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REPUBLIC OF LITHUANIA
L A W
ON NUCLEAR ENERGY

14 November, 1996, No. I-1613
Vilnius

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Aims and Objectives of the Law

1. This Law regulates public relationships arising during the use of nuclear energy for generation of electric energy and heat energy as well as for other peaceful purposes. It provides a legal basis for the activities in the area of nuclear power, also the mandate of the state and municipal authorities in carrying out their functions in shaping and implementing the nuclear power policy as well as public administration, state regulation, supervision and control of the activities in the area of nuclear power.

2. Key objectives of this law are as follows:

1) to establish the rights, obligations and inter-relationships of the entities operating in the sector of nuclear power;

2) to establish a legal background for public administration, state regulation, supervision and control in the area of nuclear power, functions and responsibility of the state and municipal authorities;

3) to develop a legal framework for the use of nuclear energy based on the principles of safety of the public and environment and on cohesive development of the sector of nuclear power;

4) to ensure that nuclear energy is used for peaceful purposes and to prevent proliferation of nuclear weapons by illegal disposition of nuclear materials;

5) to ensure that the international obligations of the Republic of Lithuania regarding the safe use of nuclear energy are duly fulfilled;

6) to provide legal preconditions for development of nuclear power in the Republic of Lithuania by ensuring the aims and objectives of the National Energy Strategy;

7) to provide favourable environment for investments in the nuclear power infrastructure.

3. This Law establishes the general legal basis for activities involving nuclear materials, for other area of nuclear power involving sources of ionising radiation and for management of nuclear fuel cycle materials. Regulation and supervision of nuclear safety, radiation protection and safety of radioactive waste management in the area of nuclear power shall be performed under this Law and the Law on Nuclear Safety of the Republic of Lithuania, the Law on Radiation Protection of the Republic of Lithuania and the Law on Management of Radioactive Waste of the Republic of Lithuania.

Amendment 12 December 2019, No. XIII-2663

4. Provisions of this Law are in compliance with the legal acts of the European Union indicated in the annex to this Law.

Article 2. Definitions

1. **Person** – a natural person and/or legal entity.

2. **Emergency preparedness** – ability to mitigate effectively consequences of nuclear and/or radiological accidents as well as any other incidents potentially threatening to the health and safety of the general public, their property and environment and occurring due to operations of nuclear installations or use of nuclear and/or nuclear fuel cycle materials.

3. **Areas of emergency preparedness** – areas around the nuclear installation established in order to plan the measures for emergency preparedness and taking into account the level of danger of such installation as determined by the scale and consequences of the potential radioactive pollution, geographical, meteorological and climatic characteristics of the region.

4. **Nuclear power plant** – a complex of equipment and buildings designed for generation of electricity or electricity and heat by using nuclear fuel.

5. **Nuclear accident** – failure in the control and management of the chain reaction of nuclear fission in the reactor core, formation of critical mass while loading, reloading, transporting and/or storing nuclear fuel or other nuclear materials, malfunction of heat exchange resulting in the damage to fuel elements, unallowable release of radionuclides or ionising radiation to the working or natural environment and/or exposure of the personnel exceeding the dose limit and / or posing a threat of detrimental impact on the general public and / or natural environment.

6. **Nuclear power** – a branch of power where energy released by nuclear fission is used for generation of electric energy and heat energy as well as for other peaceful purposes.

7. **Nuclear damage** – loss of life or adverse effects on human health, any loss of, or damage to property, or a harmful effect on the environment due to impact of ionising radiation resulting from operation of a nuclear installation, from a nuclear or radiological accident.

8. **Nuclear power plant unit** – a nuclear reactor with its devices for generation of electricity or electricity and heat. A nuclear power plant may consist of one or several units.

9. **Dual-use nuclear goods** – goods including software and technologies specifically engineered or prepared for production, use or reprocessing of nuclear materials which may be used both for civilian and military purposes.

10. **Nuclear installation** – a nuclear power plant, a nuclear power plant unit, a research nuclear reactor, a storage facility for nuclear materials and a radioactive waste management facility.

11. **The operating organization of a nuclear installation** – a person who in the manner established by the legal acts is entitled to operate a nuclear installation.

12. **The site of a nuclear installation** – a territory with defined boundaries where a nuclear installation is under construction, constructed, operated or where decommissioning of a nuclear installation or supervision of a closed waste disposal facility takes place.

Amended 20 April 2017, No. XIII-287

13. **Physical security of a nuclear installation, a nuclear installation site, nuclear materials and nuclear fuel cycle materials** (hereinafter referred to as **the physical security**) – an aggregate of legal, organisational and technical measures as well as competences of the licence holder's employees or other persons engaged in activities involving nuclear materials and/or nuclear fuel cycle materials and/or their employees, whose aim is to ensure protection of a nuclear installation, a nuclear installation site, nuclear materials and/or nuclear fuel cycle materials from being taken into illegal possession or from seizure, and from an unauthorised entry of persons into protection areas of a nuclear installation or a nuclear installation site, nuclear materials and/or nuclear fuel cycle materials, protection against other illegal actions that may pose a direct or indirect threat to the general public and the environment due to ionising radiation and/or disrupt operation of a nuclear installation as well as ensuring prevention of such actions.

Amended 20 April 2017, No. XIII-287

14. **Operation of a nuclear installation** – as activity through which the objectives of a nuclear installation are implemented: generation of energy, loading and reloading of nuclear fuel, launch, shutdown, testing, maintenance, repairs, in-service inspection of a nuclear reactor, radioactive waste management, final shutdown and other operations related to functioning of the installation.

15. **Decommissioning of a nuclear installation** – implementation of legal, organisational and technical measures with the aim of managing a nuclear installation after a decision has been adopted that the installation will be permanently taken out of operation.

16. **Modification of a nuclear installation** – change in a design of a nuclear installation or its structures, systems, components or characteristics thereof, change of the software, operation limits and conditions of a nuclear installation, change of an organisational structure of a licence holder.

17. **Design of a nuclear installation** – a set of documents, consisting of draft construction, nuclear and radiation safety and physical security documents and other technical standard documents of the

prescribed content constituting designs of buildings of a nuclear installation, safety analysis reports and other documents, and intended for construction and operation of a nuclear installation.

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18. Buildings of a nuclear installation – buildings of nuclear installations and/or engineering buildings where activity with nuclear fuel cycle materials is planned or carried-out or which are considered to be exposed to radionuclides; as well as buildings and/or engineering buildings which main objective of equipment of buildings and/or engineering buildings and/or where equipment is located is to ensure safety of nuclear installation, nuclear safety, radiation protection and/or physical security.

Amended 12 December 2019, No. XIII-2663

19. Nuclear fuel cycle material – nuclear fuel, a nuclear material used or stored at a nuclear installation, radioactive waste managed at a nuclear installation or material used in the area of nuclear power which became radioactive.

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20. Nuclear incident - any malfunction (failure) of operation of a nuclear installation or activities involving nuclear materials and/or nuclear fuel cycle materials resulting in a risk to general public, property or the environment, but failing to meet criteria of a nuclear or radiological accident.

21. Nuclear fuel – a nuclear material located in a special structure and intended for generating energy in a nuclear reactor.

22. Nuclear reactor – a reactor where a controlled chain reaction of nuclear fission takes or can take place.

23. Nuclear materials storage facility – a complex of buildings, structures, systems and components intended for storage of nuclear materials.

24. Natural person – a citizen of the Member State or any another natural person enjoying rights of free movement granted to him/her by legal acts of the European Union.

25. Legal entity – a legal entity or another organisation, or a division thereof established in a Member State and pursuing economic and/or commercial activities in the Republic of Lithuania, a Member State of the European Union or in a state of the European Economic Area in the manner laid down by legal acts.

26. Permit – a document issued by an authorised institution granting a right to perform activities and/or works indicated therein and requiring a permit under Article 22 Paragraph 2 of the Law on Nuclear Safety, in accordance with requirements of legal acts on activities regulated by permits.

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27. Permit holder – a person that in the manner prescribed by the laws has been issued a permit to perform activities and/or works specified therein.

28. Licence – a document issued by an authorised institution granting a right to perform the type of activities indicated therein requiring a license under Article 22 Paragraph 1 of the Law on Nuclear Safety, in accordance with requirements of legal acts on activities regulated by permits.

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29. Licence holder – a person who in the manner established by the legal acts obtained a license to perform the type of activities indicated therein and responsible for a nuclear installation, nuclear materials and/or nuclear fuel cycle materials in the manner indicated in the licence.

30. Research nuclear reactor – a (non-power) nuclear reactor which is not primarily intended for generation of electric and/or heat energy.

31. Design threat – an aggregate of characteristics and intentions of possible national and/or foreign offenders who might attempt to take a nuclear installation and/or nuclear materials into illegal possession or to commit a terrorist act.

32. Spent nuclear fuel – nuclear fuel that was subjected to exposure in the core of a nuclear reactor and was permanently removed from it. Spent nuclear fuel may be reprocessed with the aim of reusing it or managed as radioactive waste and placed in a waste disposal facility.

33. **Reprocessing of spent nuclear fuel** – a process or operation, the purpose of which is to extract fissile and primary materials from spent nuclear fuel for further use.

34. **Applicant** – a person filing an application for a licence, a permit or a certificate in the manner established by the legal acts.

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35. **Limited access area** – an outer area around the perimeter of the protected area of a nuclear installation where access for persons and means of transportation may be limited as well as restricted economic activities. The limited access area is one of protection areas of a nuclear installation.

36. *Repealed*

Amended 6 June 2019, No. XIII-2171

37. **Protected area** – a physical protection area with controlled access and surrounded by a physical barrier along the perimeter of a nuclear installation. The protected area is one of protection areas of a nuclear installation.

38. **Certificate** – a document by which a competent institution certifies that the design of the product (radioactive material or packaging of radioactive material) and/or readiness for transportation of radioactive material is in compliance with the requirements of legal acts governing the safety of transportation of radioactive materials.

Amended 20 April 2017, No. XIII-287

39. **Certificate holder** – a person who has been issued a certificate in accordance with the procedure prescribed in this Law.

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40. Other terms used in this Law shall be interpreted as they are defined in the Law on Nuclear Safety (the **Law on Nuclear Safety**), the Law on Radiation Protection of the Republic of Lithuania (the **Law on Radiation Protection**) and the Law on Management of Radioactive Waste of the Republic of Lithuania (the **Law on Management of Radioactive Waste**).

Article 3. Legal Principles of Activities Involving Nuclear Materials and Other Activities in the Field of Nuclear Power Involving Sources of Ionising Radiation

1. Activities involving nuclear materials and other activities in the field of nuclear power involving sources of ionising radiation in the Republic of Lithuania shall be permitted only subject to a licence or a permit issued by an authorised state institution. If such activities are conducted without a licence or a permit, they shall be held illegal and shall incur legal responsibility as provided by the laws of the Republic of Lithuania.

2. A licence holder or a permit holder shall be responsible for compliance of the activities pursued thereby with the requirements of this Law, the Law on Nuclear Safety, the Law on Radiation Protection, the Law on Management of Radioactive Waste, other laws and legal acts.

3. An applicant having filed an application for a licence or a permit, and a licence or a permit holder shall notify state and/or municipal authorities, international organisations and the general public of the intended or pursued activities in the manner prescribed by the Government or its authorised institution.

Article 4. Guarantees of Nuclear and Radiation Protection and Requirements for the Use of Nuclear Energy

1. Nuclear and radiation safety in the Republic of Lithuania shall be guaranteed by the State. Safety guarantees in the area of nuclear power are based on the requirements of the laws, other legal acts of the Republic of Lithuania, on the requirements of the international treaties to which the Republic of Lithuania is a party, also on the recommendations of the International Atomic Energy Agency (the **IAEA**) and other international organisations and institutions.

2. Use of nuclear energy and activities related to the use of nuclear energy in the Republic of Lithuania shall be permitted only for peaceful purposes. Nuclear materials are subject to guarantees of the

IAEA and the European Atomic Energy Community and in order to secure such guarantees an accounting for and control of the nuclear materials (irrespective of their quantity) shall be maintained.

3. Nuclear technologies, materials and equipment, dual-use nuclear goods can be imported, exported and used in compliance with the laws of the Republic of Lithuania and international obligations set forth in the Treaty on the Non-Proliferation of Nuclear Weapons of 1968 and other international treaties to which the Republic of Lithuania is a party.

