

This is an unofficial translation of the text.
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Act CXVI of 1996
on Atomic Energy

The Parliament

considering that the peaceful use of atomic energy helps the improvement of living conditions of humankind in several areas of industry, agriculture, public health and scientific research,

but taking into account that its irregular use may damage the human health and the living and natural environment,

in order to limit the risk imposed by the use of atomic energy to a level that is accepted by the society also for other activities, and to provide the compliance with the safety requirements through domestic regulations being in agreement with international standards,

establishes the following act

on the protection of the public and environment against ionizing radiation, and regulation of the use of atomic energy, the corresponding licensing procedures, essential tasks and responsibilities of authorities and users of atomic energy:

Chapter I

General regulations

Effect of the Act

Section 1

(1) The effect of this Act extends over the peaceful use of atomic energy, corresponding rights and responsibilities, furthermore over the protection of the humankind and living and lifeless environment against harmful effects of ionizing radiation having natural and artificial origin.

(2) The effect of this Act, except for Para. (3), does not extend over activities related to such radioactive materials and equipment which, owing to the type and scale of ionizing radiation that can be created by them, are not harmful to life and health, as well as to the living and lifeless environment.

(3) Section 16 of this Act shall apply to all nuclear materials defined by the Comprehensive Safeguards Agreement and Protocol about the implementation of Paragraphs (1) and (4) of Article III of the Treaty on Non-Proliferation of Nuclear Weapons and by Para. O of Section 98 of the Agreement determined by

the Act LXXXII of 2006 on the promulgation of the Additional Protocol attached to the Agreement.

Definitions

Section 2

In this Act:

1. *use of atomic energy*:

a) activities related to nuclear or other radioactive materials,

b) activities entailing ionizing radiation, and activities corresponding to facilities or equipment meant for the use of atomic energy according to Para. a);

2. *user of atomic energy*: who performs any activity defined in Definition 1;

3. *radioactive material*: a natural or artificially produced substance emitting ionizing radiation, one or more components of which contain such a radionuclide, the activity or activity-concentration of which shall not be neglected from radiation protection point of view;

4. *nuclear material*: a type of radioactive material, which is applicable or can be made applicable to create self-sustaining nuclear chain reaction or, especially uranium, thorium, plutonium and any other material, which contains one or any composition of them in a concentrate that can be retrieved cost effectively, except for the ores and ore wastes produced by mining and ore processing;

5. *ionizing radiation*: radiation composed of particles or photons that are able to directly or indirectly cause ionization;

6. *nuclear chain reaction*: such a series of fission of nucleuses, which is sustained by neutrons emitted during fission process;

7. *nuclear facility*:

a) enrichment facility, nuclear fuel fabrication facility, nuclear power plant, reprocessing plant, nuclear fuel examination laboratory, research reactor, training reactor, nuclear critical and other system applied for neutron multiplication, facility used for storage of fresh nuclear fuel or interim storage of spent nuclear fuel,

b) facilities located at the same site as the nuclear facilities listed in Para. a) and directly connected thereto, and used for the storage of radioactive wastes, if they are considered as separate facilities;

8. *system*: a unit consisting of system components to fulfil a given function;

9. *system component*: a separately installable component or part of the system or an individually manipulated part of it, which fulfils an individual partial

function of a given function, so especially a piece of equipment, instrument, pipeline, structure or building;

10. *nuclear system, system component*: systems and system components of nuclear facilities and radioactive waste repository facilities important to nuclear safety;

11. *nuclear reactor*: such a piece of equipment that is applicable to maintain controlled nuclear chain reaction;

12. *equipment generating ionizing radiation*: such a piece of equipment that is applicable to generate or emit ionizing radiation using external energy or radioactive material;

13. *nuclear fuel*: fuel of nuclear reactors that contains nuclear material;

14. *spent fuel*: nuclear fuel irradiated in a nuclear reactor, which has been permanently removed from the reactor and which, because it can be recycled (reprocessed) outside the reactor, is not considered as waste or, if it is not reprocessed according to a respective decision then thereafter it is considered as radioactive waste and its final disposal shall be provided;

15. *radioactive waste*: such radioactive material which is not used anymore and which cannot be managed as conventional waste because of its radiation protection characteristics;

16. *radioactive waste repository*: a facility used for permanent disposal and interim storage of radioactive waste;

17. *interim storage facility of radioactive waste*: a facility used for interim storage of radioactive waste except for those according to Subitem *b*) of Item 7;

18. *nuclear power plant*: such an energy converter facility which produces electric power using nuclear chain reaction;

19. *nuclear heating facility*: such an energy converter facility which produces heat using nuclear chain reaction;

20. *extraordinary event*: such an event taking place during any activity performed in a facility or equipment, or with radioactive (nuclear) material due to any reason, which actually or potentially unfavourably impacts safety and causes unplanned human exposure or unplanned release of radioactive material to the environment;

21. *nuclear emergency*: a situation occurring due to an extraordinary event when measures shall be taken to avoid or mitigate the consequences to the public impaired;

22. *licensee*: those users of atomic energy who perform the activities bound to a license and therefore hold an authority license;

23. *nuclear damage*: loss of human life, all non-material loss due to damage to physical integrity and health of persons, all damage to property, the costs of reasonable recovery of all environmental damage occurring together with these, the costs of reasonable and necessary measures actually implemented to mitigate or eliminate the non-material loss and the damage, if they are caused by an extraordinary event with nuclear fuel, radioactive product or waste in a nuclear facility, or nuclear material originating from, transported from or sent to a nuclear facility within the nuclear facility or during transport.

24. *nuclear accident*: every such extraordinary event that causes nuclear damage;

25. *SDR*: Special Drawing Rights – a monetary reserve currency defined and maintained by the International Monetary Fund;

26. *reasonably achievable low level*: the lowest value defined in harmony with international expectations considering scientific, technical, economic and social features;

27. *nuclear fuel cycle*: all life stages of nuclear fuel, including its fabrication, use, interim storage, as well as closure of the nuclear fuel cycle;

28. *closure of the nuclear fuel cycle*: final disposal of spent fuel in a domestic or foreign radioactive waste repository without any processing, or preliminary processing of spent fuel and final disposal of radioactive wastes generated during the processing, including the activity supporting the decision on the closure of the nuclear fuel cycle from technical perspective;

29. *nuclear safety*: realization of operating conditions, prevention of accidents and mitigation of their consequences in all phases of the lifecycle of the nuclear facility and the radioactive waste repository through which the employees, the public and the environment is protected against ionizing radiation caused by the facility;

30. *nuclear security*: set of those activities, tools and procedures, which are intended to prevent, detect and respond to and manage the consequences of a sabotage, public danger and damage to the environment with the use of nuclear or other radioactive materials according to Act C of 2012 on the Penal Code, as well as of an unauthorized removal;

31. *threat*: danger, act threatening the users of peaceful atomic energy revealed by the updated threat assessment performed by the State;

32. *design basis threat*: a level of threat determined by the State, against which the user of atomic energy shall provide effective physical protection;

33. *physical protection*: sum of those internal regulations, technical means and live response forces which, as part of nuclear security, are aimed at deterring,

detecting, delaying of and responding to unauthorized removal of or sabotage against nuclear and other radioactive materials;

34. *physical protection plan*: a plan describing the operation of the physical protection system and detailed implementation of the deterrence, detection, delay and response physical protection functions;

35. *sabotage*: any deliberate act directed against a nuclear facility, nuclear or other radioactive material, radioactive waste repository or any system, structure or component important from the aspect of radiological consequences, which may cause public threat according to the Penal Code and to the Act IV of 1978 on the Penal Code that had been effective until June 30, 2013, interference with the functioning of facilities of public concern, damaging of environment or an attempt or preparation thereof with the aim of causing an extraordinary event.

