

Statute of the State Nuclear Power Safety Inspectorate

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Unofficial text of the Resolution

GOVERNMENT OF THE REPUBLIC OF LITHUANIA

RESOLUTION ON THE APPROVAL OF THE STATUTE OF STATE NUCLEAR POWER SAFETY INSPECTORATE AND REPEALING OF RESOLUTION OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA NO. 1014, DATED 1 JULY 2002, AND FURTHER AMENDMENTS THEREOF ON THE APPROVAL OF THE STATUTE OF THE STATE NUCLEAR POWER SAFETY INSPECTORATE AND THE STATUTE OF THE BOARD OF THE STATE NUCLEAR POWER SAFETY INSPECTORATE

No. 1406, dated 21 November 2012
Vilnius

Acting pursuant to Paragraph 1 of Article 21 of the Law on Nuclear Energy (*Official Gazette* 1996, No. [119-2771](#); 2011, No. [91-4314](#); 2013, No. [36-1727](#)) the Government of the Republic of Lithuania r e s o l v e s:

The preamble is amended as follows:

No. [670](#), 2013-07-24, *Official Gazette*, 2013, No. 83-4152 (2013-07-30)

1. To approve the Statute of the State Nuclear Power Safety Inspectorate (as appended).
2. To repeal the following:
 - 2.1. Resolution of the Government of the Republic of Lithuania No. 1014, dated 1 July 2002, *On the Approval of the Statute of the State Nuclear Power Safety Inspectorate and the Statute of the Board of the State Nuclear Power Safety Inspectorate* (*Official Gazette*, 2002, No. [69-2814](#));
 - 2.2. Resolution of the Government of the Republic of Lithuania No. 1060, dated 26 August 2004, *On Amending Resolution of the Republic of Lithuania No. 1040, dated 1 July 2002, on the Approval of the Statute of the State Nuclear Power Safety Inspectorate and the Statute of the Board of the State Nuclear Power Safety Inspectorate* (*Official Gazette*, 2004, No. [133-4790](#)).

Acting Prime Minister

Andrius Kubilius

Acting Minister of Energy

Arvydas Sekmokas

APPROVED by
Resolution of the Government of the Republic of
Lithuania No. 1406, dated 21 November 2012

STATUTE OF THE STATE NUCLEAR POWER SAFETY INSPECTORATE

I. GENERAL PROVISIONS

1. The State Nuclear Power Safety Inspectorate is an independent state institution carrying out national regulation and supervision of activities with sources of ionising radiation in the area of nuclear energy (nuclear safety, radiation protection of these activities, physical security of nuclear energy facilities, nuclear materials and nuclear fuel cycle materials (hereafter – physical security), nuclear material accounting and control), acting in accordance with the *Law on Nuclear Energy of the Republic of Lithuania* (*Official Gazette*, 1996, No. [119-2771](#); 2011, No. [91-4314](#)), *Law on Nuclear Safety of the Republic of*

Lithuania (Official Gazette, 2011, No. [91-4316](#)), Law on Radioactive Waste Management of the Republic of Lithuania (Official Gazette, 1999, No. [50-1600](#); 2011, No. [91-4318](#)), Law on Radiation Protection of the Republic of Lithuania (Official Gazette, 1999, No. [11-239](#)), Law on Public Administration of the Republic of Lithuania (Official Gazette, 1999, No. [60-1945](#); 2006, No. [77-2975](#)), other laws and the Statute of the State Nuclear Power Safety Inspectorate (thereafter, the Statute).

2. The State Nuclear Power Safety Inspectorate shall act in accordance with the Constitution of the Republic of Lithuania, international treaties of the Republic of Lithuania, legislation of the European Union, laws of the Republic of Lithuania as referred to in Paragraph 1 of the Statute, other laws and legislation adopted by the Seimas of the Republic of Lithuania, decrees of the President of the Republic, resolutions of the Government of the Republic of Lithuania (thereafter, the Government), decrees of the Prime Minister, this Statute and other legislation.