4. It shall be prohibited to transfer nuclear technologies, materials and equipment, also dual-use nuclear goods from the Republic of Lithuania to the states which meet at least one of the following conditions:

1) not a party to the Treaty on the Non-Proliferation of Nuclear Weapons of 1968 or do not assumed an obligation to apply in the nuclear activities of the state a guarantee system approved by the IAEA;

2) do not guarantee physical security of such technologies, materials and equipment;

3) do not assume an obligation to prohibit re-export of such technologies, materials and equipment to the states which do not meet at least one of the conditions listed in Subparagraphs 1 and 2 hereof.

Article 5. Requirements Pertaining to Ownership of Nuclear Installations, Nuclear and Radioactive Materials and to Production and Use of Nuclear and Radioactive Materials

1. Nuclear installations shall belong by the right of ownership to the State and/or to legal entities holding licences provided for by the laws. A legal entity holding a nuclear installation by the right of ownership may operate the nuclear installation and/or pursue other activities in the area of a nuclear power as provided by the laws only subject to a valid licence or permit.

2. Nuclear and radioactive materials by the right of ownership may only belong to the State and/or persons holding licences and/or permits provided for by the laws. A person holding nuclear and radioactive materials by the right of ownership may pursue activities involving such materials only subject to a valid licence or permit.

3. In case a licence or a permit is suspended or cancelled according to the procedure and conditions provided in the laws, the person indicated in Paragraph 2 of this Article, intending to continue activities involving nuclear and radioactive materials, shall take all the actions necessary for revocation of suspension of the licence or the permit or for issuance of a new licence or permit.

4. If the person as indicated and in the cases specified in Paragraph 3 of this Article fails to apply for revoking the suspension of the licence or the permit in the manner and within the terms set forth in the Law on Nuclear Safety, or if the licence or the permit is cancelled, such person shall immediately hand over the nuclear and radioactive materials held by the right of ownership to the manager of radioactive waste for temporary storage in the manner and subject to the provisions of the Law on Management of Radioactive Waste and shall notify the State Nuclear Power Safety Inspectorate (*Lith. abbr. VATESI*) thereof. Upon handover of the nuclear or radioactive materials held by the person by the right of ownership to the radioactive waste manager for storage, the owner of such nuclear or radioactive materials shall be further entitled to transfer such materials to the persons holding a licence or a permit laid down by the laws for their possession by the right of ownership according to the procedures set forth in the Civil Code of the Republic of Lithuania (the **Civil Code**).

5. It shall be prohibited to produce radioactive materials for a nuclear weapon or for fuel of nuclear power plants, also to reprocess already used elements of such fuel in the territory of the Republic of Lithuania.

6. When radioactive waste or spent nuclear fuel is shipped for processing or reprocessing to a foreign country, the person specified in Paragraph 2 of this Article is responsible for safe and responsible disposal of this radioactive waste or spent nuclear fuel, including any waste as a by-product.

7. Production, deployment, transit and import of a nuclear weapon shall be prohibited in the territory of the Republic of Lithuania.

CHAPTER TWO STATE ADMINISTRATION OF NUCLEAR POWER

Article 6. Competence of the Parliament of the Republic of Lithuania

The Parliament of the Republic of Lithuania (the **Seimas**) shall:

1) decide on strategic issues of nuclear power development in the Republic of Lithuania;

2) adopt laws on construction of a new nuclear power plant or an individual nuclear power plant unit or a research nuclear reactor, also on decommissioning of a nuclear power plant or an individual nuclear power plant unit or a research nuclear reactor.

Article 7. Competence of the Government of the Republic of Lithuania

1. The Government of the Republic of Lithuania (the **Government**) shall:

1) shape strategic directions of the state policy in the area of nuclear power;
2) on assessment of the economic and public needs for construction of a nuclear installation, draft and submit to the Seimas a law on construction of a new nuclear power plant or an individual nuclear power plant unit or a research nuclear reactor, also on decommissioning of a nuclear power plant or an individual nuclear power plant unit or a research nuclear reactor;

3) in the manner prescribed by the laws of the Republic of Lithuania adopt a resolution on the start of construction of a new nuclear power plant or an individual nuclear power plant unit or a research nuclear reactor, also shall adopt a resolution on construction of other nuclear installations;

4) approve the rules for issuance of licences and permits for activities in the area of nuclear power or shall assign approving of such rules to the authorised institution;

5) on recommendation of the Ministry of the Interior of the Republic of Lithuania approve the national plan for the protection of the population in the event of a nuclear or radiological accident;

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6) evaluate and decide concerning approval of the report on activities of the State Nuclear Power Safety Inspectorate;

7) approve the procedure regulations for organizing the physical protection, providing for functions and interoperability of the license holder and state institutions and/or authorities involved in the assurance of physical protection in the implementation of the provisions of this Law;

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8) approve the procedure regulations for screening of natural persons for circumstances indicated in Article 50 Paragraph 3, regular monitoring of information on the screened natural persons, and providing such information. These procedure regulations establish the procedure for screening of natural persons who, due to the functions or tasks assigned to them, shall be entitled to unaccompanied entry into protection areas of the nuclear installations and/or the nuclear installation site, to unaccompanied participation in transport (driving a vehicle, packing, loading, unloading, reloading, escorting or temporary storing) (hereinafter referred to as participation in transport) of nuclear materials in quantities established in Annex 1 to the Law on Nuclear Safety, and/or nuclear fuel cycle materials, for regular monitoring of information on the screened natural persons, and providing such information to the applicants or license holders, as well as the institutions or authorities involved in the supervision of the activities of the applicants or license holders (hereinafter referred to as the supervisory institution or authority);

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9) perform other functions set forth by this Law, other laws and legal acts.

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2. The Government prior to adopting a resolution on the start of construction of a new nuclear power plant or an individual nuclear power plant unit or a research nuclear reactor shall take into account:

1) fulfilment of the requirements set forth in the law on construction of a new nuclear power plant or an individual nuclear power plant unit or a research nuclear reactor;

2) compliance of the persons participating in the projects of a new nuclear power plant or an individual nuclear power plant unit or a research nuclear reactor with the interests of national security in the manner described in the Law on Protection of Objects of Strategic Importance to the National Security of the Republic of Lithuania;

Amended 12 January 2018, No. XIII-994

- 3) main characteristics of the use of natural resources for the needs of construction and operation of a nuclear installation and the resulting environmental impact;
 - 4) nuclear safety guarantees provided for by the laws.
3. The Government prior to adopting a resolution on the start of construction of other nuclear installation shall take into account the requirements stipulated in Paragraph 2 Subparagraphs 3 and 4 of this Article, as well as the economic and public needs for construction of such nuclear installation.

Article 8. Competence of the Emergency Commission of the Government

The Emergency Commission of the Government shall:

- 1) adopt decisions required for managing of an imminent or ongoing nuclear or radiological accident;
- 2) submit to the Government proposals on the use of civil protection supplies of the State reserve in the event of nuclear or radiological accidents;
- 3) carry out other functions laid down in the Law on Civil Protection of the Republic of Lithuania (the **Law on Civil Protection**) also prescribed by the Government and pertaining to implementation of the tasks of the civil protection system set by the Government.

Article 9. Competence of the Ministry of Energy of the Republic of Lithuania

The Ministry of Energy of the Republic of Lithuania (the **Ministry of Energy**) shall:

- 1) shape the State policy in the area of nuclear power and organise, coordinate and control implementation thereof;
- 2) exercise rights and obligations of a member of the body of operating organizations of nuclear installations provided the Republic of Lithuania is a member of the body of such organizations;
- 3) organise bilateral and multilateral international cooperation in the sector of nuclear power;
- 4) within its competence represent the Republic of Lithuania in international organisations and conferences on nuclear power;
- 5) upon approval of the detailed plan of the territory for construction of a nuclear installation, in the manner set out by the legal acts shall initiate taking of a land plot for construction of a nuclear installation for public needs;
- 6) organise the development of the infrastructure of the nuclear power in the Republic of Lithuania;
- 7) carry out other functions laid down in this Law, other laws and legal acts.

Article 10. Competence of the Ministry of Health of the Republic of Lithuania or Its Authorised Institutions

The Ministry of Health of the Republic of Lithuania (the **Ministry of Health**) or its authorised institution shall:

- 1) establish the requirements for medical examination of persons working at nuclear installations and shall supervise and control compliance therewith;
- 2) within its competence and in the manner set out by the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania (the **Law on Environmental Impact Assessment of the Proposed Economic Activity**) shall participate in the process of the environmental impact assessment of nuclear installations and in appraisal of a possible impact of nuclear installations on the public health;
- 3) carry out other functions laid down in this Law, other laws and legal acts.

Article 11. Competence of the Ministry of Environment of the Republic of Lithuania or Its Authorised Institutions

The Ministry of Environment of the Republic of Lithuania (the **Ministry of Environment**) or its authorised institution shall:

- 1) in the manner set out by the legal acts conduct the state construction supervision of the buildings of nuclear installations;
- 2) prepare and approve methodology of assessment of damage caused by ionising radiation to the environment and its compensation;
- 3) periodically inform the general public and the state and municipal authorities on the radiation situation in the country;
- 4) carry out other functions laid down in this Law, other laws and legal acts.

Article 12. Competence of the Ministry of Social Security and Labour of the Republic of Lithuania or Its Authorised Institutions

1. The Ministry of Social Security and Labour of the Republic of Lithuania (the **Ministry of Social Security and Labour**) shall coordinate supervision of potentially dangerous equipment conducted by the institutions authorised to inspect technical condition of the equipment in the manner set out by the Law on Supervision of Potentially Dangerous Equipment of the Republic of Lithuania.

2. The State Labour Inspectorate of the Republic of Lithuania shall control compliance with the requirements of employment, industrial safety and related legal acts.

Article 13. Competence of the Ministry of Education and Science of the Republic of Lithuania

The Ministry of Education and Science of the Republic of Lithuania (the **Ministry of Education and Science**) shall organise development and introduction of education and science programmes as well as curricula and other measures to train nuclear power specialists, including the specialists with functions pertaining to safety of a nuclear installation, *inter alia*, with the aim of maintaining and increasing the competence and knowledge in the field of nuclear safety.

Article 14. Competence of the Ministry of National Defence of the Republic of Lithuania

The Ministry of National Defence of the Republic of Lithuania (the **Ministry of National Defence**) shall:

- 1) participate in drafting and implementing co-ordinated interdepartmental anti-terrorist and anti-intervention protection plans of the nuclear power plant and other nuclear installations;
- 2) in the manner set out by the legal acts participate in ensuring physical security of nuclear installations;
- 3) in the manner set out by the legal acts assist in eliminating consequences of nuclear and/or radiological accidents;
- 4) carry out other functions laid down in this Law, other laws and legal acts.

Article 15. Competence of the Ministry of the Interior of the Republic of Lithuania or Its Authorised Institutions

The Ministry of Interior of the Republic of Lithuania (the **Ministry of Interior**) or its authorised institutions shall:

- 1) ensure fire safety of nuclear installations, extinguish fires, rescue people and property, mitigate consequences of fires and shall direct such activities;
- 2) conduct the state fire safety supervision of nuclear installations;
- 3) coordinate fire safety requirements for the structures, systems and components important for safety of nuclear installations drafted by the State Nuclear Power Safety Inspectorate;
- 4) coordinate fire safety training programmes for persons working at nuclear installations and shall participate in testing the knowledge of managing personnel of such installations;

5) exercise and ensure physical protection of the nuclear power plant, other nuclear installations sited in the border area of the Republic of Lithuania and transport of cargoes containing nuclear materials in the quantities established in Annex 1 to the Law on Nuclear Safety, across the territory of the Republic of Lithuania in accordance with the requirements set by the Head of the State Nuclear Power Safety Inspectorate;

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6) exercise functions of the response forces for protection of nuclear installations and shipment of nuclear material cargoes across the territory of the Republic of Lithuania, including acceptance of a request for emergency assistance, assessment of a request for emergency assistance, determination of the need for emergency assistance, sending emergency assistance to the place of emergency, ensuring emergency assistance at the place of emergency and coordination of emergency assistance actions;

7) draft, coordinate and implement co-ordinated interdepartmental anti-terrorist and anti-intervention protection plans for the nuclear power plant and other nuclear installations;

8) analyse and control the crime situation in the regions with nuclear installations and nuclear installation sites;

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9) investigate the cases of theft and illegal possession of nuclear and radioactive materials, also of other dual-use nuclear goods;

10) based on the assessment of nuclear and radiological accident risks posed by nuclear installations for the Republic of Lithuania, prepare, update and submit for approval to the Government the national plan for the protection of the population in the event of a nuclear or radiological accident;

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11) within its competence implement measures of response to a nuclear and radiological accident and mitigation of their consequences, shall organise and conduct radiation survey of a contaminated area on the land and from the air;

12) jointly with other state institutions organise training sessions of population protection in the event of nuclear and radiological accidents;

13) provide information to surveillance authorities or institutions, applicants or licence holders on the existence of the circumstances referred to in Article 50 Paragraph 3 Subparagraphs 2, 3, 4, 5, 10, 11 and 12;

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14) carry out other functions laid down in this Law, other laws and legal acts.