36. *causing public danger and damage to the environment with the use of nuclear and other radioactive materials*:

a) causing of public danger (Section 259) and damage to the environment (Section 280) committed deliberately with nuclear and other radioactive materials or the attempt or preparation thereof according to the Act IV of 1978 on the Penal Code that had been effective until June 30, 2013.

b) *causing of damage to the environment (Section 241) committed deliberately with nuclear and other radioactive materials or the attempt, furthermore, deliberately causing public danger (Section 322) or the attempt or preparation thereof according to the Penal Code*;

37. *unauthorized removal of nuclear or other radioactive material*:

a) theft (Section 316) or robbery (Section 321) of nuclear or other radioactive materials according to the Act IV of 1978 on the Penal Code that had been effective until June 30, 2013.

38. *final disposal*: exclusion of dangerous effects of nuclear and other radioactive materials by insulation from the environment.

39. *system, structure and component important from the aspects of radiological consequences*: those systems, structures and components corresponding to the use, processing or storage of nuclear or other radioactive material, a damage to which causes or may cause the occurrence of an extraordinary event.

40. *interim storage*: storage of spent fuel and radioactive material insulated from the environment in a facility designed for this purpose with the intention of subsequent retrieval or, based on a decision to be made later, final disposal in a final disposal facility.

41. *management of spent fuel*: all activities that relate to the movement, storage or reprocessing, furthermore final disposal of spent fuel, excluding off-site transportation;

42. *radioactive waste management*: all activities involved in the handling, pre-treatment,

treatment, conditioning, storage and disposal of radioactive waste, excluding off-site transportation.

43. *reprocessing*: a process or operation, the purpose of which is to extract radioactive isotopes from spent fuel for further use.

44. *final disposal*: licensed emplacement of spent fuel and radioactive waste without the intention of retrieval;

45. *economical entities*: economical entities according to the Adjective Law.

46. *license related to facility level nuclear safety of a nuclear facility or radioactive waste repository*: license required for site survey and assessment, determination of site characteristics and suitability, construction, extension, commissioning, operation, facility level extension of operation beyond design service life of a nuclear facility, facility level modification, final shutdown or termination, and license required for site survey and assessment, siting, construction, operation, modification, closure, active institutional and passive control of radioactive waste repositories;

47. *underground research laboratory*: a research facility, a totality of an underground space of optional geometry at an optional depth as part of the preparatory activity for final disposal of high level radioactive wastes and the experimental, research and development and monitoring equipment operated there, the purpose of which is to map in detail the geological environment and the incorporated host formation, to optimize the technical solutions of final disposal, to examine the interaction of geological (natural) and technical (constructed) barriers, and the description of all that for the public.

48. *missing material*: lack of nuclear or other radioactive material detected by the user of atomic energy or determined by the authority, except for materials from permitted emissions contaminated with radioactivity;

49. *found material*: excess nuclear or other radioactive material detected by the user of atomic energy or determined by the authority, and nuclear or other radioactive material detected by the operator of a radiation portal monitor, and presumably nuclear or radioactive material found by anyone in another way;

50. *seized material*: such nuclear or other radioactive material that has been seized by the customs office because a contradiction had been found by the customs office inspection between the customs declaration and the freight, or that has

been seized by the authority because of unpermitted ownership in a criminal trial or to perform a coercive act;

51. *graded approach*: application of measures or conditions proportional to the risk or probability of getting out of control and to its potential consequences.

52. *structure applied for the use of atomic energy*: nuclear facility and radioactive waste repository and structures associated with these;

53. *structure associated with a nuclear facility or radioactive waste repository*: structures important to nuclear safety, such especially those preventing radioactive substances to reaching the environment and reducing radiation exposure, and those directly required to implement the safety functions, structures housing mechanical, electrical and instrumentation and control systems and components important to nuclear safety, structures that are able to directly affect systems and components important to nuclear safety, structures and parts of structures playing a role in the physical protection of a nuclear facility or a radioactive waste repository, and buildings directly serving the on-site nuclear emergency response activities, and specific to nuclear safety structures that are required for the construction of a nuclear facility or a radioactive waste repository and have no role in the operation of the facility, and those structures, which or the certain parts of which belong to the safety zone.

54. *different fuel assembly*: a fuel assembly different from that determined in the effective licenses of the nuclear power plant.

Principles

Section 3

Hungary shall promote the peaceful, safe use of atomic energy also through the cooperation undertaken in international conventions.

Section 4

(1) Atomic energy shall be used only such a way that does not cause danger to human life, health of present and future generations, living conditions, the environment and material goods above a risk level accepted by the society and necessarily undertaken during the performance of other economical activities.

(2) During the use of atomic energy safety has priority over any other aspects.

(3) It shall be ensured in the use of atomic energy that

a) uncontrolled nuclear chain reaction shall not take place;

b) *not effective paragraph*

c) the annual radiation exposure of the employees and the public from all sources shall not exceed the dose limit determined by the respective safety requirements, which incorporate the latest and justified scientific results and

recommendations of the international and domestic professional organizations; radiation exposure shall be reduced to as low as reasonably achievable, and the maximum quantity determined in terms of physical or chemical or other properties, concentration and method of release of radioactive materials allowed to be released to the environment shall be regulated accordingly;

d) the risk of occurrence of an extraordinary event shall be decreased, its occurrence shall be preventable, its consequences shall be eliminated in a planned manner, harmful effects of the potentially released radioactive material and ionizing radiation shall be decreased to the lowest reasonably achievable level.

(4) The licensee of a nuclear facility or a radioactive waste repository shall be obliged to inform the public on every extraordinary event.

(5) The capacities and limits of human performance shall be taken into account for the sake of safety throughout the lifetime of the nuclear facility.

(6) The user of atomic energy shall ensure that the radioactive wastes generated during its activity is the lowest reasonably achievable.

(7) During the use of atomic energy, the safe final disposal of the generated radioactive wastes and spent nuclear fuel shall be provided in line with the latest justified scientific results and the international recommendations and experience in such a way that the future generations shall not be burdened more than acceptable.

(8) Safe use of atomic energy, including nuclear emergency preparedness, and the performance of corresponding research and development tasks shall be promoted through the development of science and technology, harmonized organization of research, practical implementation of domestic and international research results, and through initial and further training of professionals.

(9) The licensee shall cover the costs of research and development activities for improving safety of nuclear facilities and radioactive waste repositories.

(10) The central state budget shall cover the costs of technical support activities aimed at supporting the regulatory oversight of safe use of atomic energy.

(11) Training of essential, scientific, technical and other knowledge corresponding to the use of atomic energy, including the imposed risks, shall be part of public education and the citizens shall be informed thereof through public media and general cultural education.

(12)

(13) Graded approach shall prevail in the application and oversight of atomic energy.

Section 4/A

Protection of the human being and the environment against harmful effects of ionizing radiation shall be a fundamental goal. In order to meet this goal

a) the Government shall develop effective legal regulations, and establish and maintain independent organs or organizations to oversee the safe use of atomic energy;

b) both the organizations tasked with oversight of safety and the organizations performing the activities imposing the risk shall establish and maintain a management committed to the fundamental safety goal and an effective management system;

c) prime responsibility for safety shall entirely rest with that person or organization, who or which is the licensee of the facility or activity imposing the risk increment caused by radiation;

d) using atomic energy shall take place exclusively with the intention that the social benefits offered by the use shall be higher than the risks endangering the natural entities using atomic energy and employees performing activities related to use of atomic energy, the public, the environment and the material goods;

e) the user of atomic energy shall provide reasonable protection of human and environment against radiation according to Subsection (1) of Section 4;

f) the user of atomic energy shall optimize the reasonably achievable highest level of safety in compliance with the safety requirements according to Para c) of Subsection (3) of Section 4;

g) the user of atomic energy shall make every effort to avoid exceedance of unacceptable risk to injury of any individual;

h) the user of atomic energy shall make every effort to prevent a nuclear or radiological accident and to mitigate its potential consequences;

i) the competent authorities and the users of atomic energy shall prepare for responding to any event important to safety or security impairing nuclear or radiation safety and for implementing the necessary measures;

j) the protective actions decided to mitigate the risks associated with radiation remained from the past or not belonging under regulatory control shall be justified and proportional to the risk imposed.

