

REPUBLIC OF LITHUANIA

LAW ON

NUCLEAR ENERGY

14 November 1996 No I-1613

(As last amended on 23 December 2010 No XI-1267)

Vilnius

CHAPTER ONE GENERAL PROVISIONS

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Article 1. Purpose of the Law

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1. This Law shall regulate public relations arising during the use of nuclear energy for generation of electricity and heat. It shall provide a legal basis for the activities of natural and legal persons in the nuclear energy sector. The purpose of the Law shall be to ensure nuclear safety when nuclear energy is used to meet peaceful needs and to prevent proliferation of nuclear arms by illegal disposal of nuclear materials (including nuclear fuel and nuclear waste). The provisions of this Law shall be in conformity with the obligations of the Republic of Lithuania under the Convention on Nuclear Safety and ensure protection of human beings and the environment from the harmful effects of radiation.

2. This Law shall establish:

- 1) the basis for the management of nuclear energy;
- 2) the principles of state regulation of nuclear safety and radiation protection in the nuclear energy sector;
- 3) basic conditions for licensing in the nuclear energy sector;

- 4) special conditions for the design and construction of nuclear facilities;
 - 5) basic conditions for the operation of nuclear facilities;
 - 6) basic conditions for the export and import of nuclear materials and equipment;
 - 7) basic conditions for the transportation and storage of nuclear and radioactive materials used in the nuclear energy sector;
 - 8) basic requirements for the physical protection of nuclear facilities and nuclear materials;
 - 9) basic requirements for the prevention of and response to nuclear and radiological accidents;
 - 10) the principles of liability in the nuclear energy sector;
 - 11) basic economic and financial conditions of activities in the nuclear energy sector;
 - 12) specific features of labour relations in the nuclear energy sector.
3. The provisions of Chapter Nine of this Law shall also apply to other fields of activities involving nuclear materials.

Article 2. Definitions

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1. “Nuclear plant” means a complex of equipment and buildings intended for generation of electricity or electricity and heat by using nuclear fuel.
2. “Nuclear accident” means failure in the control and management of the chain reaction of nuclear fission in the core of the reactor; formation of a critical mass during the loading, reloading, transportation and storage of nuclear fuel; disruptions of heat exchange resulting in the damage to nuclear elements and/or exposure of the personnel to radiation exceeding the prescribed levels.
3. “Nuclear energy” means a branch of energy where nuclear energy is used for generation of electricity and heat.

4. “Nuclear safety” means a property of a nuclear facility to limit, within the prescribed requirements, the effect of radiation on human beings and the environment both in the course of its normal operation and during nuclear accidents.
5. “Nuclear damage” means death or injury of a human being, loss of or damage to property, an adverse effect on the environment due to radiation related to the operation of a nuclear facility or a nuclear (radiation) accident.
6. “Nuclear facility” means a nuclear power plant, a nuclear reactor, a storage facility for nuclear materials and radioactive waste, and their processing facility.
7. “Operation of a nuclear facility” means a variety of activities aimed at implementing the objectives set for the facility, including generation of energy, loading of fuel, commissioning of the reactor, its shut-down, testing, technical maintenance, repair, inspection and other operations related to its activity.
8. “Operator of a nuclear facility” means an economic entity possessing a licence and material and financial resources for the operation of a nuclear facility, and responsible for its safety.
9. “Physical protection of a nuclear facility” means the totality of organisational, legal, technical and special measures aimed at protecting nuclear installations and nuclear as well as radioactive materials from being taken into illegal possession or from seizure, and from unauthorised entry of persons into the territory of a nuclear facility.
10. “Reconstruction of a nuclear facility” means a major engineering modification of the facility (expansion, replacement of supporting structures, application of new technologies or mounting of a new type of reactor etc.) which may affect the safety of the nuclear facility.
11. “Decommissioning of a nuclear facility” means the implementation of legal, organisational and technical measures with the aim of setting a nuclear facility in order after a decision has been adopted that the facility will be permanently taken out of operation.
12. “Nuclear materials” means plutonium, uranium (natural, enriched with isotopes of uranium 235 or uranium 233 and depleted) and thorium found in the form of a metal alloy, chemical compound or concentrate, or in a mixture with other materials.

13. “Nuclear commodities” means nuclear materials, non-nuclear materials used in nuclear energy, nuclear installations and technologies used in the nuclear energy sector, as well as dual-use items, i.e. items that can be used in both nuclear and non-nuclear activities.
14. “Nuclear equipment” means constituent parts (components) of a technical construction that can be used in nuclear technology.
15. “Nuclear incident” means any malfunction (failure), violation of operational conditions and limits that might have caused a nuclear accident.
16. “Nuclear installation” means any technical device (a mechanism, a machine etc.) in which nuclear materials may be formed or may be processed, used or stored.
17. “Nuclear fuel” means nuclear materials used for generating nuclear energy.
18. “Nuclear reactor” means an installation in which a controlled spontaneous nuclear fission chain reaction can take place.
19. “Accounting of nuclear materials” means an activity aimed at establishing the amount of nuclear materials and continuous recording of any changes of the amount.
20. “Repository of nuclear materials” means an installation or a structure for storage of nuclear materials.
21. “Source of ionising radiation” means an installation, equipment or a radioactive material emitting ionising radiation within the prescribed limits.
22. “Permit” means a written authorisation of a competent state governing body to perform certain one-off works.
23. “Licence” means an official document issued by a state governing body granting the right to engage in certain activities in the nuclear energy sector in conformity with the prescribed conditions and requirements.
24. “Radiation accident” means failure in the functioning of a nuclear facility which has a harmful effect on people and/or the natural environment due to increased radiation.
25. “Radiation protection” means the totality of legal, technical,

technological, construction and hygienic norms, rules and measures guaranteeing the protection of people and the natural environment from nuclear damage.

26. “Radioactive waste” means spent nuclear fuel and other radioactive materials the further technological use whereof is either not expedient or not possible.

27. “Radioactive materials” means materials whose spontaneous radioactivity exceeds the prescribed level.

28. “Radioactive waste storage facility” means a stationary facility (structure) intended for a temporary or permanent storage of radioactive waste.

29. “Radioactive waste management” means activities related to collection, sorting, treatment, processing, transportation, storage and disposal of radioactive materials.

30. “Sanitary protection zone” means a certain territory or a site of radioactive contamination where the irradiation level may exceed the prescribed norms under the normal operational conditions of a nuclear facility.

31. “Monitoring zone” means a certain territory where, without exceeding the prescribed norms, an impact of a nuclear facility on the environment is possible due to radioactive effluents or emission.

32. “Design basis threat” means a complex of attributes and characteristics of potential insider and/or external adversaries who might attempt unauthorised control or seizure of the nuclear facility and/or nuclear materials or to commit a terrorist act. A system of physical protection shall be designed to prevent such actions.

Article 3. Legal Principles of Activities in the Nuclear Energy Sector

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1. Activities in the nuclear energy sector in the Republic of Lithuania shall be permitted only subject to a licence issued by a state governing body. If activities in the nuclear energy sector are conducted without a licence or in

contravention of the laws of the Republic of Lithuania or its international obligations, they shall be held illegal and shall incur legal responsibility as provided by the laws of the Republic of Lithuania.

2. The operator of a nuclear facility shall be responsible for conducting nuclear activities in compliance with the provisions of this Law and regulatory acts of the Republic of Lithuania.

3. A competent body issuing licences for a certain activity in the nuclear energy sector must develop a system of requirements guaranteeing:

- 1) nuclear safety;
- 2) non-proliferation of nuclear arms;
- 3) only a lawful use of nuclear materials and waste management.