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Article 16. Competence of the State Security Department of the Republic of Lithuania

The State Security Department of the Republic of Lithuania (hereinafter referred to as the State Security Department) shall:

1) in order to secure the State security interests, within its competence, collect, analyse and provide information on threats to the nuclear installations;

2) provide information to surveillance authorities or institutions, applicants or licence holders on the existence of the circumstances referred to in Article 50 Paragraph 3 Subparagraphs 6, 7, 8 and 15;

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3) participate in drafting and implementing interagency interoperability plans for anti-terrorist and anti-intervention protection of the nuclear power plant and other nuclear installations.

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Article 17. Competence of Municipal Institutions

The municipal institutions within their competence:

1) in the manner laid down by the laws and other legal acts of the Republic of Lithuania shall receive information on operation or decommissioning of nuclear installations located in the territory of the municipality and shall submit proposals to the authorised state institutions concerning construction, operation, supervision and control of such nuclear installations;

2) in compliance with the Government-approved national plan for the protection of the population in the event of a nuclear or radiological accident, shall explicate the substantiation of preparedness for nuclear and/or radiological emergencies as well as the envisaged preventive measures in the municipality's plan for control of emergency situations;

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3) in the event of a nuclear and radiological accident shall inform the population about the radiation situation in the sites of nuclear installations and about the undertaken measures for civil protection;

4) shall carry out other functions laid down in this Law, other laws and legal acts.

CHAPTER THREE

STATE REGULATION OF NUCLEAR SAFETY, RADIATION PROTECTION, PHYSICAL SECURITY, ACTIVITIES INVOLVING NUCLEAR MATERIALS AND OTHER ACTIVITIES IN

THE AREA OF NUCLEAR POWER INVOLVING SOURCES OF IONISING RADIATION

Article 18. Objectives of the state regulation of nuclear safety, radiation protection, physical security, activities involving nuclear materials and other activities in the area of nuclear power involving sources of ionising radiation

The principal objectives of the state regulation of nuclear safety, radiation protection, physical security, activities involving nuclear materials and other activities in the area of nuclear power involving sources of ionising radiation are as follows:

- 1) to establish the conditions and requirements for nuclear safety, radiation protection, physical security, activities involving nuclear materials and other activities in the field of nuclear power involving sources of ionising radiation, also the legal backgrounds for control and supervision of compliance therewith;
- 2) to control and supervise the compliance with these conditions and requirements established by Paragraph 1 Subparagraph 1 of this Article;
- 3) to establish sanctions for persons who violate the conditions and requirements established by Paragraph 1 Subparagraph 1 of this Article.

Article 19. Legal backgrounds for the state regulation of nuclear safety, radiation protection, physical security, activities involving nuclear materials and other activities in the area of nuclear power involving sources of ionising radiation

1. The state regulation of nuclear safety, radiation protection, physical security, activities involving nuclear materials and other activities in the area of nuclear power involving sources of ionising radiation shall be exercised in the manner and on the grounds laid down in this Law, the Law on Nuclear Safety, the Law on Radiation Protection and the Law on Management of Radioactive Waste.

2. The state regulation and supervision of nuclear safety, radiation protection in the area of nuclear energy, accounting for and control of nuclear materials, nuclear installations, nuclear installation sites, the physical security of nuclear materials in the quantities indicated in Annex 1 to the Law on Nuclear Safety, and nuclear fuel cycle materials, as well as other activities in the area of nuclear energy involving sources of ionising radiation shall be carried out by the State Nuclear Power Safety Inspectorate.

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3. State regulation of nuclear safety, radiation protection, physical security, activities involving nuclear materials and other activities in the area of nuclear power involving sources of ionising radiation shall be based on the international treaties to which the Republic of Lithuania is a party, the legal acts of the European Union, the laws of the Republic of Lithuania and other legal acts regulating the conditions and requirements for nuclear safety, radiation protection, physical security, activities involving nuclear materials and other activities in the area of nuclear power. In the manner and within the terms set forth in the legal acts the State Nuclear Power Safety Inspectorate shall inspect the condition of nuclear installations, their compliance with the conditions and requirements for nuclear safety, radiation protection and physical security, activities involving nuclear materials and other activities in the area of nuclear power involving sources of ionising radiation, and within its competence shall undertake all the measures necessary to eliminate the identified weaknesses. Other state institutions within their competence shall inspect the condition of nuclear installations, other activities in the area of nuclear power and shall undertake all the measures necessary to eliminate the identified weaknesses.

4. Decisions of the state institutions and their officials adopted within their competence shall be binding upon all persons and shall be carried out precisely on the time and in the manner indicated in such decisions.

Article 20. Legal grounds for issuance of licences, permits and certificates for activities involving nuclear and fissile materials, other activities in the area of nuclear energy involving sources of ionising radiation and activities of radioactive waste management

Amended 20 April 2017, No. XIII-287

1. Types of licences and permits for activities involving nuclear materials, other activities in the area of nuclear power involving sources of ionising radiation and activities of radioactive waste management, the procedure and grounds for their issuance, suspension, revocation of the suspension, cancelling and changing,

also the conditions of activities subject to licensing, the rights and obligations of a licence holder shall be laid down in the Law on Nuclear Safety, the Law on Radiation Protection, the Law on Management of Radioactive Waste and the legal acts implementing the said laws.

2. According to the rules laid down in the Law on Fees and Charges of the Republic of Lithuania a stamp duty is charged for issuance or change of a licence and permit upon request of a licence holder or a permit holder, for coordination of the documents of safety analysis and justification referred to in this Law, in the Law on Nuclear Safety and the Law on Management of Radioactive Waste, also for other administrative services stipulated in other laws.

3. To regulate transportation of nuclear fuel cycle and fissile material in quantities specified in Annex 1 to the Law on Nuclear Safety and the related activities, in the cases provided for in the Law on Nuclear Safety, certificates for the design of such material, its transportation and package design are required. The certificate type, certification basis and the rights and obligations of the certificate holder are established by the Law on Nuclear Safety.

Amended 20 April 2017, No. XIII-287

Article 21. The State Nuclear Power Safety Inspectorate

1. The State Nuclear Power Safety Inspectorate is an independent state institution exercising the state regulation and supervision of activities in the area of nuclear power, activities involving nuclear materials and other activities in the area of nuclear power involving sources of ionising radiation which acts in accordance with this Law, other laws and the Statute of the State Nuclear Power Safety Inspectorate. The founder of the State Nuclear Power Safety Inspectorate shall be the State and its rights and obligations shall be exercised by the Government. The Statute of the State Nuclear Power Safety Inspectorate shall be approved by the Government. The State Nuclear Power Safety Inspectorate shall act in accordance with the strategic and annual plans of activities approved by the Head of the State Nuclear Power Safety Inspectorate.

2. The State Nuclear Power Safety Inspectorate is a state-financed institution financed from the national budget. The State Nuclear Power Safety Inspectorate shall have its bank account, a seal with its name and the coat of arms of the Republic of Lithuania. The sources of funding the State Nuclear Power Safety Inspectorate shall be allocations from the national budget and other lawfully generated revenue.

3. In carrying out the functions prescribed by laws, the State Nuclear Power Safety Inspectorate shall adopt decisions autonomously. The functions of the State Nuclear Power Safety Inspectorate shall be separated from the functions of other authorities, institutions or organisations engaged in the development of nuclear power or use of nuclear energy, including production of electricity. The structure and competence of the State Nuclear Power Safety Inspectorate and its provision with resources shall be consistent with the nature and scope of activities in the area of nuclear power, activities involving nuclear materials and other activities in the area of nuclear power involving sources of ionising radiation undertaken and planned to be undertaken in the Republic of Lithuania, and enable the Inspectorate to perform the functions attributed to it by this Law, the Law on Nuclear Safety, the Law on the Management of Radioactive Waste and the Law on Radiation Protection.

Amended 28 September 2017, No. XIII-654

4. The State Nuclear Power Safety Inspectorate shall have the right to provide services of research, testing, training, and expert examination to the interested parties upon their request where such services pertain to the nuclear safety, radiation protection, physical security, activities involving nuclear materials and other activities in the field of nuclear power involving sources of ionising radiation. The service fees and the procedure of settlement for the services shall be established by the Head of the State Nuclear Power Safety Inspectorate and agreed with the institution authorised by the Government based on the necessary operating costs.

5. By 1st May each year the State Nuclear Power Safety Inspectorate shall submit an annual report on activities of the State Nuclear Power Safety Inspectorate and a set of financial statements to the President (the **President**) and to the Government of the Republic of Lithuania and shall make them public in the manner laid down in the legal acts. The President and the Government may invite the Head of the State Nuclear Power Safety Inspectorate to present the annual results of the State Nuclear Power Safety Inspectorate in terms of its activities and finances.

Article 22. Competence of the State Nuclear Power Safety Inspectorate

1. The State Nuclear Power Safety Inspectorate shall:

1) according to the procedure and conditions provided in the laws, exercise functions of the state regulation and supervision of nuclear safety, physical security of nuclear installations, nuclear installation sites, nuclear materials in the quantities specified in Annex 1 to the Law on Nuclear Safety and nuclear fuel cycle materials, accounting for and control of nuclear materials, as well as of radiation protection in operating nuclear installations;

2) monitor compliance with the requirements set forth by the legal acts for activities in the area of nuclear energy subject to licences, permits or certificates, and monitor exercising of the rights and obligations of licence, permit or certificate holders;

3) draft and approve by the order of the Head of the State Nuclear Power Safety Inspectorate the requirements and rules for nuclear safety, radiation protection in the area of nuclear energy, accounting for and control of nuclear materials, physical security of nuclear installations, nuclear installation sites, nuclear materials in the quantities indicated in Annex 1 to the Law on Nuclear Safety and nuclear fuel cycle materials, mandatory to all the state and municipal institutions or authorities, as well as to all the persons engaged in such activities;

4) within its competence, monitor compliance with requirements of the legal acts regulating nuclear safety, radiation protection in the area of nuclear energy, physical security, accounting for and control of nuclear materials;

5) analyse and assess the documents submitted by applicants for obtaining a licence, a permit or a certificate, also the documents submitted by licence, permit or certificate holders or other persons, adopt relevant decisions regarding such documents, review and evaluate the nuclear safety;

6) supervise and inspect licence and permit holders or the persons rendering services related to nuclear safety or radiation protection, supplying goods or performing works for them, or other persons engaged in activities pertaining to nuclear materials and/or nuclear fuel cycle materials;

7) in the cases and according to the procedure and terms specified in the laws and other legal acts by a decision of the Head of the State Nuclear Power Safety Inspectorate, issue, notify the suspension of and suspend licences, permits or certificates, revoke their suspension or revoke them;

8) subject to coordination with the Ministry of Health, establish norms for release of radionuclides from nuclear installations and monitor compliance with the norms for release of radionuclides;

9) draft and approve the modification categories of a nuclear installation and the procedure for carrying out modifications;

10) cooperate with foreign institutions exercising state regulation and supervision in the area of nuclear energy, participate in activities of international organisations and institutions, committees and groups of the European Union;

11) within its competence and in the manner laid down by the legal acts, draw up and/or submit to the Government the draft laws and legal acts of the Republic of Lithuania on nuclear safety, physical security, accounting for and control of nuclear materials, as well as radiation protection in carrying out nuclear energy related activities involving sources of ionising radiation and on activity administration of the State Nuclear Power Safety Inspectorate;

12) submit to the Government or its authorised institutions or authorities proposals on ensuring nuclear safety, radiation protection and physical security, and on meeting non-proliferation obligations by the national policy-making and strategy development on nuclear energy and implementation thereof;

13) in the event of a nuclear and/or radiological accident, provide the interested state authorities and institutions with the time-critical information about the radiation situation in the nuclear installation, estimated threats of the nuclear and/or radiological accident and other related information;

14) examine the knowledge of the management personnel responsible for nuclear safety, radiation protection, physical security, ensuring meeting nuclear non-proliferation obligations and independent supervision of these processes (the head and deputy heads of the organisation, heads of units directly subordinate to the head and deputy heads of the organization) (hereinafter referred to as the management of a nuclear installation) of the applicant having applied for, and the holder of the licenses specified in Article 22 Paragraph 1 Subparagraphs 1, 2, 3, 4, 5 of the Law on Nuclear Safety, in order to issue certificates verifying the knowledge of the management of a nuclear installation on nuclear safety, radiation protection, physical safety and nuclear non-proliferation obligations;

15) in order to comply with provisions of Article 35 Paragraph 1, establish categories of nuclear materials;

16) carry out other functions laid down in this Law, other laws and legal acts.