Section 5

Nuclear safety requirements for using atomic energy shall be regularly revised and updated taking into account scientific results and international experiences.

(2) Use of atomic energy shall take place in a manner laid down by laws and under regulatory oversight. The authorities with competence shall determine the conditions of the safe use of atomic energy in line with laws and with the consideration of the results of science and technology.

(3) The authorities per Subsection (2) shall be independent of any other organs or organizations interested in promotion and development of atomic energy including electric power generation, use of radioactive isotopes, management of spent fuel and radioactive waste.

Section 5/A

(1) The Hungarian State shall assume the ultimate responsibility for the management of spent fuel and radioactive waste generated in Hungary, except

a) the unused sealed radioactive source, if it had been repatriated to the supplier or manufacturer, and

b) spent fuel of research reactor, if it had been shipped to such a country, where research reactor fuel is sold or fabricated, taking into account the respective international agreements.

(2) In relation to shipment of spent fuel and radioactive waste for the purpose of processing or reprocessing from Hungary to a member state of the European Union or to a third country, the Hungarian State shall assume the ultimate responsibility for the safe disposal of such materials including the waste generated as by-product.

(3) The radioactive waste generated in Hungary shall be disposed in Hungary, unless such an effective agreement exist at the time of shipment with the country undertaking the disposal in harmony with the Article 16(2) of Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel, according to which radioactive waste generated in Hungary may be shipped to the radioactive waste repository of the country for disposal.

(4) Prior to the shipment according to Subsection (3) Hungary shall notify the European Commission on the content of the agreement and confirm to the extent possible that the target country:

a) concluded an agreement on the management of spent fuel and radioactive waste with the European Atomic Energy Community or is party to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management,

b) implement such programmes for management and disposal of radioactive waste, the high level safety objectives of which are equivalent with those of determined in this Act, and

c) the operation of the radioactive waste repository facility for the radioactive waste to be shipped is licensed, the facility has already been operated prior to the shipment and has been managed according to the requirements determined in the programme related to the management and disposal of radioactive waste.

National policy and national programme

Section 5/B

(1) The Government shall propose and the Parliament shall approve a national policy on management of spent fuel and radioactive waste (hereinafter referred to as: national policy).

(2) The Government shall propose and the Parliament shall approve the revision of the effective national policy every five years.

(3) The Parliament decides on the national policy in a normative parliament resolution.

(4) The minister responsible for energy policy (hereinafter referred to as: the minister) shall provide for the preparation and revision of the national policy.

(5) The following principles shall prevail during the development of the national policy:

a) the generation of radioactive waste, both in terms of activity and amount, shall be kept to the reasonably achievable low level by means of appropriate design solutions, and operation and decommissioning procedures, such as especially reprocessing and reuse of nuclear and other radioactive materials,

b) connection of all stages of generation and management of spent fuel and radioactive waste shall be considered,

c) the spent fuel and the radioactive waste shall be safely managed even on the long term, taking into account passive safety features,

d) the measures shall be implemented on the basis of a graded approach,

e) the costs of spent fuel and radioactive waste management shall be borne by whom these materials are generated, furthermore

f) a fact-based and documented decision-making process shall be applied in all stages of spent fuel and radioactive waste management.

(6) The national policy shall discuss the design and implementation of potential methods of final disposal.

5/C. § (1) The Government shall approve a national programme that describes the achievement of the goals of the national policy including all stages of management of spent fuel and radioactive waste from the generation of the disposal and the decommissioning of the nuclear facility (hereinafter referred to as: the national programme).

(2) The Government shall revise the effective national programme every five years.

(3) The minister shall provide for the development and revision of the national programme. During the development and revision of the national programme the results of technical and scientific development, recommendations from expert

reviews, experience from operation and incidents and proven practice shall be taken into account.

(4) The national programme shall address

- a) general objectives of the national policy,
- b) important stages and time schedule of the of implementation,
- c) inventory of all existing spent fuel and radioactive waste,
- d) estimation of the forecasted spent fuel and radioactive waste generation, including spent fuel and radioactive waste from decommissioning,
- e) concepts or plans and technical solutions on spent fuel and radioactive waste management, from the generation to the disposal,
- f) concepts or plans on post-closure maintenance of the disposal facility, including the duration while supervision shall be provided and all the instruments, by means of which the knowledge about the facility can be preserved on the long term,
- g) description of those research, development and demonstration activities, by means of which the solutions related to spent fuel and radioactive waste management can be implemented,
- h) responsibilities for implementation of the national programme and main performance indicators to keep track of progress,
- i) appraisal of costs of the national programme, the basis and assumptions of the appraisal, including the timing of the costs,
- j) the effective financing system,
- k) instruments, procedures serving for transparency, information, furthermore
- l) agreements with other member states or third countries on the management of spent fuel and radioactive waste, among others on the use of disposal facilities.

(5) The location and amount of radioactive waste and spent fuel shall appear in the inventory determined in Para (4) c) according to the classification of radioactive wastes.

Chapter II

General rules of use of atomic energy

Atomic Energy Oversight Organization

Section 6

(1) The Hungarian Atomic Energy Authority (hereinafter referred to as atomic energy oversight organization) and the ministers determined in Section 20, Sections 22-26, and Section 28 shall be responsible for the execution of the tasks specified in this act.

(2) The atomic energy oversight organization is an independent regulating organization, which performs the tasks specified in this act and in other laws.

(3) In the course of performing its tasks, the atomic energy oversight organization shall only be subordinated by a law. It shall not be instructed in the scope of this authority, it shall perform its task independently of other organization and free of their influence.

(4) The jurisdiction of the atomic energy oversight organization shall cover the territory of the country.

(5) The residence of the atomic energy oversight organization shall be in Budapest.

(6) The atomic energy oversight organization is a central budget organization leading a budget chapter and having organization right, which budget is an independent title within the budget chapter of the Parliament. The total amounts of expenditure and revenue of its budget may be reduced only by the Parliament.

Section 6/A

(1) The atomic energy oversight organization shall be led by its president. The president shall be appointed for nine years by the prime minister. The president can be once re-appointed.

(2) The two vice-presidents of the atomic energy oversight organization shall be appointed for nine years by the president. The vice-president can be re-appointed. The employer rights above the vice-president shall be practiced by the president.

(3) The president (hereinafter referred to as president) and the vice-president (hereinafter referred to as vice-president) of the atomic energy oversight organization enters into work on the date specified in the appointment letter, or if it is not specified, then on the next day of the appointment.

(4) The provisions of Act CVII of 2019 on the organizations having special legal status and the legal status of their clerks (hereinafter referred to as Kut) shall

apply to the public service status of the president, vice-president and public servants of the atomic energy oversight organization.

Section 6/B

(1) The appointment of the president and vice-president shall not require open application. Such a person shall be appointed to president and vice-president, who, in addition to the requirements set in Kut and this Act, possesses higher education qualification and

a) at east three years experience in an area associated with the use of atomic energy, or

b) management experience in public administration

(2) Such a person shall be appointed to president and vice-president, who did not work in such contract during the year before the appointment, during which the right or rightful interest of the commercial company was affected by the decision of the atomic energy oversight organization.

