities subject to authorization conditions, in any other site which might be linked to these activities or at any other natural or juristic person that might deploy activities, hold facilities, materials, other sources or information provided under Article 2 in any of the following situations:

a) with a view to the issuing of the requested authorization;

b) periodically or unannounced, in the validity period of the authorization;

c) on the basis of notification from the authorization's holder;

d) when facilities, materials, other sources or information might exist or activities might be deployed from among those provided under Article 2.

Art. 31. – (1) In exercising the control mandate, the Commission's representatives shall have the power to:

a) gain access to any place in which activities subject to the control are deployed;

b) carry out measurements and install the necessary oversight equipment;

c) solicit the taking of or receive samples from the materials or products directly or indirectly subject to the control;

d) compel the controlled natural person or juristic person to ensure the fulfillment of the provisions mentioned under paragraphs a) to c) and to mediate the extension of the control to his supplier of products and of services or to their sub-suppliers;

e) have access to all information, technical and contract stipulated data, in any form, required for carrying out the objectives of the control established under Article 50, with observance of confidentiality at the holders' request;

f) request the authorization holder to transmit reports, information, and notifications in the form required by regulations;

g) request the authorization holder to keep records, in the form required by regulations, of materials, of other sources and activities subject to the control and to control these records;

h) receive the necessary protective outfit through the care of the applicant or of the authorization holder.

(2) To the extent to which it is so provided in international agreements to which Romania is party, the provisions under paragraph (1) shall also apply to persons approved by the Government of Romania carrying out in the presence of the representatives designated by the Commission the controls provided in those international agreements.

Art. 32. – (1) The representatives of the Commission shall have the obligation to observe the authorization conditions applicable as they are imposed upon the personnel of the authorization holder, over the whole duration of the control.

(2) After conclusion of the control, the representatives of the Commission shall have the following powers:

a) to draw up a written statement of findings recording the results of the control, the corrective actions ordered, and the terms of their resolution;

b) to propose the suspension or withdrawal of the authorization or practise permit under the terms provided by law;
c) to propose the information of the legal prosecution bodies in the cases and for the deeds provided under the present law;

d) to order the authorization holder to apply disciplinary sanctions to the guilty personnel under the terms provided by the present law;

e) to apply contraventional sanctions provided under the present law for juristic or natural persons of the authorization holder through the persons which, according to his status, represent him in relation with public authorities;

f) to apply the contraventional sanctions provided under the present law to the personnel guilty of committing these contraventions.

Art. 33. — Over the whole duration of the control, the juristic persons and the natural persons subject to the control shall have the obligation of taking the necessary measures in order to allow the provisions under articles 31 and 32 to be carried out in good conditions.

Art. 34. — (1) In the exercise of their mandate, the bodies with control right over nuclear activities, provided in Appendix No. 3, shall have the rights provided under Art. 31 para. (1) and the obligations and powers provided under Art. 32, within the limits of the competences established by law.

(2) In case of insubordination to the control or of insubordination to any of its dispositions, the Commission may request the competent authorities either to proceed to forced execution, or to undertake an investigation. The Commission may request the intervention of the representatives of the General Police Inspectorate or, in emergency cases, it may undertake of its own motion safeguarding measures of nuclear safety, following upon which all related expenses are to be reimbursed by the holder of the authorization of his own accord or by distraint.

CHAPTER V
Powers and responsibilities

Art. 35. — In addition to the powers explicitly provided by law, the Commission;

a) proposes the initiation of draft laws, of Government decisions and draws up its own regulations and those common with other competent authorities, according to the law;

b) draws up instructions with a compulsory character as well as nuclear safety regulations to ensure the quality and functioning in safety conditions of the nuclear facilities and plants, the protection against nuclear radiations of the professionally exposed personnel, of the population, of the environment, and of the material goods, the physical protection, the records, preservation, and transport of radioactive materials and of special fissionable materials as well as the management of radioactive waste;

c) approves, according to the law, intervention plans for cases of nuclear accident, and participates in the provision of the intervention;

d) works out procedures for the surveillance of the radioactivity of the environment and ensures its permanent supervision on the national territory;