3. The official abbreviated name of the State Nuclear Power Safety Inspectorate shall be VATESI.

4. The State Nuclear Power Safety Inspectorate (thereafter, VATESI) is a budgetary agency –a public legal entity, having its banking account and a seal with the State Emblem of the Republic of Lithuania and its name inscribed on it.

5. VATESI is owned by the State. The rights and obligation of the owner shall be implemented by the Government, which adopts and amends the Statute, takes decisions with regard to VATESI re-organisation and liquidation; deals with other issues that an entity implementing rights and obligations of the owner of a budgetary agency should be dealing with as provided by Law.

6. VATESI shall be financed from the assignments of the State Budget of the Republic of Lithuania and other lawfully obtained revenues.

7. Public announcements of VATESI shall be posted in VATESI website www.vatesi.lt in cases, manner and timing set in legal acts. In cases prescribed by legal acts, public announcement shall be made through other mass media, too.

II. OBJECTIVE AND FUNCTIONS OF VATESI ACTIVITIES

8. The objectives of VATESI activities, which correspond to the purpose of VATESI as described in Paragraph 1 of the Statute, shall be the following:

- 8.1. To carry out national regulation and supervision of nuclear safety;
- 8.2. To carry out national regulation and supervision of radiation protection of activities with sources of ionising radiation in the area of nuclear energy;
- 8.3. To carry out national regulation and supervision of physical security;
- 8.4. To carry out national regulation and supervision of nuclear material accounting and control, as well as supervise other international obligations of the Republic of Lithuania with regard to the non-proliferation of nuclear weapons.

9. In order to implement the objectives described in Paragraph 8 of this Statute above, VATESI shall perform the following functions:

9.1. Draft and submit to the Government or its authorised agencies proposals on nuclear safety, radiation protection in the area of nuclear energy, physical security of nuclear energy facilities, nuclear fuel cycle materials during their transport, nuclear materials in quantities corresponding to the ones indicated in Annex 1 on the Law of Nuclear Safety, as well as for the improvement of the system of accounting for and control of nuclear material;

9.2. Submit proposals on the elimination of gaps in legal regulation, [provide explanations with regard to] legitimacy of the requirements set by legal acts, submit proposals on the effective organisation of supervision of economic entities;

9.3. Create and improve the system of national regulation and supervision of nuclear safety, radiation protection in the area of nuclear energy, physical security, as well as nuclear material accounting and control; approve legal acts regulating these areas (including areas of nuclear safety regulation defined in Article 4 of the Law on Nuclear Safety of the Republic of Lithuania);

9.4. Within the limits of its competence, draft and (or) submit to the Government draft laws and other legal acts of the Republic of Lithuania with regard to nuclear safety, physical security, nuclear material accounting and control as well as radiation protection in the area of nuclear energy;

9.5. Review and assess documents submitted by applicant in order to receive licences or permits, to review other documents submitted by the license or permit holders or other persons, as well as to take respective decision with regard to such documents;

9.6. In cases, manner and terms for issuing licenses and permits, set in laws and other legal acts, VATESI shall, by adopting decree of the Head of VATESI, issue licenses and permits, warn about suspension of licenses and permits, suspend licenses and permits, revoke the suspension or cancel the validity of such licenses and permits, establish and amend terms and conditions set in licences and permits, supervise if the terms and conditions are complied with;

9.7. Supervise the compliance with the requirements of legal acts, regulating nuclear safety, radiation protection in the area of nuclear energy, physical security, nuclear materials accounting and control, as well as supervise if the requirements arising out of international obligations of the Republic of Lithuanian with regard to non-proliferation of nuclear weapons are fulfilled;

9.8. Supervise the compliance with legal requirements when carrying out activities in the area of nuclear energy for which the license or permit was issued; supervise whether the rights and obligations of the licence and (or) permit holder are fulfilled;

9.9. Supervise activities of applicants, licence and permit holders, or persons rendering services, providing goods or performing works for applicants, licence and permit holders and supervise activities of other persons who carry out activities relating to nuclear and (or) nuclear fuel cycle materials; besides, VATESI shall supervise condition of nuclear facilities;

9.10. Following the procedure prescribed by legal acts, to take decisions with regard to documents that are submitted to VATESI for agreement;