Article 4. Guarantees of Nuclear Safety

Article 4. Guarantees of Nuclear Safety

1. Nuclear safety in the Republic of Lithuania shall be guaranteed by the State.

2. The safe operation of individual nuclear facilities shall be the responsibility of their operators.

3. Standards and rules of nuclear safety and radiation protection approved by the Government or state bodies authorised by it shall be mandatory for all state governing bodies and local authorities, enterprises, agencies, organisations, their associations, for the officials and other persons whose activities are related to the operation of nuclear facilities and to the use and management of nuclear and radioactive materials therein. Safety guarantees in the nuclear energy sector shall be based on the requirements of the laws and secondary legislation of the Republic of Lithuania, on the requirements of treaties to which the Republic of Lithuania is a party, also on the recommendations of the IAEA and other international organisations or bodies.

Article 5. Ownership of Nuclear Facilities and Nuclear Materials

Article 5. Ownership of Nuclear Facilities and Nuclear Materials

1. Nuclear facilities shall belong by the right of ownership to the State and/or to legal persons holding licences provided for by this Law.
2. Nuclear and radioactive materials may belong by the right of ownership to the State and/or to legal persons holding licences provided for by this Law.

CHAPTER TWO MANAGEMENT OF NUCLEAR ENERGY

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

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In exercising state powers in the nuclear energy sector, the Seimas of the Republic of Lithuania shall:

- 1) formulate state policy in the nuclear energy sector;
- 2) solve the principal issues of development of nuclear energy in Lithuania;
- 3) on the recommendation of the Government, adopt a law on the construction of a new nuclear plant and its site or on the mounting of a new nuclear reactor, also on the decommissioning of a nuclear facility. The law shall establish the principal requirements for a nuclear plant or a nuclear reactor and for the zones of sanitary protection and monitoring.

Article 7. State Management of Nuclear Energy

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State management of nuclear energy shall, within the scope of their competence, be performed by:

- 1) the Government of the Republic of Lithuania;
- 2) the Ministry of Energy of the Republic of Lithuania;
- 2) local authorities in the territories under their jurisdiction which are within the sanitary protection or monitoring zones of a nuclear facility;

Article 8. Competence of the Government of the Republic of Lithuania

Article 8. Competence of the Government of the Republic of Lithuania

1. The Government of the Republic of Lithuania shall:

- 1) in the manner prescribed by the law, adopt decisions on the construction of specific nuclear facilities;
- 2) form an authority for the commissioning of a nuclear facility;
- 3) formulate the regulatory system of nuclear safety and radiation protection and measures thereof;
- 4) establish nuclear energy control and supervision bodies and approve their statutes (regulations);
- 5) approve regulatory acts governing the acquisition, storage, transportation and disposal of nuclear and radioactive materials and commit the ministries referred to Articles 14, 15, 16 and the Government agencies to approve them in cases specified in the aforementioned Articles;
- 6) establish the procedure for licensing of activities in the nuclear energy sector;
- 7) establish the specific conditions and requirements for the zones of sanitary protection and monitoring and the course of their development;
- 8) co-ordinate the activities of ministries and other state bodies in drafting nuclear accident prevention and response plans;

2. In adopting a decision on the construction of a specific nuclear facility, the Government of the Republic of Lithuania shall take into consideration the following:

- 1) the economic and public needs;
- 2) the principal characteristics of the use of natural resources and their impact on the environment;
- 3) nuclear safety and radiation protection guarantees;
- 4) the opinion of the local authority on whose territory the construction of the facility is envisaged.

Article 9. Competence of the Ministry of Energy

Article 9. Competence of the Ministry of Energy

The Ministry of Energy shall:

- 1) exercise the rights and duties of a participant of operators of nuclear facilities;
- 2) implement state policy in the nuclear energy sector;
- 3) organise bilateral and multilateral international co-operation in the nuclear energy sector;
- 4) organise nuclear accident prevention, accident response, investigation and countermeasures in the nuclear facilities under its control;
- 5) within the scope of its competence, represent the Republic of Lithuania at international nuclear energy organisations and conferences;
- 6) organise the drafting of a special project for the choice of the site for a new nuclear power plant or other state nuclear facilities, exploring several alternative sites;
- 7) after the approval of the detailed plan of the construction territory, arrange, in an established manner, the legal formalities relating to the acquisition for public needs of the site for the construction of a nuclear power plant or other state nuclear facilities;
- 8) organise the development of the nuclear energy infrastructure in the Republic of Lithuania; establish bodies of design, science and technology

(together with the Ministry of Education and Science) to meet the needs of the operators of nuclear facilities;

9) perform other functions established by this Law or assigned to it by the Government.

Article 10. Competence of Local Authorities

Article 10. Competence of Local Authorities

Local authorities in the territories under their jurisdiction which are within the sanitary protection or monitoring zones of a nuclear facility shall, within the scope of their competence:

- 1) take part in controlling the activities of nuclear power plants, nuclear reactors and other nuclear energy installations for which sanitary protection zones have been established;
- 2) control the compliance with the landscape and architectural requirements of a nuclear facility, also with the sanitary, hygienic and nature protection requirements of a nuclear facility and its territory;
- 3) take part in decision making in relation to the construction, reconstruction or decommissioning of nuclear facilities in their territory;
- 4) obtain information from the facility operator about the failure, shut-down, release of radioactive materials and other incidents;
- 5) prepare population protection plans and implement them in the event of nuclear accidents;
- 6) inform the population about the radiological situation in the area where nuclear plants and other nuclear facilities are sited and about the radiation protection measures which are implemented.

CHAPTER THREE STATE REGULATION OF NUCLEAR SAFETY, RADIATION PROTECTION AND ACCOUNTING AND CONTROL OF NUCLEAR

MATERIALS

CHAPTER THREE STATE REGULATION OF NUCLEAR SAFETY, RADIATION PROTECTION AND ACCOUNTING AND CONTROL OF NUCLEAR MATERIALS

Article 11. Regulation Objectives

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1. The principal objectives of state regulation of nuclear energy safety shall be as follows:

- 1) to establish the conditions and criteria for the safe use of nuclear energy;
- 2) to control and supervise the procedure of compliance with these conditions and criteria;
- 3) to establish sanctions for persons who violate the requirements for nuclear safety, radiation protection and accounting and control of nuclear materials.

2. The activities in the nuclear energy sector, energy facilities and sources of ionising radiation shall be controlled by the state regulatory bodies.

Article 12. Control and Supervision Bodies

Article 12. Control and Supervision Bodies

The functions of control and supervision of safety of nuclear facilities and accounting of nuclear materials shall be exercised by the State Nuclear Power Safety Inspectorate of the Republic of Lithuania (VATESI). The supervision and control of nuclear facilities shall also be carried out, within the scope of their competence, by other state bodies referred to in this Law and local authorities within the territories of their jurisdiction.

Article 13. Basis for Activities of Bodies Exercising State Control and Supervision

Article 13. Basis for Activities of Bodies Exercising State Control and

Supervision

1. Bodies exercising state control and supervision shall act in accordance with the laws, secondary legislation and norms and rules of the Republic of Lithuania regulating the procedure of operations in the nuclear energy sector. Bodies exercising state control and supervision shall, in accordance with the procedure and within the time limits established in regulatory acts, inspect the state of nuclear safety, radiation protection and physical safety of nuclear facilities and, within the scope of their competence, shall take all the necessary measures for the elimination of the identified defects.
2. Decisions taken by state officials within the scope of their competence shall be binding on all natural and legal persons and must be implemented strictly within the established time limits and in accordance with the prescribed procedure.