e) initiates, with the endorsement of the Ministry of Foreign Affairs, actions for the promotion of Romania's specific interests in relations with the International Atomic Energy Agency (I.A.E.A.), with the Agency for Nuclear Energy (A.N.E.) and with other international organizations specialized in the field of regulations and control of nuclear activities; cooperates, under the terms of the law, with similar institutions from other states;

f) supervises the application of the provisions of international agreements in force on the control of guarantees, physical protection, transport of radioactive and fissionable materials, protection against radiations, providing the quality and nuclear safety of the facilities;

g) promptly informs the central authority for the protection of the environment and the Ministry of National Defence on any significant increase in the radioactivity of the environment;

h) cooperates with other bodies which, according to the law, have powers in the field of functioning under safety conditions of nuclear facilities and plants, in correlation
with the requirements of population and environment protection;
   i) provides the information of the public through official publications, official statements to the press; organizes hearings or inquiries, as the case may be;
   j) carries out any other tasks provided by law in the field of regulations and control of nuclear activity.

**Art. 36.** – The rules of authorization and control of the pressure–retaining nuclear plants and facilities shall be established by specific technical prescriptions issued by the national authority for boilers and hoisting installations, with the Commission's advice, taking into consideration the general criteria for the safe deployment of nuclear activities.

**Art. 37.** – (1) The Commission shall organize according to the law, a network for the surveillance of the environment radioactivity over the whole territory of Romania, ensuring the informational flow required by the integrated monitoring system of the environment parameters.

(2) The environment agreements and authorizations provided by law shall be issued by the central authority for the protection of the environment on the basis of the regulations issued by this authority in accordance with the provisions under Article 5, with consultation of the Commission and of the Ministry of Health, with reference to the monitoring and reporting of releases of radioactive effluents in the environment as well as of the radioactive contamination of the environment factors.

(3) The environment authorizations and agreements provided under paragraph (2) shall constitute a prerequisite condition for the authorization issued by the Commission in accordance with the provisions under Article 8.

(4) Whenever necessary, the Commission informs the central authority for the protection of the environment and the Ministry of National Defence on the findings in the exercised surveillance activity, and collaborates with them with a view to the establishment of the necessary measures.

**Art. 38.** – (1) The Ministry of Health shall authorize:
   a) the introduction into the social and economic circuit for utilization or consumption purposes by the population of products that were subject to irradiation or which contain radioactive materials;
   b) introduction into the medical field for medical treatment and diagnosis purposes of close or open sources, of ionizing radiations generating devices, and of pharmaceutical products containing radioactive materials.

(2) The authorization application shall be made by the natural or juristic persons deploying the activities provided under paragraph (1).

(3) The Ministry of Health shall develop its own authorization and control regulations to this end with observance of the provisions under Article 5 and with consultation of the Commission and of the interested ministries.

**Art. 39.** – (1) The Ministry of Health shall organize:
   a) the monitoring network of the contamination with radioactive materials of food products over the whole food chain, drinking water inclusive as well as of other goods destined to be used by the population, according to the law; the monitoring of the radioactive contamination degree of these goods and products, whether home-made or imported, destined to be used on the territory of Romania shall thus be ensured;
   b) the epidemiological surveillance system of the health condition of the personnel professionally exposed, and of the hygiene conditions in units in which nuclear activities are deployed. It shall likewise follow up the influence exercised by these activities on the health of the population, and issue the advices provided under the regulations in force.

(2) Whenever necessary, the Ministry of Health shall inform the Commission and other interested ministries on its findings in the monitoring activity, and collaborate with these in order to establish the joint actions called for.

**Art. 40.** – (1) The coordination of the intervention preparedness in case of nuclear accident, with observance
of the provisions under the present law, shall be ensured according to the law by the Central Commission for nuclear accident and dropping of cosmic objects, under the leadership of the Ministry of National Defence with the cooperation of all specialist bodies from the local and central public administration empowered in the matter.

(2) The on site intervention plan in case of nuclear accident for the nuclear facilities and plants shall be developed by the user, authorization holder together with all local and central public authorities and organizations involved in the preparation and in the deployment of the intervention in case of nuclear accident, in accordance with the requirements of the regulations issued according to the provisions under Article 5.