9.11. Supervise and assure that *Rules for the Import, Export, Transit or Shipment within the Republic of Lithuania of the Radioactive Materials, Radioactive Waste and Spent Nuclear Fuel*, which are approved by Minister of Health and Head of the State Nuclear Power Safety Inspectorate, are complied with during shipment (import, export, transit or shipment within the territory of Republic of Lithuania) of nuclear fuel cycle materials, nuclear materials and fissile materials, when their quantities correspond to the ones indicated in Annex 1 of the Law on Nuclear Safety of the Republic of Lithuania;

9.12. Cooperate with foreign regulatory and supervisory agencies in nuclear energy sector; within the limits of its competence, to participate in the work of institutions, committees and working groups of international organisations and the European Union;

9.13. Within the limits of its competence, participate when implementing provisions of international treaties provided such relate to VATESI objectives listed in Paragraph 8 of this Statute;

9.14. Prepare and submit to the Government or its authorised agency proposals with regard to national policies and strategies as well as their implementation in the area of nuclear energy sector;

9.15. In case of nuclear and (or) radiological accident, subject to the *Civil Protection Law of the Republic of Lithuania (Official Gazette, 1998, No. 115-3230; 2009, No. 159-7207)* and the *National Protection Plan of the Population In Case of Nuclear Accident*, approved by Resolution of the Government No. 99, dated 18 January 2012 (*Official Gazette, 2012, No. 15-654*), VATESI shall be the institution responsible for the organisation of the liquidation of the national level emergency situation and its consequences, it shall convene the emergency operations centre, provide interested governmental and municipal agencies with urgent information on radiological situation in the nuclear facility, provide forecasts on the danger of nuclear and (or) radiological accident as well as provide other related information;

9.16. Carry out independent investigations on causes and circumstances for the nuclear and radiological accident;

9.17. Apply enforcement measures as prescribed by laws and other legal acts of the Republic of Lithuania; require respective persons to adopt corrective measures, eliminate violations and follow up on the fulfilment of the these requirements;

9.18. Provide economic entities with guidance, supervise if economic entities comply with the requirements of laws and other legal acts, control if the requirements are complied with, implement other measures in order to assure proper compliance with requirements of legal acts and reducing the risk of potential violations;

9.19. Participate in the Technical Cooperation Programme of the International Atomic Energy Agency.

10. In order to achieve the objective listed in Paragraph 8.1 of the Statute, VATESI shall, in addition to functions provided in Paragraph 9 above, carry out the following functions:

- 10.1. Carry out review and assessment on nuclear safety;
- 10.2. Review and assess documents supporting safety of nuclear facilities and operations related to nuclear and nuclear fuel cycle materials;
- 10.3. Supervise if fire safety requirements with regard to structures, systems and components important to safety of nuclear facilities are complied with;
- 10.4. Set criteria for the classification of radioactive waste and the acceptance of radioactive waste packaging for disposal at radioactive waste storage facilities or radioactive waste repositories;
- 10.5. Approve nuclear safety rules and requirements that regulate the following:
 - 10.5.1. Evaluation of construction sites for the nuclear facility; designing, construction, acceptance for commissioning, operation, decommissioning, supervision of the closed radioactive waste depositories;
 - 10.5.2. Physical security of nuclear facilities, nuclear materials and (or) nuclear fuel cycle materials;
 - 10.5.3. Fire safety of structures, systems and components important to safety of nuclear facilities;
 - 10.5.4. Preparedness for the potential nuclear and radiological accidents, their prevention, emergency preparedness in nuclear facilities and during transport of nuclear and (or) nuclear fuel cycle materials;
 - 10.5.5. Transport of nuclear fuel cycle materials;
 - 10.5.6. Acquisition, possession and use of nuclear and other fissile materials when their quantities exceed the ones indicated in Annex 1 of the Law on Nuclear Safety of the Republic of Lithuania;
 - 10.5.7. Management of radioactive waste in nuclear facilities, including classification of radioactive waste, setting clearance levels below which the radioactive waste is cleared from regulatory control in terms of hazardous impact of ionising radiation; discharge of radionuclides to environment;
 - 10.5.8. Radiation protection in organisations which operate the nuclear facility or carry out other activities relating to nuclear materials when their quantities exceed the ones indicated in Annex 1 of the Law on Nuclear Safety of the Republic of Lithuania, and (or) radiation protection of persons and (or) employees of such persons carrying out activities with nuclear fuel cycle materials; as well as radiation protection of activities with sources of ionising radiation in the area of nuclear energy ;
 - 10.5.9. Management systems in organisations carrying out licensed activities or activities which otherwise relate to nuclear and (or) nuclear fuel cycle materials, as well as in organisations which carry out evaluation of construction sites for the nuclear facility;
- 10.6. Having an agreement of the Ministry of Health, set the clearance levels for materials and waste that are generated while carrying out activities with sources of ionising radiation in the area of nuclear energy ;
- 10.7. Analyse and provide information about events that are important to nuclear safety to other governmental and municipal agencies, organisations of Republic of Lithuania and international organisations, as well as the general public;
- 10.8. Initiate, coordinate and control scientific research and trials related to nuclear safety that are required for upgrades in nuclear safety;
- 10.9. Draft and approve (by adopting a decree of the Head of VATESI) categories of modifications in nuclear facilities as well as rules of procedure for the implementation of such modifications.