Article 14. Competence of the State Nuclear Power Safety Inspectorate

Article 14. Competence of the State Nuclear Power Safety Inspectorate

1. In implementing state regulation of nuclear safety, radiation protection and accounting for and control of nuclear materials in the nuclear energy sector, VATESI shall:

- 1) together with the Ministry of Environment, approve technical regulations of the design and construction of nuclear facilities;
- 2) approve standards and rules of operation of nuclear facilities, standards and rules of storage of nuclear materials and radioactive materials used in the nuclear energy sector and disposal of their waste and establish the procedure for drafting of these standards and rules;
- 3) control the compliance with the requirements stipulated in licences and safety rules and standards;
- 4) carry out state supervision of accounting for and control of nuclear materials;
- 5) (repealed as of the date of accession of the Republic of Lithuania to the European Union, i. e., 1 May 2004);

6) (repealed as of the date of accession of the Republic of Lithuania to the European Union, i.e., 1 May 2004);

7) inform the mass media about the radiation and safety situation in nuclear facilities;

8) prepare surveys on the safety of nuclear facilities and submit them to the Government, local authorities and other bodies concerned;

9) organise and support research into and expert examination of nuclear safety and radiation protection, independently carry out the analysis of incidents and occurrences at nuclear facilities;

10) co-ordinate and control protection measures for the personnel and the population in the event of an accident in a nuclear facility, inspect the state of nuclear accident preparedness of the facility;

11) impose sanctions established in regulatory acts on violators of safety rules;

12) organise bilateral and multilateral international co-operation in the field of nuclear safety and radiation protection.

2. In performing its functions, VATESI shall act independently, in accordance with laws, its own regulations and other legal acts. To prevent a possible nuclear accident, VATESI may resort to any preventive measures within its competence, including a temporary shut-down of a nuclear facility.

Article 15. Competence of the Ministry of Health

Article 15. Competence of the Ministry of Health

The Ministry of Health shall:

1) draft and approve regulatory acts and rules relating to hygiene of the personnel of nuclear facilities and residents of the monitoring zones of the facility and control compliance thereof;

2) carry out hygiene-related studies on the impact of radiation on people and their environment and establish hygiene protection requirements;

3) co-ordinate the selection of sites for the construction of nuclear facilities and carry out state hygiene expert examination of design

documentation thereof;

- 4) take part in the acceptance of the constructed or reconstructed nuclear facilities, issue the hygiene passport for work with radioactive materials and other sources of ionising radiation;
- 5) establish the requirements for medical examination of the personnel working with radioactive materials and the sources of ionising radiation, periodicity of such medical examination, contraindications and control compliance therewith;
- 6) carry out health monitoring of the nuclear facility personnel and residents in the monitoring zone of the nuclear facility;
- 7) ensure the preparedness of public health care institutions to mitigate the consequences of nuclear accidents;
- 8) establish the radiation protection standards for the population and control compliance therewith;
- 9) organise hygiene control of the forces responding to a nuclear accident and/or mitigating its consequences and the population affected by radiation exposure and submit proposals concerning the reduction of radiation exposure;
- 10) determine occupational diseases for the personnel working in the nuclear energy sector and investigate the causes of the diseases;
- 11) educate the population about radiation protection.

Article 16. Competence of the Ministry of Environment

Article 16. Competence of the Ministry of Environment

The Ministry of Environment shall:

- 1) after co-ordination with the Ministry of Health, establish the limits of radionuclide emissions into the environment, control compliance therewith and establish the procedure for emission licensing;
- 2) jointly with the Ministry of Health establish radiation protection standards and control compliance therewith;

- 3) in the manner prescribed by the law, co-ordinate the process of environmental impact assessment;
- 4) together with VATESI approve technical regulations for the design and construction of nuclear facilities;
- 5) co-ordinate projects for the siting, reconstruction and expansion of nuclear facilities and facilities related to their operation;
- 6) take part in exercising state supervision of the design and construction of nuclear facilities (structures) in the manner prescribed by the Government of the Republic of Lithuania;
- 7) issue licences for the use of natural resources, organise state radio-ecological monitoring, co-ordinate and control radiological monitoring of nuclear facilities;
- 8) organise and co-ordinate research on the environmental impact assessment of nuclear facilities;
- 9) prepare and approve methodology for assessing radiation damage to the environment and its compensation;
- 10) periodically inform the public, state governing bodies and local authorities about the radiation situation in the country and in the vicinity of nuclear facilities;
- 11) on the recommendation of the bodies exercising state control and supervision of construction of nuclear facilities or at its own initiative, revoke the permit to construct or reconstruct a nuclear facility when it transpires that such a permit has been issued unlawfully.

Article 17. Competence of the Ministry of Social Security and Labour

Article 17. Competence of the Ministry of Social Security and Labour

1. The Ministry of Social Security and Labour shall coordinate the supervision of potentially dangerous technical installations which is carried out by the authorised technical supervision services in accordance with the procedure established by the Law on the Supervision of Potentially Dangerous Equipment,

with the exception of those under the control of the State Nuclear Power Safety Inspectorate.

2. The State Labour Inspectorate under the Ministry of Social Security and Labour shall control compliance with the requirements of labour, safety at work and related regulatory acts.

Article 18. Competence of the Ministry of Transport and Communications

Article 18. Competence of the Ministry of Transport and Communications

The Ministry of Transport and Communications shall:

- 1) take part in drafting laws and secondary legislation regulating transportation of nuclear and radioactive materials;
- 2) participate in training and certification of the personnel involved in the transportation of nuclear and radioactive materials;
- 3) organise railway transport for the evacuation of the population from the danger zone in the event of a nuclear accident.

Article 19. (Repealed) .

Article 19. (Repealed) .

Article 20. Competence of the Ministry of National Defence

Article 20. Competence of the Ministry of National Defence

1. The Ministry of National Defence shall:

- 1) take part in drafting and implementing interdepartmental co-ordinated action plans for anti-terrorist and anti-subversive protection of the nuclear power plant and other nuclear facilities;
- 2) in the manner prescribed by the law, take part in ensuring physical

protection of the nuclear power plant.

2. (Repealed as of 1 April 2004).

Article 21. Competence of the Ministry of the Interior

Article 21. Competence of the Ministry of the Interior

The Ministry of the Interior shall:

- 1) ensure fire protection of a nuclear power plant and other nuclear facilities, conduct the state fire protection expert examination of their construction and reconstruction projects, co-ordinate the projects of fire protection systems of those facilities;
- 2) establish fire protection requirements for nuclear facilities, exercise control over compliance therewith and apply sanctions laid down in regulatory acts for violators of fire protection regulations;
- 3) immediately eliminate the origins of fires breaking out at nuclear facilities, participate in the response to the nuclear accident and its consequences, organise radiation monitoring of a contaminated area;
- 4) implement and ensure physical protection of the nuclear power plant and nuclear material cargoes transported across the territory of the country;
- 5) draft, co-ordinate and implement interdepartmental anti-terrorist and anti-subversive interoperability plans for the nuclear power plant and other nuclear facilities;
- 6) investigate and control the crime situation in the regions of nuclear facilities;
- 7) investigate the cases of seizure and illegal disposal of nuclear and radioactive materials and other dual-use items;
- 8) (repealed as of 1 January 2007);

2. The Fire and Rescue Department under the Ministry of the Interior shall:

- 1) draw up a state population radiation protection plan in the event of a

nuclear accident on the basis of which other bodies authorised in the prescribed manner shall draw up their respective plans for nuclear accident prevention, response to accidents and mitigation of their consequences;

2) within the scope of its competence, implement the measures for the response to the accident and mitigation of its consequences;

3) jointly with other state bodies organise exercises related to protection of the population in the event of nuclear accidents.