(3) The intervention plans in case of radiological emergencies caused by nuclear accidents in the facilities and plants found on the territory of other states which might, by transboundary effects, touch the territory of Romania as well as off-site intervention plans (outside of the site of nuclear facility) on the territory of Romania shall be developed by the care of the Civil Defence Command from the framework of the Ministry of National Defence.

(4) The local and central public authorities with powers in the domain of the preparedness and deployment of an intervention in case of nuclear accident shall develop their own plans correlated with the general intervention plan.

(5) The intervention plan provided under paragraph (2) shall be approved by the Commission; the provisions under paragraph (3) shall be approved by the Central Commission for nuclear accident and dropping of cosmic objects; and the provisions under paragraph (4) shall be approved by the leaders of the local and central public authorities with the advice of the Technical Secretariate of the Central Commission for nuclear accident and dropping of cosmic objects.

(6) The applicability of the intervention plan shall be periodically evaluated and controlled; that provided under paragraph (2), by the Commission; and that provided under paragraphs (3) and (4), by the Central Commission for nuclear accident and dropping of cosmic objects.

Art. 41. – Imports and exports of the products and information provided under Appendix 1 shall be approved by the Interministerial Council of the National Control Agency of Strategic Exports and of Interdiction of Chemical Weapons, and the import or export licence shall be issued by the Ministry of Trade as provided by Government decision only after the applicant has obtained the import or export authorization provided under Article 22.

Art. 42. – The General Directorate of Customs from the Ministry of Finance shall control and admit the entry into the country or exit from the country, on the basis of the authorization issued by the Commission, of all goods for which the present law calls for an authorization.

CHAPTER VI
Sanctions

Art. 43. – Violation of the provisions under the present law shall entail material, disciplinary, administrative, criminal or civil responsibility, as applicable.

Art. 44. – (1) Carrying out an activity from among those provided under Article 2, Art. 24 para. (1) and Article 38 paragraph (1) without having an adequate authorization provided by law shall be punished as follows:
   a) with imprisonment from six months to two years or a fine, the activities provided under Article 2 letter (a) regarding the research, designing, siting, production, construction or installation of nuclear facilities and plants, under Article 2 letters b), d), and g), Article 24 para. (1) as well as under Article 38 paragraph (1);
   b) with imprisonment from three years to ten years and interdiction of certain rights for the unauthorized carrying out of some activities provided under Article 2 letter a) with regard to the commissioning, operation, modification, decommissioning, import, or export of nuclear facilities and under Article 2 letters c), e), and f).

(2) Attempt at the offences provided under paragraph (1) letter b) shall be punished.

Art. 45. – (1) The taking out of service, totally or partially, of control and surveillance equipment installed in the terms under Article 31 paragraph (1) letter b) and paragraph (2) without having reasons following from
requirements of nuclear or radioprotection safety, if the deed is not a more serious offence shall be punished with imprisonment from 6 months to 3 years.

(2) If the deed provided under paragraph (1) is committed by culpability, the punishment shall be imprisonment from 3 months to one year, or a fine.

Art. 46. — (1) The decommissioning, manufacture, holding, import, export, transit, or detonation of nuclear weapons or of any other nuclear explosive devices shall be punished with imprisonment from 10 years to 25 years and interdictions of some rights.

(2) If the deeds provided under paragraph (1) resulted in the death of one or several persons, or in other particularly severe consequences, the punishment shall be of life imprisonment, or imprisonment from 15 to 25 years and interdictions of some rights.

(3) The attempt shall be punished.

Unless committed under such conditions that, according to the law they be considered offences, the following deeds constitute infringements:

a) non-observance of the reporting obligations provided under Article 25 letter b) and Article 31 paragraph (1) letter f);

b) non-observance of the limits and conditions provided in the authorizations issued in accordance with the provisions under Article 8;

c) failure to carry out within the established term of the written dispositions given by the Commission, with acknowledged receipt, or by written control report of its representatives;

d) the utilization of personnel in activities without risk of nuclear accident, lacking the necessary preparation for the activity carried out, or of unchecked personnel, or of personnel rejected at the periodical examinations;

e) the utilization of personnel failing to prove the necessary knowledge and aptitudes, or failing to apply them in the activity deployed, with implications in the operation of the plant under conditions of nuclear safety, associated risks, applicable nuclear safety measures;

f) violation of the regulations provided under Article 25 letter a) by persons with decisional control right in the management of works, during the construction and operation of the nuclear plant;

g) non-observance of the obligations provided under Article 25 letter d) if inacceptable risks of any kind are generated thereby;

h) the use by authorized persons of radioactive materials, of ionizing radiations generating devices, or of entrusted nuclear facilities for other purposes or for other operations than those established for the carrying out of the service tasks;

i) the exercising of nuclear activities without an adequate exercising permit as provided under Article 9.