11. In order to achieve the objective listed in Paragraph 8.2 of the Statute, VATESI shall, in addition to functions provided in Paragraph 9 above, carry out the following functions:

- 11.1. Supervise and assure that radioactive waste management in nuclear facilities are carried out in accordance with legal requirements;
- 11.2. After an coordination with the Ministry of Health, draft and approve radiation protection requirements of workers or certain risk groups of workers, who permanently or temporarily work in nuclear installations, as well as of other persons who temporarily perform operations in nuclear installations;

11.3. Supervise compliance with radiation protection requirements of workers or certain risk groups of workers, who permanently or temporarily work in nuclear installations, as well as of other persons who temporarily perform operations in nuclear installations;

11.4. Organise and carry out, within the limits of its competency, tests on the status of radiation protection as well as national level expert examination with regard to activities with ionising sources of radiation in the area of nuclear energy;

11.5. Provide information on the status of radiation protection to governmental and municipal agencies, entities and organisations with regard to activities with sources of ionising radiation in the area of nuclear energy ;

11.6. After coordination with the Ministry of Health, set the limits for the discharge of radionuclides from the nuclear facilities into environment; supervise if the limit values for the discharge of radionuclides to environment are complied with;

11.7. Participate in investigations of nuclear or radiological accidents in nuclear facilities; provide forecast for accident impacts, submit proposals on accident prevention and liquidation;

11.8. In accordance with terms and conditions set in the licencing rules approved by the Government, issue licenses and temporary permits to engage in activities with sources of ionising radiation in the area of nuclear energy, as such are described in the Law on Radiation Protection of the Republic of Lithuania; make amendments, suspend, revoke the suspension or cancel their validity;

11.9. With regard to sources of ionising radiation, radiation protection equipment, other devices and materials that could lead to exposure, as well as products with sources of ionising radiation, control if radiation protection requirements are observed when engaging in activities with sources of ionising radiation in the area of nuclear energy;

11.10. In case that sources of ionising radiation, radiation protection equipment, other devices, materials and products with sources of ionising radiation listed in Paragraph 11.9 of the Statute may lead to additional impact to environment, VATESI shall, together with the Environmental Protection Agency, control if radiation protection requirements are complied with when engaging in activities with sources of ionising radiation in the area of nuclear energy with regard those sources of ionising radiation, radiation protection equipment, other devices and materials that may lead to exposure, as well as products with sources of ionising radiation;

11.11. organise sample measurement of radon volume activity within the nuclear facilities;