Amended 20 April 2017, No. XIII-287

Amended 28 September 2017, No. XIII-658

2. The rights, duties, functions and responsibility of the State Nuclear Power Safety Inspectorate, its Head and Deputy Heads, also of the officials of the State Nuclear Power Safety Inspectorate authorised by the Head of the State Nuclear Power Safety Inspectorate in carrying out functions of the state regulation and supervision of the activities in the area of nuclear power, other activities involving nuclear materials and nuclear fuel cycle materials shall be laid down in this Law, the Law on Nuclear Safety, the Law on Radiation Protection, the Law on Management of Radioactive Waste, also in other laws and specified in the regulations of the State Nuclear Power Safety Inspectorate.

Article 23. Management of the State Nuclear Power Safety Inspectorate

1. The State Nuclear Power Safety Inspectorate shall be directed by its Head. The Head of the State Nuclear Power Safety Inspectorate for a term of six years shall be appointed by the President on the recommendation of the Prime Minister. After the term of the Head of the State Nuclear Power Safety Inspectorate expires and prior to appointment of a new Head of the State Nuclear Power Safety Inspectorate, but no longer than for a period of 3 months, the position of the Head shall be held by the Head of the State Nuclear Power Safety Inspectorate whose term of office has expired. The Head of the State Nuclear Power Safety Inspectorate shall be responsible for activities of the State Nuclear Power Safety Inspectorate and accountable to the President and the Government.

2. In the absence of the Head of the State Nuclear Power Safety Inspectorate the position of the Head shall be temporarily held by the first Deputy Head of the State Nuclear Power Safety Inspectorate and in case the latter is absent, the functions of the Head shall be carried out by other Deputy Heads of the State Nuclear Power Safety Inspectorate in accordance with the procedure set forth in the regulations of the State Nuclear Power Safety Inspectorate. The Head of the State Nuclear Power Safety Inspectorate and Deputy Heads, the number of which cannot be more than 3, shall be state officials. Deputy Heads of the State Nuclear Power Safety Inspectorate for a term of six years shall be appointed by the Prime Minister on the recommendation of the Head of the State Nuclear Power Safety Inspectorate. On the recommendation of the Head of the State Nuclear Power Safety Inspectorate the Prime Minister shall appoint one of the Deputy Heads of the State Nuclear Power Safety Inspectorate as the first Deputy Head of the State Nuclear Power Safety Inspectorate. After the term of the Deputy Head of the State Nuclear Power Safety Inspectorate expires and prior to appointment of a new Deputy Head of the State Nuclear Power Safety Inspectorate, but no longer than for a period of 3 months, the position of the Deputy Head shall be held by the Deputy Head of the State Nuclear Power Safety Inspectorate whose term of office has expired.

3. The persons appointed to the position of the Head or Deputy Heads of the State Nuclear Power Safety Inspectorate shall comply with the general requirements for a person accepted to a position of a public servant. The persons who face circumstances specified in Article 50 Paragraph 3 shall not be appointed the Head or Deputy Heads of the State Nuclear Power Safety Inspectorate. In accordance with the procedure specified in this Law, the Office of the Government of the Republic of Lithuania shall contact institutions or authorities specified in Article 50 Paragraph 5 regarding submission of information specified in Article 50 Paragraph 3 on a candidate proposed for the position of the Head of the State Nuclear Power Safety Inspectorate. In accordance with the procedure specified in this Law, the Head of the State Nuclear Power Safety Inspectorate shall contact institutions or authorities specified in Article 50 Paragraph 5 regarding submission of information specified in Article 50 Paragraph 3 on a candidate proposed for the position of the Deputy Head of the State Nuclear Power Safety Inspectorate. The persons appointed to the position of the Head or Deputy Heads of the State Nuclear Power Safety Inspectorate shall also comply with the requirements set forth in the Law on State Secrets and Official Secrets of the Republic of Lithuania necessary to issue a permit or granting the authorisation to use or access classified information.

Amended 20 April 2017, No. XIII-287

4. The salary of the Head and Deputy Heads of the State Nuclear Power Safety Inspectorate shall constitute, respectively, four and three previous year's median values of gross average monthly wage for workers of economic entities undertaking operation, decommissioning of a nuclear installation (installations) and/or supervision of closed radioactive waste storage or disposal facilities, calculated and announced in the statutory procedure by the Lithuanian Department of Statistics.

Amended 25 October 2018, No. XIII-1594

5. Decisions regarding annual leave and business trips of the Head of the State Nuclear Power Safety Inspectorate and Deputy Heads shall be made by the Head of the State Nuclear Power Safety Inspectorate with subsequent notice to the President and the Prime Minister of the adopted decision regarding annual leave or a business trip of the Head of the State Nuclear Power Safety not later than within three business days as from making such decision.

6. Disciplinary sanctions (except a disciplinary sanction to dismiss from the position) may be imposed on the Head of the State Nuclear Power Safety Inspectorate by decision of the Prime Minister in the manner and subject to the terms laid down in the laws. Disciplinary sanctions (except a disciplinary sanction to dismiss from the position) may be imposed on Deputy Heads of the State Nuclear Power Safety Inspectorate by decision of the Head of the State Nuclear Power Safety Inspectorate in the manner and subject to the terms laid down in the laws. A disciplinary sanction to dismiss from the position may be imposed on the Head of the State Nuclear Power Safety Inspectorate by the President on recommendation of the Prime Minister and on Deputy Heads of the State Nuclear Power Safety Inspectorate by the Prime Minister on recommendation of the Head of the State Nuclear Power Safety Inspectorate.

7. The Head of the State Nuclear Power Safety Inspectorate by decision of the Prime Minister and Deputy Heads of the State Nuclear Power Safety Inspectorate by decision of the Head of the State Nuclear Power Safety Inspectorate for outstanding performance of their duties may be provided with the following incentives: a note of appreciation and a personal gift.

8. The Head of the State Nuclear Power Safety Inspectorate in the manner stipulated by the legal acts shall be responsible for legality of activities, continuous performance of functions and financial transparency of the State Nuclear Power Safety Inspectorate. The Head of the State Nuclear Power Safety Inspectorate shall decide on all the matters falling within the competence of the State Nuclear Power Safety Inspectorate. The Head of the State Nuclear Power Safety Inspectorate shall:

1) represent and/or authorise other persons to represent the State Nuclear Power Safety Inspectorate in the Republic of Lithuania and abroad;

2) approve the structure of the State Nuclear Power Safety Inspectorate, the number of civil servants and employees working under employment contracts (hereinafter collectively referred to as “the employees”), work regulations of its units, lists of positions and job descriptions;

Amended 20 April 2017, No. XIII-287

Amended 28 September 2017, No. XIII-654

3) approve the list of official positions of the State Nuclear Power Safety Inspectorate making the natural persons admitted (transferred) to them subject to screening regarding their circumstances specified in Article 50 Paragraph 3; the list shall have official positions that include the function of economic entity inspections;

Amended 20 April 2017, No. XIII-287

4) employ and dismiss the employees of the State Nuclear Power Safety Inspectorate, provide them with incentives and impose on them disciplinary sanctions;

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5) approve strategic and annual plans of activities of the State Nuclear Power Safety Inspectorate;

6) approve the annual report on activities and a set of financial statements of the State Nuclear Power Safety Inspectorate and submit to the President and the Government not later than by 1 May each year and make the them public;

7) issue orders and control execution thereof;

8) ensure that activities of the State Nuclear Power Safety Inspectorate are carried out in compliance with the laws and other legal acts;

9) exercise other powers granted to him/her by this Law and other legal acts.

9. The status of the Head and Deputy Heads of the State Nuclear Power Safety Inspectorate shall be regulated by this Law. The provisions of the Law on Public Service of the Republic of Lithuania (the **Law on Public Service**) shall apply in regulation of activities incompatible with the public service, material liability, annual leave and a concept of serious misconduct. Other employment relations and social guarantees of the Head and Deputy Heads of the State Nuclear Power Safety Inspectorate that are not provided for in this Law and the Law on Public Service shall be laid down in the Labour Code of the Republic of Lithuania.

10. The Head and Deputy Heads of the State Nuclear Power Safety Inspectorate in their official capacity shall act independently from the persons engaged in activities in the field of the nuclear energy sector, also from other agencies, institutions or organisations engaged in expansion of the nuclear energy or use of nuclear energy, including generation of electricity. Independent activities imply a prohibition to be a member of a body of a legal entity, to accept other remunerated or public positions, to provide services or consultations, except the ones provided acting in the official capacity at the State Nuclear Power Safety Inspectorate, or to be engaged in other activities due to which a certain person, other agency, institution or organisation acting in the nuclear energy sector would or might gain unjustified competitive advantage over the persons engaged in relevant activities. A breach of this requirement shall be qualified as a serious misconduct.

11. On the Prime Minister's recommendation the President shall dismiss the Head of the State Nuclear Power Safety Inspectorate from his/her position in the following cases:

- 1) resignation;
- 2) loss of citizenship of the Republic of Lithuania;
- 3) on expiry of the term of office and on appointment of the new Head of the State Nuclear Power Safety Inspectorate in the manner laid down in Paragraph 1 of this Article or on expiry of the term of office and failing to appoint the new Head of the State Nuclear Power Safety Inspectorate within the time limit specified in Paragraph 1 of this Article;
- 4) due to participation in activities incompatible with his/her official position as stipulated in the Law on Public Service;
- 5) if the Government does not approve the report on activities of the State Nuclear Power Safety Inspectorate;
- 6) upon the entry into force of a court judgement imposing a punishment for a serious or a grave crime, a criminal act against the civil service and public interests or a corruption criminal act, or a crime against property, property rights and interests, the economy and business order or a system of finances, or is imposed a punishment due to which such person can no longer hold his/her position;
- 7) it will emerge that when entering the position the applicant submitted falsified documents or concealed information or submitted information that is untrue, which made him/her ineligible for recruitment to the position;
- 8) on committing serious misconduct. A serious misconduct for the position of the Head or Deputy-Heads of the State Nuclear Power Safety Inspectorate shall be as provided for in the Law on Public Service and Paragraph 10 of this Article;
- 9) on divestment of the special right or rights pertaining to the direct functions in the manner laid down by the laws.

12. On the Prime Minister's recommendation the President may dismiss the Head of the State Nuclear Power Safety Inspectorate, if the latter due to temporary disability does not work for a period longer than 120 consecutive days or for a period longer than 140 days in the past 12 months. The said periods shall not include the time such person received sickness benefit payment for nursing a family member and sickness benefit payment in case of outbreaks of infectious diseases or was removed from the job due to epidemics.

13. The Prime Minister on the recommendation of the Head of the State Nuclear Power Safety Inspectorate shall dismiss Deputy Heads of the State Nuclear Power Safety Inspectorate from their positions in the cases specified under Paragraph 11 Subparagraphs 1, 2, 4, 6, 7, 8 and 9 of on expiry of the term of office and on appointment of a new Deputy Head of the State Nuclear Power Safety Inspectorate or on expiry of the term of office and failing to appoint a new Deputy Head of the State Nuclear Power Safety Inspectorate within the time limit specified in Paragraph 2 of this Article, also may dismiss Deputy Heads of the State Nuclear Power Safety Inspectorate in the case and on the grounds specified in Paragraph 12 of this Article.