Article 22. Competence of the State Security Department

Article 22. Competence of the State Security Department

The State Security Department shall:

1) exercise prevention of terrorist acts and other criminal acts aimed at damaging the state security interests at nuclear facilities, in their vicinity and on transportation routes of nuclear and radioactive materials;

2) in compliance with the state security interests, carry out operational and pre-trial investigation actions to establish and investigate acts constituting a threat to nuclear facilities, nuclear installations and equipment as well as nuclear technologies;

Version of subparagraph 2 as of 1 February 2011:

2) in compliance with the state security interests, carry out operational actions to establish acts constituting a threat to nuclear facilities, nuclear installations and equipment as well as nuclear technologies;

3) decide on the credibility of persons who are admitted to work or working at nuclear facilities or those who are assigned to transport nuclear and radioactive materials;

4) control the effectiveness of physical safety and emergency preparedness of the nuclear power plant and other nuclear facilities;

5) take part in drafting and implementing interdepartmental co-ordinated action plans for anti-terrorist and anti-subversive protection of the nuclear power plant and other nuclear facilities.

Article 23. Competence of the Government Emergency Commission

Article 23. Competence of the Government Emergency Commission

The Government Emergency Commission shall:

- 1) direct the activities of response to a nuclear accident and mitigation of its consequences;
- 2) mobilise material and other resources necessary for responding to a nuclear accident;
- 3) perform other tasks and functions provided in its regulations;

Article 24. County Governor

Article 24. County Governor

The governor of the county on the territory whereof the construction of a nuclear facility is envisaged or has already started, in exercising supervision and control of the facility, shall act within the limits of the powers granted to him by the Law on the Governing of the County, this Law and other laws and secondary legislation of the Republic of Lithuania.

CHAPTER FOUR BASIC LICENSING CONDITIONS IN THE NUCLEAR ENERGY SECTOR

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Article 25. Types of Licensed Activities

Article 25. Types of Licensed Activities

Without a licence issued in accordance with the procedure established by the Government of the Republic of Lithuania it shall be prohibited:

- 1) to design, construct and reconstruct nuclear facilities, installations and equipment;
- 2) to operate nuclear facilities;
- 3) to store nuclear and radioactive materials and their waste;
- 4) to decommission a nuclear facility;
- 5) to dispose of nuclear and radioactive materials and their waste;
- 6) to acquire, possess and transport nuclear materials;
- 7) to acquire, possess and transport radioactive materials;
- 8) to export, import and carry in transit in the territory of Lithuania nuclear, radioactive and other materials used in the nuclear energy sector, nuclear equipment and dual-use items that may be used in nuclear technologies.

Article 26. Licensing Authorities

Article 26. Licensing Authorities

1. Licences for the activities referred to in subparagraph 1 of Article 25 shall be issued by VATESI upon co-ordination with the Ministry of Environment or a body authorised by it, the Radiation Protection Centre and the director of administration of the municipality the territory of which or part whereof is within the sanitary protection zone of a nuclear facility.
2. Licences for the activities referred to in subparagraphs 2–5 of Article 25 shall be issued by VATESI upon co-ordination with the Ministry of Environment or a body authorised by it and the Radiation Protection Centre, and licences for the activities referred to in subparagraph 6 shall be issued by VATESI upon co-ordination with the Radiation Protection Centre.
3. Licences for the activities referred to in subparagraph 7 of Article 25 shall be issued by the Radiation Protection Centre upon co-ordination with VATESI.

4. Licences for the activities referred to in subparagraph 8 of Article 25 shall be issued by the Ministry of Energy upon co-ordination with VATESI and the Radiation Protection Centre.

Article 27. Principle Provisions of Activities of the Licensing

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Authority

1. The bodies referred to in Article 26 of this Law issuing licences for a certain type of activity in the nuclear energy sector must ensure that enterprises which have been issued licences guarantee the following:

- 1) adequate standards of nuclear safety of the licensed activity;
- 2) responsibility for nuclear safety;
- 3) the system of internal control which would ensure only the licensed use of nuclear materials and waste and guarantee the implementation of the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons;
- 4) high professional qualifications of the executive personnel engaged in the licensed activity.

2. Without prejudice to the principal provisions of this Law and its separate parts, the licensing authority may establish additional requirements for the licensed activity.

Article 28. Issuing of Licences

Article 28. Issuing of Licences

1. Licences for the activities listed in Article 25 of this Law shall be issued in the manner set forth by the laws and other regulatory acts of the Republic of Lithuania.

2. The licensing authority shall have the right to establish, at a later date, additional conditions and requirements for the safe operation of a facility

and in the event of their disregard to suspend the licence and to prohibit any further operation of the facility until all the established shortcomings have been eliminated. The licensing authority may at any time revoke the licence when it establishes that the nuclear safety conditions have been breached.

3. The procedure for applying new safety standards and rules at the operating facilities shall be established by a competent state governing body issuing licences.

4. The refusal to issue a licence, its suspension, revocation or prohibition of the activities of a facility may be appealed against in court.

CHAPTER FIVE SPECIAL CONDITIONS FOR THE DESIGN AND CONSTRUCTION OF NUCLEAR FACILITIES

CHAPTER FIVE SPECIAL CONDITIONS FOR THE DESIGN AND CONSTRUCTION OF NUCLEAR FACILITIES

Article 29. Legal Prerequisites for the Design of Nuclear Facilities

Article 29. Legal Prerequisites for the Design of Nuclear Facilities

1. A nuclear power plant or a nuclear reactor may be designed only subject to a decision adopted by the Government of the Republic of Lithuania on the basis of the law on the construction of such a power plant or a nuclear reactor.

2. Other nuclear facilities may be designed, and the nuclear power plant may be reconstructed subject to a decision adopted by the Government of the Republic of Lithuania on the recommendation of the Ministry of Energy.

3. A specific design of a nuclear facility shall be prepared subject to:

1) drafting and approval of a special site selection scheme after consideration of several alternative construction sites in the manner prescribed by the Law on Territorial Planning;

2) approval of a detailed plan of the territory;

3) legitimating in a prescribed manner of taking over of the land intended for the construction site for public needs.

Article 30. Design Co-ordination Procedure

Article 30. Design Co-ordination Procedure

A construction or reconstruction design of a nuclear facility shall, in accordance with the procedure laid down by the Government of the Republic of Lithuania, be co-ordinated with the following state bodies:

- 1) the Ministry of Environment;
- 2) the Ministry of National Defence;
- 3) the Ministry of Social Security and Labour;
- 4) the Ministry of Health;
- 5) the Ministry of Energy;
- 6) the Ministry of the Interior;
- 7) the State Security Department;
- 8) the State Nuclear Power Safety Inspectorate (VATESI);
- 9) a local authority whose territory or a part thereof is within the sanitary protection zone of the facility.

Article 31. Expert Examination of Designs

Article 31. Expert Examination of Designs

1. Designs for the construction or reconstruction, upgrading, expansion, dismantling and decommissioning of nuclear facilities shall be subject to a comprehensive state expert examination. The expert examination shall be organised by the Ministry of the Environment upon receiving the design submitted by the client.

2. The construction designs of nuclear power plants and nuclear reactors may be submitted for additional international expert examination organised by the client. The findings of the expert examination shall be incorporated into the findings of a comprehensive state expert examination. The expert examination expenses shall be borne by the client.

Article 32. State Control and Supervision of the Construction of Nuclear Facilities

Article 32. State Control and Supervision of the Construction of Nuclear Facilities

1. A permit for construction or reconstruction of a nuclear facility shall be issued by the Government or a body authorised by it.
2. The builder/client seeking to obtain a permit to construct or reconstruct a nuclear facility must submit to the Government or a body authorised by it:
 - 1) an application of an established form;
 - 2) a licence issued by VATESI to construct the nuclear facility;
 - 3) a document certifying the builder's/client's right of ownership or other rights to the plot of land;
 - 4) the design of the nuclear facility co-ordinated in accordance with the procedure laid down in Article 30 of this Law;
 - 5) findings of the expert examination of the nuclear facility design performed according to the procedure set forth in Article 31 of this Law;
 - 6) a decision of a competent authority that the proposed economic activity is permitted on the chosen site from the point of view of environmental impact;
 - 7) a document on the appointment of the chief technical supervision officer of the construction of the nuclear facility;
 - 8) a certificate of cadastral measurements of the nuclear facility and its formal registration (in the event of reconstruction of the nuclear facility).
3. A permit for construction or reconstruction of a nuclear facility shall be issued by the Government or a body authorised by it not later than within 20

days after the day of filing of the documents indicated in paragraph 2 of this Article after examining them and ascertaining that construction of the nuclear facility conforms to the requirements of the regime of the construction site as laid down by the documents of territorial planning.