11.12. Perform the functions of the competent authority in connection to transport of radioactive materials of class 7, including interim measures, general and special provisions for this class of materials, packaging and material constructions, testing and approval, requirements for the transport of unpacked, large and heavy goods in accordance with the provisions of transport of dangerous goods, described in the version in force of the European Agreement concerning the International Carriage of Dangerous Good by Road (ADR) technical Annexes A and B, Chapters 1.7 and 6.4, Sections 1.6.6 and 2.2.7, Paragraph 4.1.3.8; in technical annex of Carriage of Dangerous Goods by Rail (RID), Chapter 1.7 and 6.4, Sections 1.6.6 and 2.2.7 and Paragraph 4.1.3.8; in International Carriage of Dangerous Goods by Rail Agreement (SMGS) Annex 2, Chapter 1.7 and 6.4, Sections 1.6.6 and 2.2.7 and Paragraph 4.1.3.8;

11.13. Within the limits of its competency, cooperate with international and Lithuanian organisations in the area of radiation protection, participate in the activities of institutions, committees and working groups of international organisations and European Union;

11.14. Participate in the preparation of drafts of international treaties of the Republic of Lithuania, or some provisions of such dealing with radiation protection issues of the State.

12. In order to achieve the objective listed in Paragraph 8.3 of the Statute, VATESI shall, in addition to functions provided in Paragraph 9 above, carry out the following functions:

12.1. Establish the types of protection zones of nuclear facilities as well as conditions of their protection;

12.2. In order to achieve the goals of physical security, establish categories of nuclear materials;

12.3. With Participation of the State Security Department of the Republic of Lithuania, Ministry of Defence and Ministry of Internal Affairs, establish, with at least one annual review, design basis threat for nuclear facilities and design basis threat for acquisition, possession, use and transport of nuclear materials, when their quantities exceed the ones listed in Annex 1 of the Law on Nuclear Safety of the Republic of Lithuania;

12.4. Supervise how the requirements of the physical security of construction site for nuclear energy facility are complied with;

12.5. Participate in the implementation of the provisions of the *Convention on the Physical Protection of Nuclear Materials* (Official Gazette, 2003, No. [36-1552](#)), perform the function of a focal point with regard to the sphere of application of the *Convention on the Physical Protection of Nuclear Materials* and the *Amendment to the Convention on the Physical Protection of Nuclear Materials* (Official Gazette, 2009, No. [39-1476](#)).

13. In order to achieve the objective listed in Paragraph 8.4 of the Statute, VATESI shall, in addition to functions provided in Paragraph 9 above, carry out the following functions:

13.1. Maintain the functioning of the state system of accounting for and control of nuclear material;

13.2. Jointly with other authorised agencies participate in carrying out the control of export, import, transit and brokering of strategic goods; control of dual-use nuclear goods within the Republic of Lithuania;

13.3. Participates in the activities of the Comprehensive Nuclear-Test-Ban Treaty Organization, represent the Government in relations with the Comprehensive Nuclear-Test-Ban Treaty Organization, coordinate the activities of state authorities of the Republic of Lithuania dealing with this organization;

13.4. Provide information to International Atomic Energy Agency's Incident and Trafficking Database on incidents involving sources of ionising radiation that are found, detected, detained or abandoned, abandoned nuclear fuel cycle materials, nuclear materials or fissile materials, or objects, consumer products, materials or substances that are contaminated with radionuclides;

13.5. Responsible for the implementation of the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the European Atomic Energy Community and the International Atomic Energy Agency in implementation of Article III (1) and (4) of the Treaty on the non-proliferation of nuclear weapons, which was signed on 5 April, 1973 in Brussels, and the implementation of the Additional Protocol to the Agreement between the Republic of Austria, the Kingdom of Belgium, the Kingdom of Denmark, the Republic of Finland, the Federal Republic of Germany, the Hellenic Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Portuguese Republic, the Kingdom of Spain, the Kingdom of Sweden, the European Atomic Energy Community and the International Atomic Energy Agency in implementation of Article III(1) and (4) of the Treaty on the Non-proliferation of Nuclear weapons (Official Gazette, 2007, No. [44-1677](#)).