14. The internal procedure of work of the State Nuclear Power Safety Inspectorate shall be established in the regulations of the State Nuclear Power Safety Inspectorate approved by the Head of the State Nuclear Power Safety Inspectorate and other internal regulatory legal acts.

Article 24. Employees of the State Nuclear Power Safety Inspectorate

1. The State Nuclear Power Safety Inspectorate shall employ qualified personnel with experience and special knowledge necessary to perform functions of this institution, based on the qualification, education and other criteria established for certain positions. The State Nuclear Power Safety Inspectorate shall build and further develop such competences of the employees of the State Nuclear Power Safety

Inspectorate which would allow drawing conclusions regarding the safety level of operation of nuclear installations and other activities involving nuclear materials and the nuclear fuel cycle materials and/or other activities in the area of nuclear power involving sources of ionising radiation and the compliance of such safety level with the requirements set forth in the legal acts and technical standard documents, also adopting the required decisions in the area of regulation.

2. The Head and Deputy Heads of the State Nuclear Power Safety Inspectorate and other persons shall be accepted (transferred) to the positions indicated in the list of positions approved by the Head of the State Nuclear Power Safety Inspectorate and specified in Article 23 Paragraph 8 Subparagraph 3, only upon having established that no circumstances specified in Article 50 Paragraph 3 of herein exist in the manner laid down by the legal acts (except persons transferred from the positions that were or are included into the list, if neither the time period since their last screening specified in Article 50 Paragraph 8 has expired, nor data is received that circumstances specified in Article 50 Paragraph 3 of herein occurred). If such persons object to being screened in the manner laid in this Law, they cannot be accepted (transferred) to the positions in the State Nuclear Power Safety Inspectorate.

Amended 20 April 2017, No. XIII-287

3. The powers of the employees of the State Nuclear Power Safety Inspectorate authorised by the Head of the State Nuclear Power Safety Inspectorate in exercising the state regulation and supervision of activities in the area of nuclear power, activities involving nuclear materials and other activities in the area of nuclear power involving sources of ionising radiation shall be established in this Law, the Law on Nuclear Safety, other laws and legal acts.

4. The State Nuclear Power Safety Inspectorate shall establish positions of inspectors, senior inspectors and chief inspectors (civil servants) for conducting inspections of economic entities. For the purpose of establishing the positions, the levels and categories of the positions shall be defined analogously to those specified in the list of uniform civil service positions provided for in the Law on Civil Service in respect of officers, senior officers and chief officers.

Amended 28 September 2017, No. XIII-654

CHAPTER FOUR SPECIAL CONDITIONS FOR THE DESIGN AND CONSTRUCTION OF NUCLEAR INSTALLATIONS

Article 25. Legal Assumptions for the Design of Nuclear Installations

1. Construction of a nuclear power plant or an individual nuclear power plant unit also of a research nuclear reactor shall be carried out in accordance with the law on construction of a new nuclear power plant or an individual nuclear power plant unit or a research nuclear reactor. A nuclear power plant or an individual nuclear power plant unit or a research nuclear reactor may be designed only subject to a decision on the start of construction of a new nuclear power plant or an individual nuclear power plant unit or a research nuclear reactor adopted by the Government (after taking due account of the criteria set forth in Article 7 Paragraph 2) and only after the builder (customer) drafts and agree with the State Nuclear Power Safety Inspectorate a technical specification of a relevant nuclear installation.

2. Other nuclear installations may be designed after the Government adopts a decision on construction of the nuclear installation on the recommendation of the Ministry of Energy and after the builder (client) of such nuclear installation drafts a technical specification of the nuclear installation and coordinates it with the State Nuclear Power Safety Inspectorate.

3. The environmental impact of the proposed economic activities pertaining to nuclear energy shall be assessed and the site for construction of a nuclear installation shall be selected in the manner laid down in the Law on Environmental Impact of the Proposed Economic Activity, the Law on Territorial Planning of the Republic of Lithuania and other legal acts. Safety analysis of the construction site of a nuclear installation and its justification shall be completed in the manner laid down in the Law on Nuclear Safety before design works of a nuclear installation adapted to a specific construction site of the nuclear installation are commenced.

Amended 20 April 2017, No. XIII-287

4. The requirements of Paragraphs 1 and 2 of this Article shall not apply in preparation of designs for reconstruction, major repairs, running repairs or demolishing of nuclear installations. The design of a nuclear installation shall comply with the nuclear safety requirements and rules approved by the Head of the State Nuclear Power Safety Inspectorate, also with the requirements of other legal acts. Safety of a nuclear installation shall be substantiated in the safety analysis report which shall comply with the nuclear safety requirements and rules approved by the Head of the State Nuclear Power Safety Inspectorate.

Article 26. Coordination of the Design of a Nuclear Installation

1. The design of a nuclear installation shall be prepared in accordance with the procedure and terms of the Law on Construction of the Republic of Lithuania (the **Law on Construction**) and the accompanying legal acts. The design of a nuclear installation shall be agreed in the manner established by the Government.

2. The construction, reconstruction, major repair and demolishing designs nuclear installations shall be subjected to an expert examination conducted in accordance with the provisions of the Law on Construction prior to coordination of such design.

3. In order to assess the design of a nuclear installation the authorised state institutions may engage experts and the related incurred costs shall be covered by the builder (customer) in the manner laid down by the legal acts. A list of the authorised state institutions entitled to engaging experts, the minimum requirements for qualification of experts, the special requirements for procurement of expert services, also the terms for settlement, the criteria for reasonable costs, their control and other related requirements shall be established by the Government.

4. The coordinated design of a nuclear installation shall be approved by the builder (customer) of the nuclear installation.

Article 27. State Supervision of the Construction, Reconstruction, Major Repairs or Demolishing of a Nuclear Installation

1. The builder (customer) shall obtain a permit for construction, reconstruction, major repairs or demolishing of nuclear installations.

2. A permit for construction, reconstruction, major repairs or demolishing of nuclear installations shall be issued by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment of the Republic of Lithuania. Construction of new a nuclear installation shall be subject to the licence indicated in Article 22 Paragraph 1 Subparagraph 1 or 3 of the Law on Nuclear Safety.

3. Supervision of due performance of the licence holder's duties in construction, reconstruction, major repairs, maintenance or demolishing of nuclear installation shall be exercised by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment and the State Nuclear Power Safety Inspectorate within their competence.

4. The rules for issuance of permits for construction, reconstruction, major repairs or demolishing of a nuclear installation shall be approved by the Government.

Article 28. Sanitary Protection Area

1. A sanitary protection area shall be established around a nuclear installation. Requirements for the size of the sanitary protection areas of nuclear installations and special conditions for the use of land applicable in such areas shall be set out in the Law of the Republic of Lithuania on Special Conditions for the Use of Land.

2. Prior to the first shipment of nuclear materials and/or nuclear fuel cycle materials to the site of a nuclear installation, all the residents shall be resettled from the sanitary protection area in the manner prescribed by the Government.

3. Monitoring of the environment and public health ("the Monitoring") within and outside the sanitary protection area shall be carried out in accordance with the Law of the Republic of Lithuania on Environmental Monitoring and the Law of the Republic of Lithuania on Public Health Monitoring.

4. The licence holder shall plan and implement measures in the sanitary protection area for the elimination of nuclear/radiological accidents and their consequences, provide appropriate conditions for the communication of information and ensure prompt notification of the persons working in the territory of the sanitary protection area in the event of nuclear and/or radiological accidents.

Amended 6 June 2019, No. XIII-2717

CHAPTER FIVE

OPERATION AND DECOMMISSIONING OF NUCLEAR INSTALLATIONS

Article 29. Completion of Construction and Operation of a Nuclear Installation

Amended 20 April 2017, No. XIII-287

1. Construction of a nuclear installation shall be completed in accordance with the Law on Construction.

Amended 20 April 2017, No. XIII-287

2. The first shipment of nuclear fuel, other nuclear and/or nuclear fuel cycle materials to the construction site of the nuclear installation, undertaking any other activities involving them before commencement of operation of the nuclear installation, and operation of the nuclear installation may be commenced only if possessing licenses and permits issued by the State Nuclear Power Safety Inspectorate in the manner laid down in the Law on Nuclear Safety.

Amended 20 April 2017, No. XIII-287

3. Modifications to a nuclear installation shall be made in accordance with the procedure and subject to the terms laid down in the Law on Nuclear Safety.

Article 30. Basic Duties of the Licence Holder

1. The licence holder shall be responsible for the adequate and safe operation of the installation in accordance with the requirements stipulated in the laws and other legal acts, in the articles of association and standard technical documents of the licence holder. The licence holder shall be responsible for safety of its activities and the nuclear installation.

Amended 20 April 2017, No. XIII-287

2. A nuclear installation must be used only for the intended purpose as stipulated in its design. The purpose of nuclear installations may be changed in accordance with the procedure provided in the legal acts.

3. The licence holder shall:

1) include into accounting the nuclear materials belonging to the nuclear installation or used in the operation and exercise their control in such a manner as to ensure performance of the obligations of the Republic of Lithuania regarding the guarantees of the IAEA and the European Atomic Energy Community (the **EURATOM**);

2) investigate nuclear and/or radiological accidents and nuclear incidents in the manner prescribed by the laws and other legal acts;

3) *repealed*

Amended 28 September 2017, No. XIII-654

4) carry out and submit to the State Nuclear Power Safety Inspectorate the analysis of the potential effects of nuclear and radiological accidents in a nuclear installation, specifying the radiological consequences of nuclear and/or radiological accidents outside the sanitary protection area of the nuclear installation and the characteristics of radionuclide releases resulting from such accidents. Requirements for this analysis shall be set out by the State Nuclear Power Safety Inspectorate;

Amended 28 September 2017, No. XIII-654

5) prepare an emergency preparedness plan of a nuclear installation and ensure preparedness to mitigate the consequences of a nuclear and radiological accident in the nuclear installation and within its sanitary protection area;

Amended 28 September 2017, No. XIII-654

Amended 6 June 2019, No. XIII-2171

6) perform other duties established on the grounds of this Law and other laws.

Amended 28 September 2017, No. XIII-654

4. If requested by the Head of the State Nuclear Power Safety Inspectorate, other authorised official or employee of the State Nuclear Power Safety Inspectorate and in the manner established by the Head of the State Nuclear Power Safety Inspectorate, the licence holder shall submit comprehensive information and documents evidencing the safety status of its operations and/or the nuclear installation.

5. Operation of the nuclear installation may be temporarily suspended upon declaration of emergency in the power sector based on the Law on Energy of the Republic of Lithuania or in the event of an ongoing or imminent nuclear and/or radiological accident, in the event of threat of environmental damage or other threats to the human health or safety, also on other grounds and subject to the terms stipulated in the Law on Nuclear Safety or other laws. The decision regarding a temporary suspension of operation of a nuclear installation may be adopted by the operating organization of the nuclear installation, the State Nuclear Power Safety Inspectorate and/or the Government in the manner laid down by the legal acts and within their competence.

Article 31. Decommissioning of the Nuclear Installation

1. A nuclear power plant or an individual nuclear power plant unit or a research nuclear reactor shall be decommissioned in accordance with the law on decommissioning of a nuclear power plant or an individual nuclear power plant unit or a research nuclear reactor.

2. Other nuclear installations may be decommissioned by the decision of the Government regarding decommissioning of such nuclear installations.

3. Decommissioning of a nuclear installation may only be initiated subject to licences and permits issued by the State Nuclear Power Safety Inspectorate in the manner laid down by the legal acts. Safety requirements and rules for decommissioning of nuclear installations shall be approved by the Head of the State Nuclear Power Safety Inspectorate.

Article 32. Obligations of the Licence Holder in Preparation for the Decommissioning of the Nuclear Installation

1. The operating organization of the nuclear installation shall ensure accumulation of the resources in the fund for decommissioning of the nuclear installation (the **Decommissioning fund**) required for safe decommissioning of the nuclear installation and management of radioactive waste. The operating organization of the nuclear installation shall be entitled to secure its obligations related to financing of the safe decommissioning and management of radioactive waste by furnishing to the Government or its authorised institution a guarantee in the prescribed amount. The procedure for establishing the guarantee and the terms for its delivery, the time limits of the guarantee, the amount of the guarantee and other mandatory requirements shall be regulated by the law on the decommissioning fund or the legal acts implementing the law on the decommissioning fund referred to in Article 48 Paragraph 1 of this Law. Furnishing of the guarantee shall not release the operating organization of the nuclear installation from the responsibility to accumulate resources in the decommissioning fund on expiry of the specified time limit of the guarantee.