4. Where a permit for construction or reconstruction of a nuclear facility is not issued, the Government or a body authorised by it shall, within the time period referred to in paragraph 3 of this Article, inform the builder/client thereof in writing by giving a reasoned justification for refusal to issue the permit.

5. A permit for construction or reconstruction of a nuclear facility shall become invalid:

1) by a court decision;

2) by a decision of the Ministry of the Environment where it transpires that it was issued unlawfully;

3) where, within 10 years after the issuance of the permit, the nuclear facility is not commissioned.

6. The rules for issuing permits for construction or reconstruction of a nuclear facility shall be defined by the Government.

7. Records of issuance of permits for construction or reconstruction of nuclear facilities, a list thereof and statistics shall be managed by the Government or a body authorised by it.

8. State control and supervision of the construction of nuclear facilities shall be exercised at all major stages of work: design and construction, commissioning, operation and decommissioning of the facility.

9. At all the stages of work, compliance with the conditions and requirements set forth in nuclear safety, radiation protection regulations and other regulatory acts shall be controlled and supervised by the following bodies within the scope of their competence: VATESI, the Ministry of Health, the Ministry of Environment, the State Labour Inspectorate under the Ministry of Social Security and Labour, the Ministry of the Interior, the State Security Department, the Radiation Protection Centre and the county governor.

Article 33. Sanitary Protection and Monitoring Zones

Article 33. Sanitary Protection and Monitoring Zones

1. Sanitary protection and monitoring zones shall be established around nuclear facilities, with the size of the area thereof depending on the purpose of the facility and the requirements of operation safety rules and standards. The boundaries of the sanitary and monitoring zones shall be fixed in the design documentation of the facility construction.
2. Prior to the commissioning of the facility, all the population shall be resettled from the sanitary protection zone in accordance with the procedure laid down by the Government. Activities as well as construction of installations and buildings unrelated to the operation or maintenance of the facility shall be prohibited therein. Land, forests and water bodies located in the territory of the sanitary protection zone may be used for economic purposes only subject to obtaining of an approval of the facility operator and permits from the Ministry of Environment and the Ministry of Health.
3. The Ministry of Environment, the Ministry of Health and the operator of the facility shall monitor radioactive pollution of the environment and conduct other research in sanitary protection and monitoring zones.
4. In sanitary protection and monitoring zones, measures for accident prevention, the programme for the decommissioning of the nuclear power plant shall be planned and implemented, and required conditions for the communication of information and evacuation shall be provided. Privileges may be provided to the residents of those zones in accordance with the procedure laid down by the Government, and assistance funds may be formed for the municipalities the territory whereof, in full or in part, falls within the monitoring zone of the nuclear facility.
5. The basic requirements for the sanitary protection and monitoring zones of a nuclear power plant or a nuclear reactor and the conditions for their decommissioning shall be stipulated by the law on a nuclear power plant or on a nuclear reactor.

Article 34. Commissioning of the Facility

Article 34. Commissioning of the Facility

Upon completion of construction or reconstruction, the commissioning of a nuclear facility shall be executed by a statement signed by a commissioning authority appointed by the Government, which together with other documents

shall be a basis for obtaining a licence from VATESI for the operation of the facility.

CHAPTER SIX OPERATION OF NUCLEAR FACILITIES

CHAPTER SIX OPERATION OF NUCLEAR FACILITIES

Article 35. Commencement of Operation

Article 35. Commencement of Operation

1. Operation of a nuclear power plant or another nuclear facility may commence only under a statement signed by a commissioning authority and a licence issued by the State Nuclear Energy Safety Inspectorate (VATESI).

2. During the testing of a nuclear reactor, VATESI shall, upon co-ordination with the Ministry of Environment or a body authorised by it and the Radiation Protection Centre, issue permits for each of the following:

- 1) shipping of nuclear fuel to the site of the facility;
- 2) the first loading of nuclear fuel into the reactor;
- 3) the initial commissioning of the reactor.

Article 36. Basic Duties of the Operator of the Facility

Article 36. Basic Duties of the Operator of the Facility

1. A nuclear facility must be used solely according to the purpose for it has been intended.

2. The operator of a nuclear facility shall be fully responsible for the adequate and safe operation of the facility in accordance with the requirements stipulated in the laws and secondary legislation of the Republic of Lithuania, nuclear safety and radiation protection rules and standards,

also in the regulations of the facility operator, the rules of work discipline and organisation, and in the licence issued for the operation thereof.

3. The operator of the facility must:

1) keep the accounts of nuclear materials belonging to the facility and exercise control thereof in accordance with the requirements laid down in the safeguards agreement between the Republic of Lithuania and the IAEA;

2) investigate nuclear accidents and incidents in accordance with the procedure laid down by regulatory acts;

3) notify VATESI and other interested bodies of all the violations of conditions and requirements of operational safety and all failures of the facility's safety systems and components thereof;

4) ensure preparedness to respond to a radiological accident.

4. At the request of VATESI, the operator of a facility shall be under the obligation to submit detailed information about the technical condition of the facility or parts thereof.

Article 37. Decommissioning

Article 37. Decommissioning

1. The law on decommissioning of a nuclear power plant shall be implemented by the Government of the Republic of Lithuania and the state bodies subordinate to it.

2. Other nuclear facilities may be decommissioned by a decision of the Government. The procedure of their decommissioning shall be laid down by VATESI after co-ordination with the Ministry of Energy, the Ministry of Health, the Ministry of Environment and the Ministry of Social Security and Labour.

3. Suspension of operation of a nuclear facility may be effected by a decision of the Government of the Republic of Lithuania, VATESI or the facility operator in accordance with the procedure laid down by VATESI.

Article 38. Obligations of the Operator of a Nuclear Power Plant in Preparation for the Decommissioning of the Facility

Article 38. Obligations of the Operator of a Nuclear Power Plant in Preparation for the Decommissioning of the Facility

1. If, in accordance with the procedure prescribed by laws, a decision is made to decommission the nuclear power plant or one of its units, it is necessary to submit to VATESI, five years in advance, a decommissioning programme of the facility subject to its co-ordination with the Ministry of Energy, the Ministry of Environment, the Ministry of Health, the Ministry of Social Security and Labour, the county governor and the local authority the territory whereof, in its entirety or in part, is within the sanitary protection zone of the facility. The programme must provide for the dismantling of the equipment, its conservation, management of radioactive materials and radioactive waste and the subsequent control and supervision of the facility.

2. Not later than three years prior to the decommissioning, the operator of the nuclear power plant must obtain from VATESI a licence for the decommissioning.

3. The operator of a facility shall be held responsible for an accident during the decommissioning and the harmful impact of radiation on people and the natural environment in accordance with the procedure laid down by the laws of the Republic of Lithuania.

4. The Government or a body authorised by it shall co-ordinate the activities related to the decommissioning of the nuclear power plant, form the necessary structures and mobilise research and technical resources for this purpose, and establish the manner of accumulation of funds necessary for the decommissioning.