(3) In addition to the conditions determined in Section 24 and the provisions of Subsection (3) of Section 11 of Kut, such person shall not be president or vice-president, who has a clean criminal record, but whose responsibility for a criminal act has been stated by the court in a legally effective criminal judgement due to

a) misuse of data classified as top secret or secret, misuse of data classified as confidential, misuse of data classified as restricted, complicity, felony committed within criminal organization as determined in Act IV of 1978 that had been effective until June 30, 2013, financial criminal act as determined in Chapter XVII of Act IV of 1978, and criminal act against asset as determined in Chapter XVIII thereof,

b) misuse of classified data and felony committed within criminal organization according to the Penal Code, and felony determined in Chapters XXXV-XLIII thereof,

c) felony committed within criminal organization, within twelve years after exemption from adverse legal consequences (hereinafter referred to as criminal exemption) if sentenced to imprisonment for five years or greater due to intentionally perpetrated felony, within ten years after criminal exemption if sentenced to imprisonment for less than five years due to intentionally perpetrated felony, within five years after criminal exemption if punished to labour in the public interest or fine due to intentionally perpetrated felony, within eight years after criminal exemption if sentenced to suspended imprisonment due to intentionally perpetrated felony, within three years after criminal exemption if punished to suspended fine due to intentionally perpetrated felony.

(4) The person proposed to be the president, before the proposal is submitted, shall justify with an authority certificate that exclusion cause as per Subsection (3) and Section 24 of the Kut does not exist against him/her.

(5) The prime minister may request the president during his/her tenure, the president may request the vice-president during his/her tenure in writing, with the explanation of the legal consequences of omission, to justify the exclusion cause as per Subsection (3), Section 6/G, and Section 24 of Kut do not exist against him/her.

(6) Upon the request as per Subsection (5), within twenty days after the request has been received (if not possible due to a reason independent of the requested person, then immediately after the elimination of the reason), the president, vice-president shall justify that exclusion cause as per Subsection (3), Section 6/G, and Section 24 of Kut do not exist against him/her. The atomic energy oversight organization shall reimburse the administration service fee paid for the proceeding to issue authority certificate by the criminal registration organ to the public servant submitting the certificate.

(7) The prime minister shall handle the personal data of the person proposed to be the president that became known based on Subsection (4) until the appointment of the president.

Section 6/C

(1) The monthly salary of the president shall be 80% of the monthly salary determined in Subsection 91) of Section 149 of Act CXXXIX of 2013 on the Hungarian National Bank, the monthly salary of the vice-president shall be 90% of the monthly salary of the president.

(2) The president shall be entitled to allowances entitled to a minister, the vice-president shall be entitled to allowances entitled to a state secretary.

(3) In each calendar year, the president and the vice-president shall be entitled to get manager extra leave days as determined in the rules of the atomic energy oversight organization.

Section 6/D

(1) The public service contract of the president shall be terminated by

- a) the end of the appointment period,
- b) his/her death,
- c) his/her resignation,
- d) his/her relieve.

(2) The termination of the legal relationship of the president as per Paragraphs a) and c) of Subsection (1) shall be determined by the prime minister.

(3) The prime minister, with justification obligation as per Kut, shall relieve the president, if

a) the president does not eliminate his/her conflict of interest as per Subsection (1) of Section 6/G within 30 days after his/her appointment, and/or the raise of the cause of the conflict of interest,

b) on the date when a judgement enters into force, if as a result of a criminal proceeding conducted against the president the guilt of the president is determined by an effective decision of the court,

c) if he/she does not fulfil his/her tasks for six months due to a cause imputable to him/her, or

d) he/she does not comply with the conditions required for the establishment of the public service legal relation as determined in this act or in Section 24 of Kut.

(4) The prime minister may relieve the president, if he/she is not capable to fulfil his/her tasks for one-hundred and eighty days due to a cause not imputable to him/her.

(5) The president shall inform the prime minister about his/her resignation in writing. In the case of resignation, the date of termination of appointment shall be determined by the prime minister. The date of termination of the appointment shall not be later than sixty days after the submission of the resignation to the prime minister. The validity of the resignation shall not require acceptance declaration.

Section 6/E

(1) The appointment of the vice-president shall be terminated by

a) his/her resignation,

b) his/her death,

c) his/her relieve by the president as per Subsection (2),

d) his/her revocation by the president as per Subsection (4),

e) mutual agreement between the president and the vice-president,

f) the end of the appointment period.

(2) The president, with justification obligation as per Kut, shall relieve the vice-president, if

a) the vice-president does not eliminate his/her conflict of interest as per Subsection (1) of Section 6/G within 30 days after his/her appointment, and/or the raise of the cause of the conflict of interest,

b) on the date when a judgement enters into force, if as a result of a criminal proceeding conducted against the vice-president the guilt of the president is determined by an effective decision of the court,

c) if he/she does not fulfil his/her tasks for six months due to a cause imputable to him/her, or

d) he/she does not comply with the conditions required for the establishment of the public service legal relation as determined in this act or in Section 24 of Kut.

(3) The president may relieve the vice-president, if he/she is not capable to fulfil his/her tasks for one-hundred and eighty days due to a cause not imputable to him/her.

(4) The president may terminate the appointment of the vice-president with revocation. The revocation shall not be justified.

(5) The president shall not propose such person as his/her successor and shall not appoint such vice-president, who fulfilled a management position within two years before the proposal at an organization determined in Paragraph c) of Subsection (1) of Section 6/G.

Section 6/F

(1) In the case of termination of the legal relationship of the president as per Paragraphs a) and c) of Subsection (1) of Section 6/D and of the vice-president as per Paragraph d) of Subsection (1) of Section 6/E, he/she shall be entitled to get a severance pay that is equal to two times the monthly salary. If the president has been fulfilled the position for less than three years, then the restriction as per Subsection (2) shall be valid for six months, and he/she shall be entitled to get only one month salary as severance pay.

(2) Within one year after the termination of the legal relation, the president and the vice-president, with the exemption of enterprises in majority state ownership

a) shall not establish work purpose legal relation at such enterprise, and

b) shall not obtain ownership in such enterprise,

which right or rightful interest has been affected by the decision of the atomic energy oversight organization in the last three years before the termination of the appointment.

(3) In the case of termination of the legal relation of the president and the vice-president, Subsection (2)-(5) of Section 45 of Kut shall not apply.

(4) If the appointment of the vice-president has been terminated as per Paragraph d) of Subsection (1) of Section 6/E, then the provisions related to transfer from manager position to non-manager position shall apply to the termination of the appointment.

Section 6/G

(1) The president and the vice-president shall not be

a) president of the republic, member of the Government, state secretary, assistant state secretary, mayor or vice-mayor of the capital, mayor, vice-mayor, president or vice-president of a county assembly, member of the Parliament, member of the European Parliament,

b) local or county government representative, government officer, officer of the national or local organization of the party, or person being in work related legal relation with a political party,

c) manager, member of the management or supervisory board of enterprise being under the oversight of the atomic energy oversight organization,

d) such a person, who has work relation or work related other legal relation with an enterprise being under the oversight of the atomic energy oversight organization,

e) such a person, who has direct or indirect ownership share in an enterprise being under the oversight of the atomic energy organization,

f) the direct or indirect owner of such enterprise (exceeding five percent in the case of a public limited company), and/or a person having an employment related legal relation with such an enterprise, which is in contractual legal relation with enterprises determined under Paragraph d),

g) such a person, who is a relative (hereinafter referred to as close relative) according to Paragraph 1 of Subsection (1) of Section 8:1 of Act V of 2012 on the Civil Code (hereinafter referred to as Civil Code) of any person determined in Paragraphs a) and b), and or close relative of a person in management position as determined in Paragraph d), and

h) such a person, who is in work related legal relation with other organizations or enterprises other than those determined in Paragraph d).