2. The licence holder during decommissioning, in the manner laid down by this Law and other laws, shall be responsible for a nuclear and/or radiological accident occurring in the nuclear installation during its decommissioning and for the damage to life and health of the general public, its property and environment caused by the released radioactive materials.

3. The Government or its authorised institution shall coordinate the activities pertaining to the decommissioning of a nuclear power plant, an individual nuclear power plant unit or a research nuclear reactor.

4. The operating organization of the nuclear installation shall no later than two years prior to the final shut-down of the nuclear installation prepare a final decommissioning plan of the nuclear installation. The plan shall be coordinated with the State Nuclear Power Safety Inspectorate, the Ministry of Environment, the Ministry of Health, the Ministry of Energy and the Ministry of Social Security and Labour. The final decommissioning plan of the nuclear installation shall be approved by the Ministry of Energy.

CHAPTER SIX PHYSICAL SECURITY OF NUCLEAR INSTALLATIONS, NUCLEAR MATERIALS AND NUCLEAR FUEL CYCLE MATERIALS

Article 33. Objectives of Physical Security

1. Objectives of physical security shall be as follows:

- 1) to ensure adequate protection of nuclear materials and/or nuclear fuel cycle materials from being taken into illegal possession or from seizure;
 - 2) to ensure that urgent and comprehensive measures are undertaken in order to find and/or recover the illegally possessed, seized or lost nuclear and/or nuclear fuel cycle materials;
 - 3) to protect a nuclear installation and a nuclear installation site from unauthorised entry of persons, and to protect a nuclear installation, a nuclear installation site, nuclear materials and/or nuclear fuel cycle materials against the actions directly or indirectly posing a threat to the human health and safety due to ionising radiation, and to prevent any other disruption to a normal operation of nuclear installations;
 - 4) to mitigate and/or minimise radiological consequences of illegal activities against a nuclear installation, a nuclear installation site, nuclear and/or nuclear fuel cycle materials.
2. Objectives of physical security shall be pursued in the following manner:
- 1) by ensuring the prevention of the illegal possession of a nuclear installation, a nuclear installation site, nuclear and/or nuclear fuel cycle materials, illegal seizure of nuclear and/or nuclear fuel cycle materials, unauthorised access of persons to protection areas of a nuclear installation or a nuclear installation site, as well as actions directly or indirectly posing a threat to the human health and safety due to ionising radiation, and disruption to a normal operation of nuclear installations;
 - 2) by developing, implementing and managing security measures aimed at detection of and response to illegal activities and delaying the perpetrator (for example, using technical or organizational measures to create obstacles to the perpetrator in order to prevent a fast completion of an illegal activity).

Amended 20 April 2017, No. XIII-287

Article 34. Protection Areas of the Nuclear Installation

1. The State Nuclear Power Safety Inspectorate shall establish boundaries of limited access areas of a specific nuclear installation with respect to characteristics of the nuclear installation. The boundaries of a limited access area of a nuclear installation may not exceed the nuclear installation by more than 3 kilometres, and the external boundaries of the area shall be marked with information signs of the operator operating the nuclear installation. In case a limited access area of one nuclear installation is inside the limited access area of another nuclear installation, and the external boundaries of the zones differ, only the external boundaries of the limited access area covering a larger territory shall be marked with information signs.

2. To reach the objectives of physical security of a nuclear installation, and to implement Article 22 Paragraph 1 Subparagraph 3, the State Nuclear Power Safety Inspectorate shall establish additional types of protection areas of a nuclear installation located within a protected area. The license holder shall establish boundaries of the protected area of the nuclear installation and boundaries of additional protection areas of the nuclear installation located within the protected area, and shall control access of persons and vehicles to these areas.

Amended 20 April 2017, No. XIII-287

Article 35. Basis of Physical Security

1. Physical security of nuclear installations, nuclear installation sites, nuclear fuel cycle materials and/or nuclear materials in quantities established in Annex 1 to the Law on Nuclear Safety shall be ensured with respect to the design basis threat, if established, and to potential radiological consequences, while physical security of nuclear materials in quantities established in Annex 1 to the Law on Nuclear Safety shall be ensured with respect to categories of such materials.

2. Licence holders and other persons legally possessing nuclear materials in accordance with this Law and the Law on Nuclear Safety and other legal acts regulating physical security shall organise and ensure physical security of nuclear installations, nuclear installation sites, nuclear fuel cycle materials and/or nuclear materials in quantities established in Annex 1 to the Law on Nuclear Safety.

3. With respect to a potential threat to a nuclear installation under construction during each construction phase thereof, the State Nuclear Power Safety Inspectorate shall establish different physical security requirements for different construction phases of a nuclear installation.

4. The design basis threat for nuclear installations and the design basis threat for acquisition, possession, use and shipment of nuclear materials in quantities established in Annex 1 to the Law on Nuclear Safety shall be assessed and reassessed at least once a year by the State Nuclear Power Safety Inspectorate, coordinating these actions with the State Security Department, the Ministry of National Defence and the Ministry of the Interior.

5. The state and municipal authorities and institutions, operating nuclear installations and engaged in acquisition, possession, use and transportation of nuclear materials in quantities established in Annex 1 to the

Law on Nuclear Safety, and other organisations and persons potentially having information significant to identifying design basis threats, shall provide the State Nuclear Power Safety Inspectorate with the information that may be of importance in assessing design basis threats or that may affect changes in design basis threats.

6. In order to implement Paragraphs 4 and 5 of this Article, the Government shall establish the procedure for the assessment and reassessment of the design basis threats of nuclear installations and acquisition, possession, use and transportation of nuclear materials in quantities established in Annex 1 to the Law on Nuclear Safety, and for providing information to the State Nuclear Power Safety Inspectorate.

Amended 20 April 2017, No. XIII-287

Article 36. Authorisation to Access Protection Areas of a Nuclear Installation and/or a Nuclear Installation Site, to Participate in the Transportation of Nuclear and/or Nuclear Fuel Cycle Materials and Other Security Measures Related to Nuclear Installations and Nuclear and/or Nuclear Fuel Cycle Materials

1. To ensure physical security, people and vehicles may access the protection areas of the nuclear installation and/or a nuclear installation site, participate in transportation of nuclear materials in quantities specified in Annex 1 to the Law on Nuclear Safety and/or nuclear fuel cycle materials, take photos or film the equipment and installations therein only if authorised under the procedure specified in Paragraphs 3, 4 and 5 of this Article.

2. The procedure of restricted authorisation to access the protection areas of the nuclear installations provided for in this Article shall not apply to the limited access area.

3. Natural persons shall be granted the authorisation to access the protection areas of nuclear installation and/or the nuclear installation site, the authorisation of unescorted participation in transportation of nuclear materials in the quantities specified in Annex 1 to the Nuclear Safety Law and/or in transportation of nuclear fuel cycle materials in accordance with the provisions of this Article. Natural persons shall be granted the authorisation to access the protection zones of the nuclear installation and/or the nuclear installation site, to participate in escorted transportation of nuclear materials in specified quantities indicated in Annex 1 to the Nuclear Safety Law and/or in transportation of nuclear fuel cycle materials and to film and take photos of equipment and installations of a nuclear installation site on the basis of a decision of and according to the procedure established by the applicant or license holder, taking into account legal acts of the State Nuclear Power Safety Inspectorate regulating areas referred to in Article 22 Paragraph 1 Subparagraph 3 herein.

4. Employees of the applicant or license holder and other natural persons related to the applicant or the license holder by relations materially corresponding to employment, who, in order to perform their functions or assigned tasks, require the authorisation to unaccompanied entry into the protection areas of the nuclear installation and/or the nuclear installation site, and to participation in transportation of nuclear materials in quantities specified in Annex 1 to the Law on Nuclear Safety and/or nuclear fuel cycle materials, except persons specified in Paragraph 5 of this Article, shall be granted access only after screening the natural persons for and failing to establish circumstances specified in Article 50 Paragraph 3 in accordance with the procedure established by this Law. After screening a natural person for and failing to establish circumstances specified in Article 50 Paragraph 3 in accordance with the procedure established by this Law, the decision of the applicant or license holder regarding the authorisation to unaccompanied entry into protection areas of the nuclear installation and/or the nuclear installation site, and regarding unescorted participation in transportation of nuclear materials in quantities specified in Annex 1 to the Law on Safety and/or nuclear fuel cycle materials to natural persons referred to in this Paragraph, shall be passed no later than within 20 working days from the date of receiving the information provided by the State Security Department and the Ministry of the Interior or by its authorised institutions (whichever the latest).

5. Employees of the supervising institution or authority requiring the authorisation to unaccompanied entry into protection areas of the nuclear installation and/or the nuclear installation site, and to unescorted participation in transportation of nuclear materials in quantities specified in Annex 1 to the Law on Safety and/or nuclear fuel cycle materials in order to perform their functions, shall be granted such authorisation only after screening such person for and failing to establish circumstances specified in Article 50 Paragraph 3 in accordance with the procedure established by this Law. After screening such person for and failing to establish circumstances specified in Article 50 Paragraph 3 in accordance with the procedure established by this Law, the decision of the supervising institution or authority regarding the granting of the authorisation to unaccompanied entry into protection areas of the nuclear installation and/or the nuclear installation site, and to unescorted participation in transportation of nuclear materials in quantities specified in Annex 1 to the

Law on Safety and/or nuclear fuel cycle materials to employees specified in this Paragraph shall be passed no later than within 20 working days from receiving the information provided by the State Security Department and the Ministry of the Interior or its authorised institutions (whichever the latest). The applicant or license holder shall allow employees of the supervising institution or authority to have unaccompanied entry into protection areas of the nuclear installation and/or the nuclear installation site, and to unescorted participation in transport of nuclear materials in quantities specified in Annex 1 to the Law on Safety and/or nuclear fuel cycle materials only after receiving information from the supervising institution or authority that such employees were granted the authorisation to unaccompanied entry into protection areas of the nuclear installation and/or the nuclear installation site, and to unescorted participation in transport of nuclear materials in quantities specified in Annex 1 to the Law on Safety and/or nuclear fuel cycle materials.

6. The authorisation granted to a natural person to unaccompanied entry into protection areas of the nuclear installation and/or the nuclear installation site, unescorted participation in transport of nuclear materials in quantities specified in Annex 1 to the Law on Safety and/or nuclear fuel cycle materials shall be revoked, in case:

- 1) any of the circumstances specified in Article 50 Paragraph 3 is established;
- 2) employment relations or relations materially corresponding to employment are terminated with a natural person, or the functions of natural persons when performing the functions or tasks assigned are modified and do not require unaccompanied entry into protection areas of the nuclear installation and/or the nuclear installation site, and do not require unescorted participation in transport of nuclear materials in quantities specified in Annex 1 to the Law on Safety and/or nuclear fuel cycle materials;
- 3) it is established that the natural person's behaviour in the nuclear installation site and/or in protection areas of the nuclear installation, or participation in transport of nuclear materials in quantities specified in Annex 1 to the Law on Safety and/or nuclear fuel cycle materials poses a real threat to the safety of the nuclear installation or nuclear fuel cycle materials.

7. In case any of the circumstances specified in Paragraph 6 of this Article is established, the applicant or licence holder shall revoke the authorisation of persons specified in Paragraph 4 of this Article to unaccompanied entry into protection areas of the nuclear installation and/or the nuclear installation site, and to unescorted participation in transport of nuclear materials in quantities specified in Annex 1 to the Law on Safety and/or nuclear fuel cycle materials.