CHAPTER SEVEN EXPORT AND IMPORT OF NUCLEAR AND RADIOACTIVE MATERIALS AND EQUIPMENT

CHAPTER SEVEN EXPORT AND IMPORT OF NUCLEAR AND RADIOACTIVE MATERIALS AND EQUIPMENT

Article 39. Legal Basis for the Export and Import of Nuclear and Radioactive Materials and Equipment

Article 39. Legal Basis for the Export and Import of Nuclear and Radioactive Materials and Equipment

1. The procedure for exporting, importing and carrying in transit the nuclear and radioactive materials used in the nuclear energy sector shall be set by the Government of the Republic of Lithuania or a body authorised by it. The materials and equipment of this category may be exported, imported or carried in transit in conformity with the laws of the Republic of Lithuania and the international obligations laid down in the 1970 Treaty on the Non-Proliferation of Nuclear Weapons and other international agreements and conventions to which the Republic of Lithuania is a party.

2. Special requirements may be prescribed for the export and import of dual-purpose materials and equipment by the Government of the Republic of Lithuania.

Article 40. Restrictions on the Export of Nuclear Materials, Equipment and Technologies

Article 40. Restrictions on the Export of Nuclear Materials, Equipment and Technologies

It shall be prohibited to export nuclear materials, equipment and technologies to the countries which:

- 1) have not acceded to the 1970 Treaty on the Non-Proliferation of Nuclear Weapons and have not assumed obligations to apply the nuclear materials safeguards system approved by the IAEA;
- 2) do not guarantee physical protection of these materials and equipment;
- 3) have not assumed an obligation, in accordance with the established procedure, to prohibit the re-export of these materials, equipment and technologies to the countries referred to in subparagraphs 1 and 2 of this Article.

Article 41. Radiation Protection and Physical Protection of Nuclear and Radioactive Materials, Equipment and Technologies in the Course of Export and Import

Article 41. Radiation Protection and Physical Protection of Nuclear and Radioactive Materials, Equipment and Technologies in the Course of Export and Import

1. Radiation protection and physical protection as well as the consequences of the accident in the course of export and import of nuclear and radioactive materials, equipment and technologies shall be the responsibility of:

- 1) in the course of import to Lithuania the exporting country until the responsibility for their radiation protection and physical protection is assumed by the consignee of these materials and equipment in Lithuania;
- 2) in the course of export from Lithuania the exporter until the responsibility for their radiation protection and physical protection is assumed by the consignee of the importing country.

2. The procedure for delivering nuclear and radioactive materials, equipment and technologies as well as the time and venue of such a delivery shall be established in purchase and sale contracts.

Article 42. Prohibition of Import of Radioactive Waste

Article 42. Prohibition of Import of Radioactive Waste

It shall be prohibited to import radioactive waste into the territory of the Republic of Lithuania.

CHAPTER EIGHT TRANSPORTATION AND STORAGE OF NUCLEAR AND RADIOACTIVE

MATERIALS

CHAPTER EIGHT TRANSPORTATION AND STORAGE OF NUCLEAR AND RADIOACTIVE MATERIALS

Article 43. Principles of Transportation of Nuclear and Radioactive Materials

Article 43. Principles of Transportation of Nuclear and Radioactive Materials

In the process of transportation of nuclear and radioactive materials, the procedure and requirements established by the laws and secondary legislation of the Republic of Lithuania, the rules for and standards of transportation and radiation protection must be strictly complied with.

Article 44. Licensing Conditions for Transportation of Nuclear and Radioactive Materials

Article 44. Licensing Conditions for Transportation of Nuclear and Radioactive Materials

1. In order to obtain a licence for transportation of nuclear materials, the carrier must file with VATESI:

- 1) a plan for transportation of nuclear materials covering their physical protection;
- 2) certificates confirming that the vehicle and the container for carrying these materials are in conformity with the requirements of safe transportation;
- 3) a document confirming that the persons conducting transportation operations have undergone examination in accordance with the safety requirements of transportation of nuclear and radioactive materials;
- 4) an insurance policy or any other document guaranteeing compensation for damage in the event of a nuclear or radiological accident;
- 5) a document (an accident card) prescribing the actions of the cargo accompanying personnel in the event of an accident.

2. Licences for transportation of radioactive materials shall be issued by the Radiation Protection Centre in compliance with the requirements referred to in paragraph 1 of this Article.

Article 45. Transit of Nuclear and Radioactive Materials

Article 45. Transit of Nuclear and Radioactive Materials

The procedure for carrying nuclear and radioactive materials in transit across the territory of Lithuania shall be laid down by the treaties to which the Republic of Lithuania is a party, the laws and secondary legislation of the Republic of Lithuania as well as the rules for carrying hazardous materials in the territory of Lithuania drafted on the basis of the abovementioned legal acts and approved in accordance with the established procedure.

Article 46. Storage of Nuclear and Radioactive Materials

Article 46. Storage of Nuclear and Radioactive Materials

The operator of a facility must ensure that all the nuclear and radioactive materials belonging to it, including waste, should be stored in specially designed containers and facilities ensuring nuclear safety and physical and radiological protection. The technical specifications of the containers and other repositories as well as storage facilities and storage conditions must conform to the standards established for such facilities.

Article 47. Disposal of Radioactive Waste

Article 47. Disposal of Radioactive Waste

Radioactive waste may be disposed in the territory of Lithuania only by a resolution of the Government of the Republic of Lithuania in places specially set aside for this purpose and in conformity with the procedure prescribed by the laws and secondary legislation of the Republic of Lithuania, licences and the treaties to which the Republic of Lithuania is a party.

CHAPTER NINE PHYSICAL PROTECTION OF NUCLEAR ENERGY FACILITIES AND NUCLEAR MATERIALS

CHAPTER NINE PHYSICAL PROTECTION OF NUCLEAR ENERGY FACILITIES AND NUCLEAR MATERIALS

Article 48. Objectives of Physical Protection

Article 48. Objectives of Physical Protection

Physical protection of nuclear energy facilities and nuclear materials shall be a constituent part of ensuring nuclear safety. Physical protection shall have the following objectives:

- 1) to protect a nuclear facility or nuclear materials against any action which might directly or indirectly endanger human health and security as a result of radioactive irradiation as well as to prevent disruption of the normal operation of nuclear facilities;
- 2) to prevent taking into possession or seizure of nuclear equipment and nuclear or radioactive materials.

Article 49. Protection Zones of a Nuclear Facility

Article 49. Protection Zones of a Nuclear Facility

For the purpose of implementing the objectives of physical protection of nuclear facilities, the Government of the Republic of Lithuania or a body authorised by it shall define protection zones of the territory of nuclear facilities and the conditions of protection thereof. Special restrictions and requirements shall be imposed in these zones, special equipment shall be installed to ensure compliance with these restrictions and requirements, and responsible officers shall be appointed.

Article 50. Organisational and Legal Basis of Physical Protection

Article 50. Organisational and Legal Basis of Physical Protection

1. The measures for the physical protection of nuclear materials in the course of their use, transportation and storage must take into account the category of nuclear material, and the physical protection of all nuclear facilities must be ensured.
2. The operator of a nuclear facility, acting jointly with the Ministry of the Interior, as well as other enterprises having nuclear materials in lawful possession shall, in accordance with the laws and other regulatory acts of the Republic of Lithuania and taking into account the established design basis threat, organise and ensure the physical protection of the nuclear facility and radioactive materials.
3. The categories of nuclear material and general requirements for the physical protection of nuclear facilities and nuclear materials shall be established and their implementation shall be supervised by VATESI.
4. The design basis threat of nuclear facilities and design basis threat for transportation of nuclear materials shall be defined and reviewed, at least once a year, by the State Security Department of the Republic of Lithuania, with the participation of the Ministry of National Defence, the Ministry of the Interior, VATESI and the operator of a nuclear facility.