(2) As per Paragraph d) of Subsection (1), considering Subsection (1) of Section 6/H, the work related legal relation for performing scientific and education activity, publication of scientific results, scientific education shall not be qualified as incompatible.

(3) The president and the vice-president shall not conduct party political activity, shall not make a declaration on behalf of a party.

(4) The jurisdiction for the assessment of the conditions required for appointment, request of justification, declaration of incompatibility, request for eliminating incompatibility shall be practiced for the president by the prime minister, for the vice-president and public servants by the president.

(5) Management of the personal files of the president, the registration of the data of the president as per Section 68 of Kut, and the administrative duties related to the employment legal relation of the president shall be performed by the vice-president assigned to these tasks.

Section 6/H

(1) The president, vice-president and the public servant, with the exemption of scientific, educational, art, proof-reading, editorial, intellectual activity protected by law, and forester employment legal relation shall not be established (hereinafter referred to as incompatibility). The scientific, educational, art, proof-reading, editorial, intellectual activity protected by law, forester employment legal relation, and the state project evaluator legal relation (hereinafter referred together as practicable activity), and the legal relation aiming at performing activity of public interest shall be declared in writing, before its establishment, to the person practicing the employer rights, if the activity performed in the frame of the legal relation is in direct relation with the work position duties of the public servant.

(2) The president, vice-president and public servant shall not be managing officer or member of the supervisory board at enterprises, except the enterprise is under majority ownership of local government or public body, direct or indirect ownership of a foundation (public foundation) or permanent ownership of the state, or he/she is delegated by the state owner based on a share ensuring special rights, or if the direct or indirect state influence in the enterprise is at least fifty percent (calculated based on the provisions of Act XX of 2001 on the capital market).

(3) The public servant shall not establish and maintain membership, work relation or work related other legal relation, managing officer legal relation or supervisory board membership at any organization falling under the scope of oversight of the atomic energy oversight organization. The public servant of the atomic energy oversight organization, with the exemption of inheritance, shall not obtain ownership share at any organization falling under the scope of oversight of the atomic energy oversight organization.

Section 6/I

(1) The incompatibility of the president shall be stated by the prime minister, of the vice-president by the president.

(2) At the conclusion of the public service work contract, the public servant of the atomic energy oversight organization shall notify the person practicing the employer rights of incompatibility related facts and the compliance with the requirements, and he/she shall immediately report heritance as per Subsection (3) of Section 6/H. The ownership share obtained before appointment or by

heritance shall be alienate within three months after the appointment or inheritance.

(3) The public servant of the atomic energy oversight organization shall immediately notify the person practicing the employer right, if a close relative sharing a household possesses ownership share, membership relation, work related other legal relation, management or supervisory board membership at an enterprise or organization determined in Subsections (2) and (3) of Section 6/H. Until the fulfilment of this obligation the public servant shall not participate in preparing or making such decision that relates to the concerned organization.

Section 6/J

(1) The president

a) shall head the atomic energy oversight organization,

b) shall represent the atomic energy oversight organization,

c) shall determine the organization, basic staff number, issuance rules of the atomic energy oversight organization, and may determine the categories of the work positions,

d) shall issue the organizational and operational rules of the atomic energy oversight organization, the public service rules as per Kut, and other rules,

e) shall practice other rights established in the Kut for the head of organ having special rights,

f) shall practice employer rights over the vice-president, public servants and employees, shall perform the duties determined in the Kut for the head of organ having special rights,

g) shall establish code of conduct, and detailed rules for ethics and disciplinary procedures for the employees at the atomic energy oversight organization,

h) shall establish detailed rules for allowances entitled to employees of the atomic energy oversight organization,

i) shall fulfil all those duties regarding the budget of the atomic energy oversight organization that are assigned to the head of an organization leading a chapter by the act on state budget,

j) shall issue decree based on the authorization provided in this act,

k) shall decide on the classification of data managed by the atomic energy oversight organization during its activities, based on the provisions of the act on the protection of classified data,

l) shall report annually to the Parliament on the work of the atomic energy oversight organization, and upon specific request shall provide information to the competent committee of the Parliament,

m) may attend the meetings of the Parliament during the discussion of agenda points relating to his/her competence,

n) shall fulfil all those duties that are assigned to him/her by act, law issued based on the authorization of an act, or the organizational and operational rules of the atomic energy oversight organization,

o) may conclude memorandum of understanding with other state organizations, regulatory authorities of member states, social organizations, and

p) shall fulfil the reporting obligation established in 2006/117/Euratom directive.

(2) During the fulfilment of the duties established in act or law enacted based on the authorization of an act the president shall not be instructed. The president shall not instruct the atomic energy oversight organization in regulatory issues of the atomic energy oversight organization determined in act.

(3) Upon invitation, the president shall attend the meeting of the Government during the discussion of agenda points relating to the competence of the atomic energy oversight organization.

(4) The organizational and operational rules shall determine the scope of duties of the vice-president.

(5) The atomic energy oversight organization shall publish on its website

a) its report approved by the Parliament,

b) its president's decrees as consolidated, and

c) information that should be made publicly available by law.

(6) The report as per Paragraph l) of Subsection (1) shall be completed by May 31 following the subject year.

Section 6/K

(1) The president, in his/her non-transferable competence, shall decide on the allowance policy principles and extra-salary allowances of the atomic energy oversight organization.

(2) The atomic energy oversight organization and the public servants employed at the atomic energy oversight organization shall agree in public service work contract about the salary, allowance if the public servant, the number of supplement leave days, the daily working hours and the general work order.

Section 6/L

(1) The president shall determine the system of work positions required for the fulfilment of the tasks of the atomic energy oversight organization, the amount of human resources required for the fulfilment of tasks, and specify those work

positions not belonging to Subsection (4) of Section 6/A in the organizational and operational rules of the atomic energy oversight organization, whereat the employees perform their tasks in the frame of work relation.

(2) The employer measures relating to the public service legal relation of the president not listed in this act shall be performed by the general vice-president.

Section 6/M

(1) The president, the vice-president and the person employed by the atomic energy oversight organization in public service legal relation or work relation, during this legal relation and after its termination, shall protect restricted data relating to the activity and task performance of the atomic energy oversight organization and any other non-public data he/she became aware, and shall not disclose, shall not utilize such data, and shall not provide to a third party.

(2) The restricted data as per (1), with the exemption of data publicly available due to public interest, shall be the data classified as secret relating to practicing profession or other secret protected by law, the personal data and such other data the cognition of which during accessing to the file is restricted by this act.

Section 6/N

(1) The training and further training, including management training, of those being in public service legal relation at the atomic energy oversight organization shall be provided by the atomic energy oversight organization itself. The public service rules of the atomic energy oversight organization shall establish detailed rules for training and further training.

(2) The public servant having high level educational qualification employed at the atomic energy oversight organization shall be assigned, in inspector work position, with independent inspection and control activity as per Subsection (1) of Section 15, after the successful completion of the exam made in front of the examination committee assigned by the president in line with the training rules of the atomic energy oversight organization.

(3) The detailed rules for the performance review and qualification, its procedure and levels, the selection process and conditions, the application, its organization and conduct of those employed in public service legal relation shall be established in the public service rules of the atomic energy oversight organization.

Section 7

(1) Preliminary consent in principle of the Government shall be required for the acquisition of ownership of a nuclear facility and radioactive waste repository or transferring the right of its use by any right.