8. In case any of the circumstances specified in Paragraph 6 of this Article is established and the supervising institution or authority informs the applicant or license holder of it, the supervising institution or authority shall revoke the authorisation of persons specified in Paragraph 5 of this Article to unaccompanied entry into protection areas of the nuclear installation and/or the nuclear installation site, and to unescorted participation in transport of nuclear materials in quantities specified in Annex 1 to the Law on Safety and/or nuclear fuel cycle materials. After receiving information from the supervising institution or authority on the revoked authorisation to unaccompanied entry into protection areas of the nuclear installation and/or the nuclear installation site, and to unescorted participation in transport of nuclear materials in quantities specified in Annex 1 to the Law on Safety and/or nuclear fuel cycle materials, or directly from the Ministry of the Interior or its authorised institutions or the State Security Department on the circumstances that occurred or were established as specified in Paragraph 6 Subparagraphs 1 and 3 of this Article, the applicant or licence holder shall deny persons specified in Paragraph 5 of this Article the unaccompanied entry into protection areas of the nuclear installation and/or the nuclear installation site, and shall deny unescorted participation in transport of nuclear materials in quantities specified in Annex 1 to the Law on Safety and/or nuclear fuel cycle materials.

9. The applicant or licence holder shall ensure unrestricted access to the protection areas of a nuclear installation and/or the nuclear installation site and unrestricted participation in transportation of nuclear materials in quantities specified in Annex 1 to the Law on Safety and/or nuclear fuel cycle materials, as well as enable discharging the duties of inspectors of the IAEA, Euratom and the State Nuclear Power Safety Inspectorate and of employees of other institutions or authorities exercising state supervision and having authorisations to enter the nuclear installation site and/or protection areas of the nuclear installation and participation in transportation of nuclear materials in quantities specified in Annex 1 to the Law on Safety and/or nuclear fuel cycle materials.

10. In order to prevent criminal activities potentially disrupting operation of a nuclear installation, natural persons, vehicles, cargo shipments and their documents may be inspected and visually inspected in the limited access area of a nuclear installation, and access of natural persons to such area may be restricted. The officials of the Public Security Service under the Ministry of the Interior and the Police Department

under the Ministry of the Interior, in accordance with laws and regulations governing their rights and duties, shall have the right to inspect natural persons, vehicles, cargo and their documents and to restrict access of natural persons to the limited access area.

Amendment 30 May 2019, No. XIII-2156

11. All types of aeroplanes and other aircrafts shall be prohibited from flying over the nuclear power plant and over the no-fly area established by the Government or its authorised institution or authority, with the exception of cases when flights are necessary for the construction, operation, decommissioning of the nuclear power plant or of an energy-generating unit of a nuclear power plant or for the mitigation of a nuclear or radiological accident.

Amended 20 April 2017, No. XIII-287

CHAPTER SEVEN RESPONSE TO NUCLEAR AND RADIOLOGICAL ACCIDENTS AND MITIGATION OF THEIR CONSEQUENCES

Article 37. Investigation of Nuclear and Radiological Accidents

1. The causes and circumstances of every nuclear or radiological accident must be examined by a special commission formed for this purpose by the licence holder. Experts of the required areas shall be invited to the commission. Conclusions of the commission formed by the licence holder and the related documents and information shall be submitted to the State Nuclear Power Safety Inspectorate in the manner and within the time limits approved by the decree of the Head of the State Nuclear Power Safety Inspectorate.

2. The State Nuclear Power Safety Inspectorate and/or other institutions exercising supervision of activities in the area of nuclear power shall within their competence conduct independent investigations of the causes and circumstances of each nuclear or radiological accident.

Article 38. Institutions and Persons Responsible for Response to Nuclear and Radiological Accidents and Mitigation of Their Consequences

1. The licence holder shall be responsible for management of nuclear and radiological accidents and mitigation of their consequences in a nuclear installation and the sanitary protection area.

2. The Government and other state and municipal authorities of the territory where nuclear installations are located or where there is a possibility of a harmful impact of a potential accident shall (within their competence) be responsible for mitigation and liquidation of consequences of nuclear and radiological accidents outside the sanitary protection area of the nuclear installation.

3. The Government shall be responsible for the preparedness of the Republic of Lithuania to respond to the emergency situation in the event of nuclear and radiological accidents in the manner laid down in the Law on Civil Protection and other legal acts regulating legal and organisational grounds for civil protection.

4. State and municipal authorities planning the measures for protection of the population in the event of nuclear and radiological accidents shall fulfil the requirements established by the Ministry of Interior for the areas of emergency preparedness.

Article 39. Response to Nuclear and Radiological Accidents in Nuclear Installations and Mitigation of Their Consequences

1. Response to nuclear and radiological accidents and mitigation of their consequences shall be carried out in accordance with the national plan for the protection of the population in the event of a nuclear or radiological accident, emergency preparedness plans drawn up by the authorities and institutions referred to in the national plan in accordance with the Law on Civil Protection and the emergency preparedness plan of the nuclear installation drawn up in accordance with the Law on Nuclear Safety.

2. The institutions and persons that must respond to accidents and mitigate their consequences under the national plan for the protection of the population in the event of a nuclear or radiological accident shall prepare and implement the measures envisaged for this purpose in accordance with the Law on Civil Protection and the Law on Nuclear Safety.

Amended 28 September 2017, No. XIII-654

Article 40. Notification of Foreign States and International Organisations about a Nuclear and Radiological Accident

1. The information about an ongoing nuclear and radiological accident or an increased level of ionising radiation in the environment of the Republic of Lithuania shall be communicated to foreign states and international organisations in the manner and to the extent required by the Convention on Early Notification of a Nuclear Accident of 1986, other international treaties to which the Republic of Lithuania is a party and with Council Decision 87/600/Euratom of 14 December 1987 on Community arrangements for the early exchange of information in the event of a radiological emergency (OJ *special edition*, Chapter 15, Volume 1, 2004, p. 337).

2. In the event of a nuclear and radiological accident during which a release of radioactive material occurs or is likely to occur and which has resulted or may result in an international transboundary release that could be of radiological safety significance for a foreign state, the institution authorised by the Government in the manner and subject to the terms stipulated in the legal acts shall:

1) forthwith notify, directly or through the IAEA, those foreign states which are or may be physically affected as specified in this Paragraph and the IAEA of the nuclear and/or radiological accident, its nature, the time of its occurrence and its exact location;

2) promptly provide the corresponding foreign states, directly or through the IAEA, and the IAEA with such available information relevant to minimizing the radiological consequences in those states, as specified in Paragraph 3 of this Article.

3. Communicating the information under Paragraph 2 Subparagraph 2 of this Article, the institution authorised by the Government shall provide the available data regarding:

1) the time, exact location where appropriate, and the nature of the nuclear and/or radiological accident;

2) the nuclear installation or activity involved in the nuclear and/or radiological accident;

3) the assumed or established cause and the foreseeable development of the nuclear and/or radiological accident relevant to the transboundary release of the radioactive materials;

4) the general characteristics of the radioactive release, including, as far as is practicable and appropriate, the nature, probable physical and chemical form and the quantity, composition and effective height of the radioactive release;

5) information on current and forecast meteorological and hydrological conditions, necessary for forecasting the transboundary release of the radioactive materials;

6) the results of environmental monitoring relevant to the transboundary release of the radioactive materials;

7) the off-site protective measures taken or planned;

8) the predicted behaviour over time of the radioactive release.

4. The information referred to in paragraph 3 of this Article shall be supplemented at appropriate intervals by further relevant information on the development of the emergency situation, including its foreseeable or actual termination. The notifying institution authorised by the Government shall have the right to indicate that the communicated information is confidential and constitutes an official secret, the loss or unauthorised disclosure whereof may harm interests of the state or activities of state institutions or create preconditions for unlawful disclosure of the information constituting an official secret, and to institute that such information must be used in the manner and subject to the terms laid down in the legal acts ensuring its protection from unlawful transfer or other disclosure.

5. The duty of the institutions exercising the state regulation and supervision and/or other entities to provide information about an ongoing nuclear and radiological accident or an increased level of ionising radiation in the environment of the Republic of Lithuania shall be stipulated in this Law, other laws and the international treaties referred to in Paragraph 1 of this Article, also in other legal acts.

CHAPTER EIGHT CIVIL LIABILITY IN THE AREA OF NUCLEAR POWER

Article 41. Civil Liability for Nuclear Damage

The licence holder shall be liable for the nuclear damage resulting from the activity subject to the licence or related to that activity.

Article 42. Evaluation of Damage

1. The scope of nuclear damage shall be evaluated in accordance with the Civil Code and the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963 (the **Vienna Convention**) and the Law of the Republic of Lithuania On the Entry into Force of the Vienna Convention on Civil Liability for Nuclear

Damage of 21 May 1963 and the Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention, adopted on ground of Vienna Convention.

2. The scope of material liability of the operating organization of the nuclear installation for nuclear damage caused in each case of a nuclear and/or radiological accident or a nuclear incident shall be limited to the amount in Euro equivalent to the minimum amount set in Article V of the Vienna Convention. It shall be calculated in accordance with the official Euro and US dollar exchange rate on the day when the damage was caused.

3. Disputes regarding evaluation of the damage or the way of compensation for it shall be settled in a court.

Article 43. Consequential Damages Caused by the Nuclear Installation

If the nuclear damage caused by the nuclear installation is also accompanied by other losses the cause of the origin whereof may not be clearly distinguished from the damage caused by the nuclear installation, such losses shall be compensated according to the principle laid down in Article 42 of this Law.

Article 44. Guarantees of Compensation for Damage

1. The operating organization of the nuclear installation must in the manner and subject to the terms established by the Government insure the nuclear installation operated by the operating organization or procure in some other way the funds necessary for the compensation for the nuclear damage.

2. If the insurance and other available funds are not sufficient for the compensation of the nuclear damage, the payment of the deficient amount shall be guaranteed by the State pursuant to the obligations assumed by the Republic of Lithuania under the Vienna Convention.

Article 45. Repealed

Amended 28 September 2017, No. XIII-654

Article 46. Limitation of Actions

An action for damage caused by ionising radiation from a nuclear installation or from the nuclear or radioactive materials in the course of shipment may be brought to court not later than within 10 years from the moment when the damage was caused.

CHAPTER NINE ECONOMIC AND FINANCIAL CONDITIONS FOR THE ACTIVITIES OF NUCLEAR INSTALLATIONS

Article 47. Financing the Activities of a Nuclear Installation

1. The operating organization of a nuclear installation must have necessary material, organisational, human and financial resources for the purpose of performing its functions.

2. The state shall support and finance the implementation of the science and technology research programmes in the area of nuclear safety and radiation protection.

Article 48. The Decommissioning Fund

1. The principal objective of the decommissioning fund shall be accumulation of resources required for safe decommissioning of a nuclear installation and safe management of radioactive waste, including spent nuclear fuel. The decommissioning fund (or funds) shall be established by a law. The law on the decommissioning fund shall *inter alia* set forth:

- 1) sources for accumulation of the fund resources;
- 2) tasks for which the resources are accumulated;
- 3) principles of management and control applied to accumulation and use of the resources;

4) principles for using the resources before beginning the decommissioning of the nuclear installation without prejudice to the principal objective of the decommissioning fund stipulated in Paragraph 1 of this Article and the provision stipulated in Paragraph 2 of this Article;

5) measures for continuity of accumulation of resources in the event the nuclear installation is decommissioned due to unforeseen circumstances.

2. The resources of the decommissioning fund may be used only for implementation of the measures and the tasks for which the resources were accumulated based on their intended purpose.

CHAPTER TEN

SPECIFIC NATURE OF EMPLOYMENT RELATIONS IN THE AREA OF NUCLEAR POWER

Article 49. Legal Basis of Employment Relations

Employment relations in nuclear installations shall be regulated by the legal acts regulating employment relations of the Republic of Lithuania and by this Law.

Article 50. Restrictions on the Employment Relations

1. Nationals of the Member States of the European Union, other states that signed the European Free Trade Association agreement, also the states of the North Atlantic Treaty Organisation and/or other states significant for strengthening national security of the Republic of Lithuania and that are developing security relations with the Member States of the European Union and the North Atlantic Treaty Organisation and other natural persons enjoying rights of free movement granted to them by the legal acts of the European Union may work in the management of the licence holder (as heads of the organisation, heads of the administration, heads of departments and deputies thereof).

2. The head of the department of the nuclear installation site and/or nuclear installation responsible for the physical security of the nuclear installation and his/her deputy (or deputies) shall be appointed and dismissed by the head of the applicant or licence holder subject to approval by the State Security Department.