Article 51. Preventive Measures for the Physical Protection of a Nuclear Facility

Article 51. Preventive Measures for the Physical Protection of a Nuclear Facility

1. With a view to ensuring the physical protection of a nuclear facility, it shall be prohibited for persons and vehicles to enter the protected territory of the facility without an authorisation of the operator of the facility, to bring in or take away shipments, to take photos or to film the equipment and installations therein. The unauthorised persons who enter the territory of the facility shall be subject to sanctions prescribed by laws. The operator shall ensure that an IAEA inspector for Lithuania and the staff of VATESI and other bodies exercising state control and supervision who are authorised to visit

this nuclear facility could enter the protected territory of the facility without delay and be provided adequate conditions for the performance of their duties.

2. The vehicles and persons (including the personnel of the enterprise) in the territory of the facility or the sanitary protection zone may be searched and checked, following the procedure prescribed by the Government of the Republic of Lithuania, against possible possession of arms, ammunition, radioactive materials or other things that could be used for the purpose of terrorist acts or any other criminal purposes.

3. Aeroplanes of all types and other aircraft shall be prohibited from flying over the nuclear power plant and its sanitary protection zone, with the exception of the cases when flights are necessary for the operation of the power plant or for response to a nuclear accident or a nuclear incident.

CHAPTER TEN PREVENTION OF NUCLEAR ACCIDENTS, RESPONSE TO ACCIDENTS AND MITIGATION OF THEIR CONSEQUENCES

CHAPTER TEN PREVENTION OF NUCLEAR ACCIDENTS, RESPONSE TO ACCIDENTS AND MITIGATION OF THEIR CONSEQUENCES

Article 52. Classification of Nuclear Accidents

Article 52. Classification of Nuclear Accidents

1. With the purpose of communicating information, all malfunctions of nuclear facilities and their safety systems shall be classified according to the International Nuclear Events Scale (INES) approved by the IAEA.

2. The causes and circumstances of each nuclear or radiological accident or a nuclear incident must be examined by a special commission formed for this purpose.

Article 53. Bodies Responsible for Prevention of a Nuclear Accident and Response to the Accident and

Mitigation of its Consequences

Article 53. Bodies Responsible for Prevention of a Nuclear Accident and Response to the Accident and Mitigation of its Consequences

1. Prevention of a nuclear accident, response to it and mitigation of its consequences shall be the responsibility, within the scope of their competence, of the operator of a nuclear facility, the Government of the Republic of Lithuania and other state bodies, also local authorities in the territory whereof nuclear facilities are located or in the territory whereof there is a possibility of a harmful impact of an accident.
2. The Government of the Republic of Lithuania shall be responsible for nuclear accident preparedness on a national scale.

Article 54. Response to a Nuclear Accident

Article 54. Response to a Nuclear Accident

1. Response to a nuclear accident and mitigation of its consequences shall be conducted in accordance with the plan of protection of the population of the Republic of Lithuania in the event of a nuclear accident, equivalent plans of other departments and the plan and instructions for protection of the personnel of the facility.
2. Bodies of all forms of ownership and the forces which must participate in responding to a nuclear accident and mitigating its consequences shall act in accordance with their own plans for nuclear accident prevention and mitigation of consequences of accidents and shall implement the measures provided therein.

Article 55. Activities of the Government Emergency Commission in the Event of a Nuclear Accident

Article 55. Activities of the Government Emergency Commission in the Event of a Nuclear Accident

In the event of a nuclear accident, the Government Emergency Commission shall, acting in compliance with the laws of the Republic of Lithuania and its own

regulations as well as the plan for the protection of the population of the Republic of Lithuania in the event of an accident at the nuclear power plant, perform the following functions:

- 1) organise the response to the accident and mitigation of its consequences;
- 2) co-ordinate the activities of all the bodies and forces taking part in the response to the nuclear accident and mitigation of its consequences;
- 3) periodically report to the President of the Republic, the Seimas and the Government concerning the course of the response to the nuclear accident and mitigation of its consequences;
- 4) implement the decisions adopted by the Government and instructions given in that situation;
- 5) organise evacuation of the population from the danger zone;
- 6) notify the organisations concerned, mass media and the public of the course of the response to the accident and mitigation of its consequences, the danger posed by ionising radiation and instruct the population on the issues of radiation protection.

Article 56. Competence of the Facility Operator in the Event of a Nuclear Accident

Article 56. Competence of the Facility Operator in the Event of a Nuclear Accident

The principal rights, duties and functions of the operator of a nuclear facility in the event of a nuclear accident shall be set out in the founding documents of the enterprise and the facility operation licence. The implementing measures shall be determined and specified in the plan of nuclear accident prevention and of response to accidents and mitigation of their consequences drafted by the operator and approved by VATESI, indicating, inter alia:

- 1) the procedure for notifying the Government Emergency Commission and other state governing bodies of the occurrence of a nuclear accident and the progress of response to it;
- 2) organisational and technical measures for checking or reducing emission of

radioactive materials to the environment;

3) procedure for co-ordinating actions with other bodies and forces participating in the response to the accident and mitigation of its consequences.

Article 57. Notification of Foreign Countries of a Nuclear Accident

Article 57. Notification of Foreign Countries of a Nuclear Accident

Information about a nuclear accident in the Republic of Lithuania or increased radiation shall be communicated to foreign countries and international organisations in accordance with the manner and to the extent stipulated by the 1986 Convention on Early Notification of a Nuclear Accident and other treaties to which the Republic of Lithuania is a party. Communication of this type of information abroad shall also be in conformity with the International Nuclear Events Scale (INES).

CHAPTER ELEVEN PRINCIPLES OF CIVIL LIABILITY IN THE SECTOR OF NUCLEAR ENERGY

CHAPTER ELEVEN PRINCIPLES OF CIVIL LIABILITY IN THE SECTOR OF NUCLEAR ENERGY

Article 58. Civil Liability of the Facility Operator

Article 58. Civil Liability of the Facility Operator

The operator of the facility shall be liable for the damage caused by radioactive effluent discharges from the facility to natural and legal persons, their property or to the natural environment.

Article 59. Appraisal of Damage

Article 59. Appraisal of Damage

1. The extent of nuclear damage shall be appraised in compliance with the Civil Code of the Republic of Lithuania and the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963 (hereinafter referred to as the "Vienna Convention") as well as 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, as passed on the basis of the Convention.
2. The scope of material liability of the facility operator for nuclear damage shall be limited to the amount in Litas equivalent to the minimum amount set in Article V of the Vienna Convention. It shall be calculated in accordance with the official Litas and US dollar exchange rate on the day when the damage was inflicted.
3. Disputes over the appraisal of damage or the procedure for compensating for damage shall be settled in court.

Article 60. Compensation for Consequential Damage Caused by a Nuclear Facility

Article 60. Compensation for Consequential Damage Caused by a Nuclear Facility

If the nuclear damage caused by a nuclear facility is accompanied by other losses the cause of the origin whereof may not be clearly distinguished from the damage caused by the nuclear facility, they shall be compensated for pursuant to the principle laid down in Article 59 of this Law.

Article 61. Guarantees of Compensation for Damage

Article 61. Guarantees of Compensation for Damage

1. The operator of a nuclear facility must insure the facility which it operates or otherwise procure the funds necessary for compensation of nuclear damage.
2. If insurance and other funds are not sufficient for compensation of nuclear damage, the payment of the balance shall be guaranteed by the Government in

compliance with the obligations assumed by the Republic of Lithuania according to the Vienna Convention.

Article 62. Social Guarantees for Participants in Response to a Nuclear Accident or Mitigation of its Consequences

Article 62. Social Guarantees for Participants in Response to a Nuclear Accident or Mitigation of its Consequences

The persons who participated in the response to a nuclear accident or the mitigation of its consequences and who were exposed to radiation shall be granted social guarantees in accordance with the provisions on social guarantees laid down by laws of the Republic of Lithuania.