Art. 47. — Unless committed under such conditions that, according to the law they be considered offences, the following deeds constitute infringements:

(1) In the case of the infringements provided under Article 47 letters a) to g), the fine will be a penalty for natural persons between Lei one million and ten million, and for juristic persons, between Lei two million and twenty million. In the case of the infringements provided under Article 47 letters h) and i), the fine shall be between Lei two hundred thousand and two million and shall be applied to the person guilty of their perpetration.

(2) The level of these fines shall be brought up to date by Government decision in relation with the inflation rate.

Art. 49. — The factual finding of infringements and application of penalties shall be made by empowered representatives of the Commission.

Art. 50. — The provisions under Law No. 52/1968 on the establishment and sanctioning of infringements, except the provisions under articles 25, 26, and 27, shall be applicable to the infringements provided under the present law.

Art. 51. — The nuclear facilities and plants, their components, the nuclear fuel, radioactive products, radioactive waste inclusive, explosive nuclear devices or their components, which were subject to special seizure by judicial decision, in the terms provided under Article 118 of the Criminal Code, from the guilty party, shall be retained at the expense of the former owner in a safe place, under the seal of the public authority, with observance of the nuclear safety requirements so as not to
impair the life or health of the population and not to cause environment or property deterioration, up to the ordering of legal measures in their respect.

CHAPTER VII
Final and transitory provisions

Art. 52. – Whenever necessary for reasons of State policy, the nuclear fuel and radioactive products may be requisitioned according to the law.

Art. 53. – Any natural or juristic person having suffered a prejudice as a result of abuses made by the Commission or another body provided under the present law may lodge a complaint within thirty days with the tribunal of administrative disputed claims.

Art. 54. – (1) Authorizations and permits issued before the coming into force of the present law shall maintain their validity up to the set term.

(2) The provisions under the present law shall also apply to authorization petitions by way of being solved on the date of its coming into force.

(3) Any person who, at the date of the coming into force of the present law deploys activities for which the control and authorization rules provided under chapters II, IV, ... after the coming into force of the law, if this was not necessary previously to the coming into force of the present law.

Art. 55. – (1) Within 90 days after the coming into force of the present law, the Government shall introduce for adoption the draft law on civil liability for nuclear damages and the draft law on the Fund for the management of radioactive waste and decommissioning.

(2) Until the adoption and coming into force of the regulations provided under paragraph (1) the provisions of existing rules shall apply.

(3) The regulations issued according to the present law shall be published in the „Monitorul Oficial“ (Official Gazette of Romania).

Art. 57. – Appendices 1–3 shall form an integrant part of the present law.

Art. 58. – The present law shall come into force within 60 days after its publication in the „Monitorul Oficial“ (Official Gazette of Romania).

Art. 59. – Law No. 61/1974 with regard to the deployment of activities in the nuclear field from Romania and Law No. 6/1982 with regard to the quality assurance of nuclear facilities an plants as well as any other provisions to the contrary shall be abrogated, except provisions referring to the promotion and deployment of the scientific research activity in the nuclear field.

APPENDIX No. 1

LIST of materials, devices, equipment and information pertinent for the proliferation of nuclear weapons or of other explosive nuclear devices referred to under Article 2 letters e) and f)

a) non-nuclear materials, materials whose properties are adequate to the utilization for the production of energy of nuclear origin;

b) devices or equipment specially conceived to be used in facilities from the nuclear fuel cycle or adequate to their use for that purpose;

c) devices or equipment specially conceived to be used in the manufacture of nuclear materials or in the manufacture of those non-nuclear materials wich are provided under letter a) as well as those devices and equipment adequate for their use to the same purposes;

d) devices or equipment essential for the manufacture of the devices mentioned under letters b) and c).