3. The following natural persons may not be admitted to positions or jobs which require an authorisation granting unsecured access to the protection areas of nuclear installations and/or nuclear installation site and/or granting the right to unsecured participation in the transportation of the established quantities of nuclear materials and/or nuclear fuel cycle materials referred to in Annex 1 to the Law on Nuclear Safety, if any of the circumstances below has been established with respect to the natural persons:

- 1) persons are less than 18 years of age;
- 2) persons have been convicted by an effective judgement of a moderate, serious or very serious crime, irrespective of whether or not the conviction has expired or been revoked;
- 3) persons have been convicted by an effective judgement of a mild crime or misdemeanour in relation to the handling of narcotic, psychotropic, toxic or potent substances and the conviction has not expired or been revoked;
- 4) persons have been convicted by an effective judgement of a mild crime or misdemeanour in relation to the handling of weapons, ammunition, explosives, explosive or radioactive materials or military equipment and the conviction has not expired or been revoked;
- 5) persons have been declared in the statutory procedure as legally incapacitated in a certain area, with limited legal capacity in a certain area or subject to compulsory medical measures;
- 6) persons, due to the interests hostile to the Republic of Lithuania, collaborated/collaborate or maintained/maintain relations with an intelligence or security service of a foreign state or with persons collaborating or maintaining relations with the intelligence or security service of the foreign state;
- 7) persons participate or participated in the activities of a terrorist organisation or terrorist group or knowingly maintain or maintained relations with a person belonging to the terrorist organisation or group;
- 8) persons participate or participated within the last five years in activities of an unregistered movement, if such participation may pose a threat to the applicant or licence holder;
- 9) the State Security Department has no access to or fails to obtain reliable information from relevant foreign authorities on a foreign citizen or stateless person, also on a citizen of the Republic of Lithuania whose permanent residence is outside the Republic of Lithuania, regarding the circumstances listed in Article 50 Paragraph 3 Subparagraphs 6, 7 and 8 above or information received from the relevant authorities raises reasonable doubts as to the reliability of this information;
- 10) persons are subject to preventive measures in accordance with the Law on Organised Crime Prevention of the Republic of Lithuania;
- 11) persons have been penalised/convicted more than once over the last three years of the commitment of administrative offences related to the use of narcotic or psychotropic substances without medical prescription or of other administrative offences committed under the influence of alcohol, narcotic, psychotropic or other psychoactive substances;
- 12) persons are foreign citizens or stateless persons holding no valid document granting or confirming the right to stay or reside in the Republic of Lithuania issued in accordance with the procedure

laid down in the Law of the Republic of Lithuania on the Legal Status of Aliens and/or holding no work permit in the Republic of Lithuania when this is required;

13) persons suffer from diseases or health disorders provided for in a list approved by the Minister for Health, which pose a threat to the normal operation of a nuclear installation;

14) persons refuse to provide documents listed in Article 50 Paragraphs 5 and 6 above or refuse to be screened or knowingly provide incorrect information during the screening;

15) other cases when participation of the natural person in the activities of the applicant or licence holder may represent a threat to national security.

Amended 11 January 2019, No. XIII-1913

4. Natural persons whose work involves the use and protection of classified information may not be employed in nuclear installation sites, nuclear installations and/or participate in transport of nuclear materials in quantities specified in Annex 1 to the Law on Safety and/or nuclear fuel cycle materials, if they fail to comply with the requirements laid down in the Law on State Secrets and Official Secrets of the Republic of Lithuania, necessary for issuing a permit or granting the authorisation to use or access classified information. The compliance of natural persons with the established requirements shall be determined by the State Security Department in the manner stipulated by the Law on State Secrets and Official Secrets.

5. At the request of surveillance authorities or institutions, applicants or licence holders (when a natural person is required to obtain an authorisation granting unsecured access to the protection areas of the nuclear installation and/or nuclear installation site and/or granting the right to unsecured participation in the transportation of the established quantities of nuclear materials and/or nuclear fuel cycle materials referred to in Annex 1 to the Law on Nuclear Safety, or repeatedly with the periodicity specified in Article 50 Paragraph 8), information specified in Article 15 Subparagraph 13 of this Law shall be provided by the Ministry of the Interior or its authorised institutions, and information specified in Article 16 Subparagraph 2 of this Law shall be provided by the State Security Department. Information specified in Article 50 Paragraph 3 Subparagraph 1 and 13 and supporting documents issued by competent authorities shall be provided by the natural persons being screened.

Amended 11 January 2019, No. XIII-1913

6. Where screening is carried out for natural persons who are foreign citizens or stateless persons, also for citizens of the Republic of Lithuania whose permanent residence is outside the Republic of Lithuania, information regarding the circumstances specified in Article 50 Paragraph 3 Subparagraphs 1–5 and 11 and supporting documents issued by the competent authorities in the country of citizenship or the country of residence (in case of stateless persons and citizens of the Republic of Lithuania whose permanent residence is outside the Republic of Lithuania) of the natural person shall be submitted by the natural persons themselves.

Amended 11 January 2019, No. XIII-1913

7. The Ministry of the Interior or its authorised institutions and the State Security Department shall provide information regarding the person subject to screening specified in paragraph 5 of this Article no later than within 20 working days from the date of receiving a written request to provide the information regarding the person subject to screening. This time period may be extended by no more than 40 working days by a justifying letter of the Ministry of the Interior or its authorised institutions or the State Security Department, if the natural person subject to screening is a foreign national or a stateless person, as well as a national of the Republic of Lithuania with the permanent residence outside of the Republic of Lithuania.

8. Natural persons granted the authorisation of unaccompanied entry into the protection areas of the nuclear installation and/or the nuclear installation site, of unescorted participation in the transport of nuclear materials in quantities specified in Annex 1 to the Law on Nuclear Safety Law and/or nuclear fuel cycle materials, shall be re-screened every five years from the date of receiving information from the State Security Department and the Ministry of the Interior or its authorised institutions (whichever the latest). A natural person may be subjected to re-screening before the expiry of the time period provided for in this paragraph, if data on potential occurrence of circumstances provided for in paragraph 3 of this Article is received.

9. The Ministry of the Interior or its authorised institutions, the State Security Department, other supervising institutions or authorities, and the applicant or the license holder shall ensure that the data of the natural person subject to screening, received in accordance with the procedure specified in this Article, is

processed and stored in accordance with the procedure provided for in the Law on Legal Protection of Personal Data of the Republic of Lithuania.

Amended 20 April 2017, No. XIII-287

Article 50¹. Ensuring Competence of the Nuclear Installation Employees

1. The holder of licenses referred to in Article 22 Paragraph 1 Subparagraphs 1, 2, 3, 4, 5 of the Law on Nuclear Safety shall ensure that the employees whose tasks are related to the enforcement of nuclear safety, radiation protection, physical security and nuclear non-proliferation obligations, are competent to discharge the functions assigned to them.

2. The general requirements of the procedure for ensuring competence of the employees referred to in Paragraph 1 of this Article shall be established by the Head of the State Nuclear Power Safety Inspectorate.

3. In accordance with the requirements established by the Head of the State Nuclear Power Safety Inspectorate referred to in Paragraph 2 of this Article, the design of a nuclear installation, IAEA documents, the holder of licenses specified in Article 22 Paragraph 1 Subparagraphs 1, 2, 3, 4, 5 of the Law on Nuclear Safety shall establish the competence requirements for employees referred to in paragraph 1 of this Article and the procedure for ensuring employee competence (with the exception of the procedure for the certification of the management of a nuclear installation).

4. Only natural persons having passed the certification examination for the management of a nuclear installation in the field of nuclear safety, radiation protection, physical security and nuclear non-proliferation, and holding a valid certificate may hold management positions of the nuclear installation.

5. The Government shall approve the procedure regulations for certification of the management of a nuclear installation.

6. Natural persons pursuing or having the positions referred to in paragraph 4 of this Article shall meet the following requirements:

1) have a university degree or education equivalent to it;

2) have technical knowledge in nuclear energy required for the proper performance of the duties of the position they have or pursue;

3) in line with the position they have or pursue, know the requirements of legislation applicable to the activities carried out by the license holder or the holder of standard technical documents on nuclear safety, specified in Article 22 Paragraph 1 Subparagraphs 1, 2, 3, 4, 5 of the Law on Nuclear Safety, and know the principles of ensuring the meeting of obligations of nuclear safety, radiation protection, physical security, and nuclear non-proliferation;

4) the manager responsible for the nuclear installation operation (technological process management) shall have no less than five years of work experience in nuclear energy and no less than three years of management experience;

5) the manager responsible for ensuring radiation protection at the nuclear installation shall have no less than five years of work experience in radiation protection and experience of managing experts in this area.

7. A certification examination shall be conducted to ensure that the natural persons specified in Paragraph 4 of this Article (hereinafter referred to as "persons subject to certification") meet the requirements specified in Paragraph 6 Subparagraphs 2 and 3 of this Article.

8. A certification examination shall be organised no later than within 40 calendar days from the date of submission of an application for certifying a manager of a nuclear installation.

9. The certification examination shall be conducted by the Certification Commission of the State Nuclear Power Safety Inspectorate (hereinafter referred to as the Certification Examination Commission).

10. The Certification Examination Commission shall consist of four Commission members, including the Chairman of the Examination Commission. The certification examination shall be conducted with at least three members of the Commission attending, including the Chairman of the Certification Examination Commission.

11. Having passed the certification examination, the person subject to certification shall be issued a certificate no later than within 10 calendar days from the date of the certification examination, specifying the management position the person was certified for. The certificate shall be valid for five years.

12. Certificates shall become valid on the date of their issue, if issued to persons subject to certification and holding no previously issued certificates that are valid. Certificates shall become valid on the date of expiry of the previous certificate, if issued to persons subject to certification and holding a previously issued certificate that is valid.

13. When an employee having a valid certificate for a management position in a nuclear installation is appointed to a different management position in the nuclear installation, and if the requirements for the competence the person was certified for in the current position and the pursued position match, the Certification Examination Commission shall make a decision to issue a certificate specifying the new position and the validity period of the certificate as indicated in the previously issued and valid certificate, or it shall make a decision on the required certification examination, in case competence requirements differ.

14. Persons having failed to pass a certification examination shall be issued a conclusion document of the Certification Examination Commission. A person subject to certification may apply for re-certification no earlier than in 30 calendar days.

15. Having failed to pass a certification examination, a certified manager of a nuclear installation shall be entitled to keep the position during the validity time of the previously issued certificate.

16. A decision of the Certification Examination Commission may be appealed in accordance with the procedure established by the Law on Administrative Proceedings of the Republic of Lithuania.

Article 51. Prohibition of Strikes and Restrictions to Hold Meetings

1. Workers employed at nuclear installations shall be prohibited to go on strike.

2. It shall be prohibited to organise rallies, demonstrations, protest events and meetings in the protection areas of a nuclear installation.

3. Persons failing to observe the restrictions of this Article shall be held liable according to the laws of the Republic of Lithuania.

CHAPTER ELEVEN INTERNATIONAL RELATIONS

Article 52. Grounds for Entering into International Treaties

1. International treaties regulating relations in the area of nuclear power in the Republic of Lithuania shall be concluded in conformity with the principles and norms of the international law and the laws of the Republic of Lithuania which prescribe the procedure for entering into international treaties.

2. During the drafting and concluding of international treaties related to the use of nuclear energy, participation of authorised persons from the Ministry of Energy, and during the drafting and concluding of international treaties related to nuclear safety, radiation protection, physical security, accounting for and control of nuclear and radioactive materials - participation of authorised representatives of the State Nuclear Power Safety Inspectorate shall be mandatory.

Article 53. Conditions for Entry of Foreign Vessels with Nuclear Reactors or Foreign Vessels Carrying a Cargo of Radioactive Materials into the Territorial Waters of the Republic of Lithuania

Foreign vessels with nuclear reactors or carrying a cargo of radioactive materials may enter the territorial waters of the Republic of Lithuania only subject to a permit issued in the manner established by the Government of the Republic of Lithuania or its authorised institution.

Annex to
the Law on Nuclear Energy
of the Republic of Lithuania

IMPLEMENTED LEGAL ACTS OF THE EUROPEAN UNION

1. Council Directive 2009/71/Euratom of 25 June 2009 Establishing a Community Framework for the Nuclear Safety of Nuclear Installations (OJ L 172, 2009, p. 18), as last amendment by Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom Establishing a Community Framework for the Nuclear Safety of Nuclear Installations(OJ L 219, 2014, p. 42).

Amended 28 September 2017, No. XIII-654

2. Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (OL 2011 L 199, p. 48).