(2) Preliminary consent in principle of the Parliament shall be required for the commencement of preparatory actions for the construction of a new nuclear facility or radioactive waste repository, or for the expansion of an existing nuclear power plant with an additional unit containing nuclear reactors.

Section 8

(1) The atomic energy oversight organization shall cover its expenses associated with the fulfilment of its duties and its operation from its own incomes.

(1a) The incomes of the atomic energy oversight organization shall be

- a) the oversight fee,
- b) the fine imposed by the atomic energy oversight organization,
- c) the administrative service fee and
- d) other incomes.

(1b) The atomic energy oversight organization, may form reserve, annually from its incomes (except its income from fine), at most 25% of the incomes of the subject year. This reserve shall be exclusively used for expenses determined in Subsection (1) and it shall not be diverted for any other purpose.

(1c) Administration service fee shall be paid for the proceeding of the atomic energy oversight organization initiated upon request, unless otherwise regulated by law.

(1d) The total amount of the administration service fee paid for the proceedings of the atomic energy oversight organization shall be own income of the atomic energy oversight organization, which shall be used for covering the expenses associated with its operation. The reserve from the incomes of the preceding year can be used by the atomic energy oversight organization in the following years. The president shall decide on the use of the reserve.

(1e) The fee to be paid and its interest determined in an act, a law enacted based on the authorization of an act, or in the resolution of the atomic energy oversight organization based on an act shall be qualified as public debt and shall be collected as a tax.

(1f) 30% of the incomes as per Paragraphs a)-c) of Subsection (1a) shall belong to the central budget. The act on the central budget may determine a rate lower than this value.

(2) The income of the atomic energy oversight organization except for Subsection (1f) shall be used for its operation and it shall not be diverted for other purposes.

(3) The atomic energy oversight organization shall prepare a report for the Government and the Parliament on the safe use of atomic energy, including the preliminary activities described in Subsection (2) of Section 7.

(4) The atomic energy oversight organization

a) shall perform the regulatory tasks determined in Section 17 and shall proceed in them with nationwide competence;

b) shall follow in the field of use of atomic energy

ba) general directions of international development, especially international development of regulations and, on this basis, shall initiate actions and the establishment of laws;

bb) technical development results, international experience, expectations; and

bc) compliance with the laws under its competence; shall initiate actions based on its conclusion, recommend amendment to or development of laws, as necessary;

c) shall take part in the public administration collation of the drafts proposed based on Subparagraphs *ba)* and *bc)* of Para. *b)*;

d) shall inform the public by publishing information about the safety of use of atomic energy, nuclear security, about its own activities, its important decisions and related background information, about the requirements for safeguards, safety and security;

e) shall implement the nuclear emergency preparedness tasks determined for it by law through the establishment, preparation and operation of its Emergency Response Organization, and the nuclear emergency related early notification, contact keeping and regulatory tasks that stems from the membership in the European Union and from international conventions on early notification and assistance in a nuclear accident established under the International Atomic Energy Agency and from the respective international bilateral agreements, all promulgated by law;

f) shall cooperate in its field of competence with similar organizations of other countries, shall conclude bilateral professional agreements with them, shall establish and maintain bi- and multilateral international relations, shall collate international cooperation in the field of safety and security of the use of atomic energy and, in this respect, it shall give opinion about the draft international agreements to be concluded in these fields, and shall follow within its scope of competence their implementation.

g) shall fulfil the obligations of Subsection (4) of Section 5/A.

(5) The minister

a) *not effective*

b) shall dispose of the Central Nuclear Financial Fund;

c) shall inform the atomic energy oversight organization of the Government decisions concerning its activity;

d) *not effective.*

(6) *not effective*

(7) In order to ensure due scientific background to the Government, regulatory and nuclear emergency response decisions related to safe use of atomic energy a scientific council shall assist the work of the atomic energy oversight organization.

Section 9

(1) The atomic energy oversight organization shall confirm through licensing, inspection, assessment and analysis of data submitted, collected and being at its disposal, and through interpretation of expert opinions and certificates whether

a) the use of atomic energy

b) the technical conditions of the nuclear facility, the radioactive waste repository and their systems, structures and components, and

c) the operation of the nuclear facility, the radioactive waste repository, furthermore the execution of any modification is in compliance with the requirements and regulatory licenses established in line with the acceptable risk level.

(2) The nuclear facility and the radioactive waste repository shall be under continuous regulatory oversight. The continuous regulatory oversight activity of the atomic energy oversight organization shall be realized through:

a) licensing and approval decisions in individual regulatory procedure,

b) regular analysis and assessment of the activity of the licensees and the safe condition of the nuclear facility and the radioactive waste repository,

c) continuous and individually proceeded inspection, through implementation of inspection programme corresponding to modification;

d) proceeding of enforcement procedure related to and ensuring the actual implementation of legal requirements and regulatory prescriptions based thereon.

(3) The licensee and the atomic energy oversight organization, in the frame of Periodic Safety Reviews, shall regularly and comprehensively analyze and assess

a) the nuclear safety of the nuclear facilities, the compliance with the nuclear safety requirements throughout the lifetime after the coming into force of the operation license,

b) the compliance with the safety requirements for radioactive waste repositories and the level of risk throughout the lifetime after the coming into force of the operation license.

(5) The licensee of the nuclear power plant, as an employer of public ownership, during the development of its working orders is authorized to deviate from the contents of Para *b)* of Subsection (2) of Section 205 of the Act I of 2012 on the Labour Code (hereinafter referred to as: LC) in relation to the work breaks according to Para *a)* of Subsection (3) of Section 86 of the LC, to the advantage of the employee, by considering the operational features of the nuclear facility.

Tasks of the user of atomic energy

Section 10

(1) The user of atomic energy shall be responsible for the safe use of atomic energy and the compliance with the safety requirements.

(2) The licensee, within its scope of activity, shall provide the technical, technological, material and human conditions necessary for the safe use of atomic energy, the maintenance and development of safety, and shall continuously monitor the radiation conditions in harmony with the latest justified scientific results and the international expectations and experience. The public shall be informed on the monitoring results of the radiation conditions in the environment at least on a monthly basis.

(3) The licensee, taking into account the operating experience and the new safety related knowledge, shall continuously strive after improving safety.

(4) The licensee of the nuclear power plant, radioactive waste repository shall develop an alcohol and drug policy during the specification of employee aptitude examination and shall provide for the inspection of the implementation thereof.

Section 10/A

(1) The licensee of a radioactive waste repository or spent fuel interim storage or final disposal facility (hereinafter referred to as: storage or disposal facility), in addition to the legal obligation on public information and to the methods determined therein may also regularly inform

a) the population of the settlement or settlements hosting the storage or disposal facility and of the adjacent settlements; and

b) the population of the settlements concerned by the permitted research drills in the frame of the site selection activity serving for the establishment of a storage or disposal facility

about the content specified according to Subsection (4) of Section 4 and Subsection (2) of Section 10, and Section 40 of this Act through the monitoring

and information association of local governments (hereinafter referred to as: association).

(2) The associations may receive financial assistance in connection with the existing or planned storage or disposal facility from the Central Nuclear Financial Fund. Financial assistance shall be provided only to one monitoring and information association of local governments per one existing or planned storage or disposal facility. The financial assistance shall be used for information, monitoring, operational and settlement development purposes.

(3) An association shall be established according to the rules set out by the Act on local governments. Financial assistance according to Subsection (2) shall be provided to the association only if:

a) in case of Para *a)* of Subsection (1) the representative councils of at least half of all the settlements determined therein plus the settlement or settlements hosting the storage or disposal facility approve the association agreement,

b) in case of Para *b)* of Subparagraph (1) the representative councils of at least half of all the settlements determined therein approve the association agreement, and

c) the association serves to perform the voluntarily undertaken information and monitoring tasks of the member local governments.