14. VATESI shall perform other functions delegated to it by laws and other legal acts of the Republic of Lithuania.

III. RIGHTS OF VATESI

15. While carrying out its functions and pursuing its objectives VATESI shall be entitled to:

15.1. Obtain all information needed to review and evaluate the status of nuclear safety from any person implementing nuclear energy facility project, applicant, licence holder or persons rendering services, providing goods, performing works for them or otherwise engaged in activities relating to nuclear materials and (or) nuclear fuel cycle materials;

15.2. In accordance with procedures prescribed by laws and other legal acts, obtain information and documents from any person who may have such information or documents for the purpose of regulation of nuclear safety as well as for the supervision of the implementation of obligations of the Republic of Lithuania with regard to non-proliferation of nuclear weapons and other international obligations;

15.3. Coordinate activities with other governmental and (or) municipal authorities, provided it is needed with regard to accomplishing functions of nuclear safety regulation;

15.4. Use services of experts, consultants, scientific technical-support organisations, other service providers that are independent from applicants, licence holders or persons engaged in other activities relating to the nuclear materials and (or) nuclear fuel cycle materials;

15.5. In accordance with procedures prescribed by legal acts, use access to data of the State Register of Sources of Ionising Radiation and Exposure of Workers, provided this is needed in order to fulfil VATESI functions;

15.6. Receive from economic entity under inspection technical instruments that are needed for the purposes of evaluation of structures, systems and components;

15.7. Receive from economic entity under inspection special outfits and other means of personal protection, provided inspection is carried out within a territory or premises that may be hazardous to human health and safety.

16. VATESI shall be entitled to other rights provided in laws and other legal acts of the Republic of Lithuania.

IV. ORGANISATION OF VATESI ACTIVITIES

17. VATESI activities shall be organised in accordance with a Strategic Activity Plan and Annual Activity Plan, the preparation and the approval of which are defined by the Law on Nuclear Energy of the Republic of Lithuania and by Strategic Planning Methodology, approved by Resolution of the Government No. 827, dated 6 June, 2002 (*Official Gazette*, 2002, No. [57-2312](#); 2010, No. [102-5279](#)).

The paragraph amended as follows:

No. [670](#), 2013-07-24, *Official Gazette*, 2013, No. 83-4152 (2013-07-30)

18. VATESI shall be led by a Head. The procedure and grounds for Head's appointment and dismissal, his or her accountability, reporting and competency shall be defined by the Law on Nuclear Energy of the Republic of Lithuania.

19. Deputy heads of VATESI shall be appointed by Prime Minister after the proposal of the VATESI Head.

20. In case of VATESI Head's absence, depending on the number of the Deputies, functions of the Head shall be temporary performed by the first Deputy, in case of his/her absence, the second Deputy, in case of his/her absence – by the third Deputy.

21. The internal working procedures, functions of VATESI divisions, activities of civil servants or persons working under contracts of employment that are not part of any division shall be regulated by VATESI Internal Working Procedure, VATESI Internal Working Regulation, Statutes of VATESI's Divisions, job descriptions of civil servants and persons working under contracts of employment and in other legal acts of internal administration, all of which shall be approved by orders of the Head of VATESI.

22. The Law on Civil Service (*Official Gazette*, 1999, No. [66-2130](#); 2002, No. [45-1708](#)), the Labour Code of the Republic of Lithuania (*Official Gazette*, 2002, No. [64-2569](#)), other laws and legal acts shall define procedures for admission, dismissal, terms and conditions of paying wages, benefits, rights and obligations, statutory and disciplinary liability, social and other guarantees of VATESI civil servants and persons working under contracts of employment.

V. CONTROL OF VATESI INTERNAL ADMINISTRATION

23. The state (financial and performance) audit in VATESI shall be performed by the National Audit Office of the Republic of Lithuania.

24. The implementation of VATESI Strategic Activity Plan and Annual Activity Plan shall be followed up by the Head of VATESI or by a Strategic Planning Group, set up by the Head of VATESI.

25. Internal audit of VATESI shall be performed a manner prescribed by legal acts by Internal Audit Division of VATESI.

The Paragraph amended as follows:

No. 531, 2013-06-12, *Official Gazette*, 2013, No. 65-3243 (2013-06-20)

26. The financial control of VATESI shall be carried out by the Head of VATESI, Deputy Heads appointed by the Head of VATESI and (or) civil servants and employees working under contracts of employment.

VI. FINAL PROVISIONS

27. VATESI may be reorganised and liquidated subject to grounds, procedures and conditions provided by laws and other legal acts.