The detailed list of the materials, devices, equipment and information pertinent to the proliferation of nuclear weapons and of other explosive nuclear devices provided
under the present appendix as well as the control rules of their exports shall be established by Government decision with observance of the provisions under the international treaties, conventions, and agreements to which Romania is party.

APPENDIX No. 2

DEFINITIONS

which are referred to under Article 3 of the present law

a) nuclear accident — nuclear event affecting the plant or facility and causing the irradiation or contamination of the population or environment above the limits allowed by regulations in force;

b) nuclear activity — any human practice introducing additional sources or ways of exposing, extending the exposure to a greater number of persons or modifying the network of exposure ways, starting from existing sources, thus increasing the exposure or probability of exposure of persons or number of persons exposed;

c) national authority competent in the nuclear field — authority established by law with legal competence to issue authorizations, to carry out controls, and to regulate the siting, designing, construction, commissioning, operation, or decommissioning of nuclear facilities and plants;

d) authorization — document issued by the competent national authority in the nuclear field on the basis of an evaluation of nuclear safety and control to a juristic person at its request for the deployment of a nuclear activity;

e) nuclear fuel cycle — set of operations including the extraction and processing of ores and enriching of uranium and thorium, the manufacture of the nuclear fuel, exploitation of nuclear reactors, retreatment of the nuclear fuel, decommissioning, any management activity of radioactive waste, or any research and development activity associated with one or other of the above-mentioned operations;

f) nuclear fuel — material or mechanical set containing fissionable materials or raw materials especially designed to be used in a nuclear reactor for the purpose of producing nuclear energy;

g) radioactive waste — these materials resulted from nuclear activities for which no use was provided and which contain radionuclides or are contaminated therewith in concentrations superior to the exception limits;

h) generating devices of ionizing radiations — devices producing X-rays, neutrons, or charged particles;

i) irradiation facilities — equipment including ionizing radiations generating devices or radiation sources capable of producing intensive radiation fields;

j) nuclear facility — nuclear radiation generator, the facility, apparatus, or device extracting, producing, processing, or containing radioactive materials; the nuclear facility shall also include the adequate structures or buildings;

k) nuclear plants — works for the manufacture of nuclear fuel, nuclear reactors, critical and subcritical sets inclusive, research reactors, nuclear power stations, irradiated fuel storage facilities, enrichment units, or reprocessing plants;

l) nuclear raw material — uranium or thorium or any of their combinations in any physical or chemical form; deposits containing at least 0.05 per cent by weight uranium, thorium or any of their combinations;

m) special fissionable material — plutonium, uranium 233, uranium enriched with its isotope 233 or isotope 235; any material artificially enriched in any of the aforesaid isotopes;

n) radioactive material — any material in any state of aggregation presenting the property of radioactivity, radioactive waste inclusive;

o) nuclear material — other materials which, owing to specific nuclear properties, are of particular interest to the nuclear field, and which are established by specific regulations;

p) mining — prospecting, exploring, opening, ore processing and exploitation of nuclear raw materials;

q) emergency plan — set of measures to be applied in case of nuclear accident;
s) radioactive product — any radioactive material obtained in the production or utilization process of a nuclear fuel, or any material having become radioactive by exposure to radiations, except radioisotopes having reached the final preparation stage and are susceptible of being used for scientific, medical, special, social, commercial, or industrial purposes;

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

u) regulations — technical rules, methodological rules, guide-books, instructions, procedures, or technical and organizing conditions regarding the authorization and control of nuclear activities, obligatory in the nuclear field, issued by the competent authority in accordance with Article 5;

v) nuclear safety — set of technical and organizing measures designed to ensure the safe operation of nuclear facilities, to prevent and to limit their deterioration and to ensure the protection of the personnel, of the population, environment and material goods against radioactive contamination or irradiation;

z) sources — emitter or ionizing radiations and any radioactive material.

APPENDIX No. 3

CONTROL BODIES
of nuclear activities


7. State Inspectorate for labour protection from the Ministry of Labour and Social Protection.

8. National Agency for the Control of Strategic Exports and Interdiction of Chemical Weapons.

9. General Directorate of Customs from the Ministry of Finance.

10. Romanian Bureau of Legal Metrology.