(4) If the permitted research drills for site selection activity, as a result of the surveys performed, extend over the territories of additional settlements, the licensee shall inform the mayors of the additional settlements on this fact and of the opportunity that the settlements can join the association.

(5) As soon as the construction of a subsurface laboratory meant to carry out the site selection surveys is commenced the association shall receive financial assistance only if it meets the conditions set out in Para *a)* of Subsection (1) and Para *a)* and *c)* of Subsection (3).

(6) Drawdown of due instalment of the financial assistance shall be initiated by the licensee of the storage or disposal facility if the conditions set out by the law on provision of financial assistance to associations are met. The manager of the Central Nuclear Financial Fund shall transfer the instalment of the financial assistance based on the drawdown directly to the association.

Section 11

(1) Only such a person shall be employed in the use of atomic energy that has the necessary qualification as specified by law and meets the requirements for employment prescribed by law and satisfies the health requirements.

(2) Only such institutes, organizations and those entities shall perform activities related to nuclear facilities, to their nuclear systems and component, and

radioactive waste repositories and their systems and components which have appropriate quality management system regulated as part of the nuclear safety requirements.

(3) That person shall not be employed in positions in a nuclear facility, in a radioactive waste repository and in the related to regulatory oversight, design, construction, operation, modification, termination, closure and institutional control of such facilities, to design, operation and maintenance of the physical protection system of nuclear facilities, to maintenance of nuclear systems, structures and components, and to manage, use, storage, transport, escort of transports of nuclear materials in category I, II or III, sealed radioactive sources in danger category 1, 2 and 3, unsealed radioactive sources in danger category 1, 2 and 3 and radioactive wastes in danger category 1, 2 and 3 as specified by law and to design, operation and maintenance of their physical protection systems, in addition in positions related to direction of radiation protection supervision activity for radiation sources belonging to the above category:

a) who has a criminal record;

b) who has been convicted by the court due to the following criminal acts according to the Act IV of 1978 on the Penal Code that had been effective until June 31, 2013, and if the duration determined in Subsection (4) has not expired:

1. crimes against mankind (Chapter XI of Act IV. of 1978), or crimes against humanity (Chapter XIII of Penal Code), war crimes (Chapter XIV of Penal Code),

2. killing another person (Section 166 of Act IV of 1978, Section 160 of Penal Code),

killing another person with diminished responsibility originating from an appreciable emotional reason (Section 167 of Act IV of 1978, Section 161 of Penal Code), complicity in suicide (Section 168 of Act IV of 1978, Section 162 of Penal Code), felony of aggravated battery and its qualified cases [Subsections (2)-(6) of Section 170 of Act IV of 1978, Subsections (3) and (6)-(8) 9f Section 164 of Penal Code], endangering within sphere of occupation (Section 171 of Act IV of 1978, Section 165 of Penal Code),

3. abuse of poison (Section 265 of Act IV of 1978), abuse of drugs (Section 282–282/C of Act IV of 1978), abuse of drug precursor (Section 283/A of Act IV of 1978), abuse of new psychoactive material (Section 283/B of Act IV of 1978), or drug trade (Sections 176–177 of Penal Code), possession of drugs (Sections 178–179 of Penal Code), generation of abnormal addiction (Section 181 of Penal Code), promotion of preparation of drugs (Section 182 of Penal Code), abuse of drug-precursor (Section 183 of Penal Code), abuse of new psychoactive material (Section 184 of Penal Code), abuse of poison (Section 188 of Penal Code),

4. constraint (Section 174 of Act IV of 1978, Section 195 of Penal Code), violation of personal freedom (Section 175 of Act IV of 1978, Section 194 of Penal Code), kidnapping (Section 175/A of Act IV of 1978, Section 190 of Penal Code), trafficking of human beings and forced labour (Section 175/B of Act IV of 1978, Section 192 of Penal Code), omission of reporting of kidnapping (Section 191 of Penal Code),

5. rape (Section 197 of Act IV of 1978), assault against decency (Section 198 of Act IV of 1978), pandering committed with deceit, violence or direct menace against life or physical integrity [Subsection (3) Para *b*) of Section 207 of Act IV of 1978], or sexual rape (Section 197 of Penal Code), pandering committed with deceit, violence or direct menace [Para *c*) of Subsection (4) of Section 200 of Penal Code],

6. violation against liberty of conscience and religion (Section 174/A of Act IV of 1978, Section 215 of Penal Code), violence against a member of a group (Section 174/B of Act IV of 1978, Section 216 of Penal Code), violation of freedom of assembly and association and right of participation in election assembly (Section 174/C of Act IV of 1978, Section 217 of Penal Code), trespassing [Subsection (2) Para *b*), Subsection (3) and (4) of Section 176 of Act IV of 1978, Subsection (2) Para *b*), Subsection (3)-(4) of Section 221 of Penal Code].

7. misuse of radioactive material (Section 264 of Act IV of 1978, Section 264 of Penal Code), misuse of the operation of nuclear facilities (Section 264/A of Act IV of 1978), misuse of application of atomic energy (Section 264/B of Act IV of 1978), damaging of the environment [Subsection (1) and (2) of Section 280 of Act IV of 1978, Subsection (1) of Section 241 of Penal Code], damaging of nature [Subsection (1)-(3) of Section 281 of Act IV of 1978, Subsection (1)-(2) of Section 242 and Subsection (1)-(2) of Section 243 of Penal Code], violation of order of waste management committed with hazardous waste [Subsection (2) of Section 281/A of Act IV of 1978, Subsection (2) of Section 248 of Penal Code], misuse of material degrading the ozone layer [Subsection (1) of Section 249 of Penal Code], misuse of radioactive material (Section 250 of Penal Code), misuse of the operation of nuclear facilities (Section 251 of Penal Code), misuse of application of atomic energy (Section 252 of Penal Code),

8. criminal act against the state (Chapter X of Act IV of 1978, Chapter XXIV of Penal Code),

9. misuse of data classified as top secret or secret (Section 221 of Act IV of 1978), misuse of data classified as confidential (Section 222 of Act IV of 1978), misuse of qualified data (Section 265 of Penal Code),

10. crimes related to office (Chapter XV of Act IV of 1978, Title IV Chapter XXVIII of Penal Code),

11. crimes against official persons (Chapter XV Title V of Act IV of 1978, Chapter XXIX of Penal Code),

12. causing public danger [Subsection (1)–(3) and (5) of Section 259 of Act IV of 1978], interference with the functioning of works of public concern (Section 260 of Act IV of 1978, Section 323 of Penal Code), acts of terrorism (Section 261 of Act IV of 1978, Sections 314–316/A of Penal Code), seizure of aircraft, any means of railway, water or public road transport or any means of freight transport (Section 262 of Act IV of 1978), misuse of explosive or blasting-agent (Section 263 of Act IV of 1978), misuse of fire arms or ammunition (Section 263/A of Act IV of 1978), partnership in a criminal organization (Section 263/C of Act IV of 1978, Section 321 of Penal Code), or fail to report an act of terrorism (Section 317 of Penal Code), financing of terrorism (Sections 318-318/A of Penal Code) or warmongering (Section 331 of Penal Code), take of a vehicle without authority (Section 320 of Penal Code), causing public danger [Subsection (1)–(4) of Section 322 of Penal Code], misuse of explosive or blasting-agent (Section 324 of Penal Code), misuse of fire arms or ammunition (325 of Penal Code),