Article 63. Limitation of Actions

Article 63. Limitation of Actions

Damages in respect of the harm caused by radiation from a nuclear facility or from radioactive materials in the course of transportation may be recovered if an action is brought to court or arbitration not later than within ten years from the date of the moment of occurrence of harm.

CHAPTER TWELVE ECONOMIC AND FINANCIAL CONDITIONS FOR THE ACTIVITIES OF NUCLEAR FACILITIES

CHAPTER TWELVE ECONOMIC AND FINANCIAL CONDITIONS FOR THE ACTIVITIES OF NUCLEAR FACILITIES

Article 64. Funding of the Activities

Article 64. Funding of the Activities

1. The operator of a nuclear facility must have necessary material and financial resources for the purpose of performing its functions.
2. Implementation of the objectives of state regulation of nuclear energy safety and radiation protection, also the activities of control and supervision bodies shall be financed from the state budget.
3. The State shall support and finance the implementation of science and technology research programmes in the sphere of nuclear safety and radiation protection.

Article 65. Decommissioning Fund

Article 65. Decommissioning Fund

1. Pursuant to a law on the construction of a nuclear power plant or a nuclear reactor, a decommissioning fund shall be set up.
2. The fund shall consist of deductions from the income received from the sale of the electricity generated by the nuclear power plant. The amount of the deductions and the procedure of deduction shall be established by the Government. These funds shall be included in electricity production costs.
3. Decommissioning funds may be used solely for the purpose of financing the measures provided for in the decommissioning programme of the power plant and, where necessary, for the purpose of compensation for nuclear damage.
4. The regulations of the decommissioning fund shall be approved by the Government.

Article 66. Support Fund

Article 66. Support Fund

In accordance with the procedure laid down by the Government, a support fund shall be formed for the local authorities the territory whereof, in full or in part, falls within the monitoring zone of the nuclear power plant. The nuclear power plant shall, on a monthly basis, make deductions to the fund for the local authorities.

Article 67. Prices and Tariffs

Article 67. Prices and Tariffs

The prices and tariffs of electricity generated at the nuclear power plant shall be determined in accordance with the procedure laid down by the Law of the Republic of Lithuania on Energy. In determining electricity tariffs, account shall be taken of fuel, power plant maintenance, development, and reconstruction expenses as well as tax-related expenses and deductions for various funds prescribed by the law.

Article 68. Foreign Investment

Article 68. Foreign Investment

The share of foreign investment in the nuclear facilities under construction or reconstruction shall be determined by the Government of the Republic of Lithuania. The procedure for investing in the sector of nuclear energy of the Republic of Lithuania shall be regulated by a law on the construction of a nuclear power plant or a nuclear reactor and the Law of the Republic of Lithuania on Investment.

CHAPTER THIRTEEN PECULIARITIES OF LABOUR RELATIONS IN THE SPHERE OF NUCLEAR ENERGY

CHAPTER THIRTEEN PECULIARITIES OF LABOUR RELATIONS IN THE SPHERE OF NUCLEAR ENERGY

Article 69. Legal Grounds for Labour Relations

Article 69. Legal Grounds for Labour Relations

Labour relations at nuclear facilities shall be regulated by labour

legislation of the Republic of Lithuania, this Law, secondary legislation, also the work regulations and disciplinary statutes applicable at the nuclear facilities.

Article 70. Restrictions on Employment Contracts

Article 70. Restrictions on Employment Contracts

1. Only citizens of the Republic of Lithuania may work as the management personnel of the operator of a nuclear facility. The head of the nuclear facility shall be appointed and dismissed by a resolution of the Government

2. The deputy head of the operator of the nuclear facility responsible for safety shall be appointed and dismissed by the head of the operator on the recommendation of the State Security Department.

3. The following persons may not be employed at nuclear facilities:

1) recognised, in accordance with the established procedure, as addicted to alcohol, drugs or toxic substances;

2) suffering from diseases the list whereof shall be approved by the Ministry of Health;

3) under the age of 18 years;

4) foreign nationals and stateless persons who have no visas of the Republic of Lithuania or permits for permanent residence in Lithuania;

5) having previous convictions for premeditated crimes.

4. Recruitment of persons for work at nuclear facilities shall be subject to approval of candidates by the State Security Department.

5. The persons whose work involves the use and protection of information constituting a state secret of the Republic of Lithuania may not be employed at nuclear facilities unless they hold an authorisation issued in accordance with the Law of the Republic of Lithuania on State Secrets and Protection Thereof to handle the information constituting a state secret. If such an authorisation is cancelled in accordance with the procedure laid down by the Law of the Republic of Lithuania on State Secrets and Protection Thereof, the person shall be dismissed from work/service.

Article 71. Labour Relations of Foreign Nationals and Stateless Persons

Article 71. Labour Relations of Foreign Nationals and Stateless Persons

1. Foreign nationals and stateless persons having a visa of the Republic of Lithuania or a permit for permanent residence in the Republic of Lithuania shall be employed at nuclear facilities subject to approval of the Ministry of Energy of the Republic of Lithuania and co-ordination with the State Security Department in accordance with the procedure laid down by the Government of the Republic of Lithuania.
2. Exceptions shall be allowed only in the event of response to nuclear accidents under a separate decree of the Government of the Republic of Lithuania and with the approval of the State Security Department.

Article 72. Social Security

Article 72. Social Security

The personnel of a nuclear facility whose work is related to a possible radiological impact on health and life (a list of such jobs shall be approved by the Ministry of Health and the Ministry of Social Security and Labour) may be eligible for supplementary health insurance and accident-at-work insurance from the funds set aside for this purpose by the operator of the facility. The funds shall be included in the production costs of electricity.

Article 73. Limitations on Industrial Action

Article 73. Limitations on Industrial Action

1. The personnel of a nuclear facility shall be prohibited to go on a strike.
2. It shall be prohibited to hold rallies, demonstrations, protests and disobedience actions in the territory and in the sanitary protection zone of a nuclear facility.
3. Persons who do not comply with the provisions of this Article shall be held

liable in accordance with the procedure prescribed by laws of the Republic of Lithuania.

CHAPTER FOURTEEN INTERNATIONAL RELATIONS AND ENTRY INTO FORCE OF THE LAW

CHAPTER FOURTEEN INTERNATIONAL RELATIONS AND ENTRY INTO FORCE OF THE LAW

Article 74. Principles of Conclusion of Treaties

Article 74. Principles of Conclusion of Treaties

1. The treaties regulating relations in the sphere of nuclear energy in Lithuania shall be concluded in conformity with the principles and norms of international law and the laws of the Republic of Lithuania regulating the procedure for concluding treaties.

2. In the course of drafting and concluding the treaties relating to the production or use of nuclear energy, participation of authorised persons from the Ministry of Energy of the Republic of Lithuania, and in the course of drafting and concluding those relating to nuclear safety and radiation protection participation of authorised representatives of VATESI, shall be mandatory.

Article 75. Conditions for Entry of Foreign Nuclear Ships into the Territorial Waters of the Republic of Lithuania

Article 75. Conditions for Entry of Foreign Nuclear Ships into the Territorial Waters of the Republic of Lithuania

1. Foreign ships with nuclear engines or carrying a cargo of nuclear materials may enter the territorial sea of the Republic of Lithuania only subject to a permit of the Government of the Republic of Lithuania.

2. When issuing an entry permit, the Government of the Republic of Lithuania shall lay down the conditions for the presence of a foreign nuclear ship or a ship carrying radioactive materials in the territorial waters or a port of the Republic of Lithuania.

Article 76. Entry into Force of the Law

Article 76. Entry into Force of the Law

This Law shall enter into force as of 1 January 1997.