13. violation of a duty based on international law (Section 261/A of IV of 1978, Section 327 of Penal Code), misuse of military technology and service or with product of dual use (Section 263 of Act IV of 1978), criminal misuse of weapons prohibited by international treaty (Section 264/C of Act IV of 1978), or criminal misuse of weapons prohibited by international treaty (Section 326 of Penal Code), fail to report violation of a duty based on international law (Section 328 of Penal Code), misuse of military technology and service (Section 329 of Penal Code), misuse of product of dual use (Section 330 of Penal Code),

14. scare-mongering (Section 270 of Act IV of 1978, Section 337 of Penal Code), menacing with public danger (Section 270/A of Act IV of 1978, Section 338 of Penal Code), vandalism (Section 271 of Act IV of 1978, Section 339 of Penal Code),

15. man-smuggling (Section 218 of Act IV of 1978, Section 353 of Penal Code),

16. robbery (Section 321 of Act IV of 1978, Section 365 of Penal Code), robbery through inebriation or intimidation (Section 322 of Act IV of 1978, Section 366 of Penal Code), blackmailing (Section 323 of Act IV of 1978, Section 367 of Penal Code), taking the law into one's own hands (Section 273 of Act IV of 1978, Section 368 of Penal Code),

17. theft (Section 316 of Act IV of 1978, Section 370 of Penal Code), embezzlement (Section 317 of Act IV of 1978, Section 372 of Penal Code), fraud (Section 318 of Act IV of 1978, Section 373 of Penal Code), fraudulent breach of trust (Section 319 of Act IV of 1978, Section 376 of Penal Code), negligent administration (Section 320 of Act IV of 1978, Section 377 of Penal Code), deterioration (Section 324 of Act IV of 1978, Section 371 of Penal Code), trading with stolen goods (Section 326 of Act IV of 1978, Section 379 of Penal Code that was effective until December 31, 2020),

take of a vehicle without authority (Section 327 of Act IV of 1978, Section 380 of Penal Code), or fraud by misusing information system (Section 375 of Penal Code),

18. counterfeiting of money (Section 304 of Act IV of 1978, Section 389 of Penal Code), aiding in counterfeiting operations (Section 304/A of Act IV of 1978, Section 390 of Penal Code),

19. smuggling effective until December 31, 2011,

20. financial crimes (Section 310 of Act IV of 1978, Section 396 of Penal Code),

21. money laundering (Section 303 of Act IV of 1978, Section 399 of Penal Code),

22. criminal conduct for breaching computer systems and computer data (Section 300/C of Act IV of 1978), compromising or defrauding the integrity of computer protection system or device (Section 300/E of Act IV of 1978), violation against information system or data (Section 423 of Penal Code), evasion of technical measures protecting information system (Section 424 of Penal Code) or

23. felony committed within criminal organization,

(4) That person shall not be employed, against who the following punishments have been executed as determined in Para *b*) of Subsection (3):

a) sentenced to imprisonment without probation because of intentionally perpetrated felony,

aa) 10 years after exemption if the imprisonment does not reach five years,

ab) 12 year after exemption if the imprisonment does reach or exceed five years;

b) 5 years after exemption if punished to labour in the public interest or fine;

c) if because of intentionally perpetrated felony the following suspended punishment was ordered:

ca) imprisonment for 8 years after exemption,

cb) fine 3 years after exemption;

d) 6 years after exemption, if because of intentionally perpetrated felony a binding judicial decision is made to prohibit from continuing a profession related to tasks within the scope of work determined under Subsection (3);

e) until the completion of the criminal procedure if a criminal procedure is being conducted due to a reasonable suspicion of committing a voluntary crime.

(5) A public security authorization issued by the police authority shall be required to being occupied in facilities and jobs specified in Subsection (3) and to conduct professional activities as civil engineering technical expert, civil engineering designer, technical building inspector and responsible construction supervisor. In the procedure aimed at issuing the public security authorization,

the police authority shall confirm via direct data retrieval that the exclusion criteria determined in Subsection (3) and (4) are not met in relation to the employee, and she/he is not under the effect of any expulsion from activities in the scope of occupation determined in Subsection (3), and he/she is not under the effect of criminal procedure due to committing a voluntary crime determined in Subsection (3). The police authority in order to ensure public security shall annually check the compliance with the requirements for the occupants. During this security check, to ensure the public security conditions, the police authority shall be authorized to take over and handle data from the register of criminal offenders, from the register of persons under disadvantageous legal consequences with clean criminal record, related to the conditions determined in Subsection (3) and (4) and the data if the subject of the check is not being under the effect of any expulsion from activities in the scope of occupation determined in Subsection (3), and he/she is not under the effect of criminal procedure due to committing a voluntary crime determined in Subsection (3).

(6) If the police authority check determines that the exclusion criteria exists against the occupant, the authorization shall be revoked with simultaneous notification of the user of atomic energy about the fact of meeting the criteria. The police authority until the termination by a final decision of the procedure launched based on the check and aimed at revoking the authorization may handle the data taken over according to Subsection (5).

(7) In the case of occupation of a foreigner, the compliance with the requirements determined in Subsection (3) and (4) shall be justified by the occupant according to the authoritative laws of the country, of which the occupant is citizen or, in the case of a homeless person, where the domicile or usual residence of the occupant is located.

(8) In the case according to Subsection (7) the police authority shall issue the public security authorization until the end of duration of employment, but for not more than one calendar year from its issuance. Foreign employees shall be checked during their employment also in the criminal records determined in Subsection (5).

(9) The licensee authorized to use atomic energy for civil purposes, in relation to those working in job positions requiring public security authorization or employees mandated with such tasks, shall report if the employment or mandate of the given person is terminated.

Chapter III

Regulatory oversight

Procedures of the atomic energy oversight organization

Section 11/A

(1) In the authority procedure related to a nuclear facility, radioactive waste repository exclusively the following entities are qualified as clients:

a) for a nuclear facility license (in the case of licenses required for site survey and assessment, site characterization and evaluation of suitability, construction, expansion, commissioning, operation, operation beyond design service life, modification, final shutdown or decommissioning of the nuclear facility): in addition to the licensee, owners of all real estates situated within the impact area and those persons whose right for the real estates are recorded in the real estate register,

b) for system component license: only the licensee,

c) in an inspection and assessment procedure: only the licensee except for the case when based on the inspection or the assessment, the operation license shall be modified, in such cases the clients are: the owners of all real estates situated within the impact area and those persons whose right for the real estates are recorded in the real estate register,

d) during enforcement: only the licensee and the external informer,

e) in the case of a license for radioactive waste repository (in the case of licenses required for site survey and assessment, siting, construction, operation, modification, closure, transition to active and passive institutional control), in addition to the licensee all the owners of all real estates situated within the impact area, whose right for the real estates are recorded in the real estate register,

(1a) The lawfully notified client shall practice his/her clients' right in the procedure conducted by the atomic energy oversight organization only if he/she made a declaration or submitted an application in the procedure. No further client may enter into the procedure into the facility level licensing procedure related to nuclear safety of a nuclear facility beyond six months after becoming final and executable of the decision, and no proof can be admitted after omission of this deadline.

(1b) If the procedure concerns more than fifty clients, or if a public hearing is held based on Subsection (4) in the procedure, then during the procedure, with the exception of the procedural decisions addressed personally to the client, the atomic energy oversight organization shall communicate electronically with the applicant, while via announcements with the other clients.

(1c) Provisions of the Ákr relevant for the ex officio procedures shall apply to the contents of the notification about launching of the procedure.

(1d) In the procedures determined in Subsection (1b) and Items a) and e) of Subsection (1), the atomic energy oversight organization shall notify the applicant of its decision electronically, while the other clients via an

announcement. The atomic energy oversight organization shall publish the announcement according to Item a) of Subsection (5).

(2) In the procedures of the atomic energy oversight organization, with the exceptions determined in Subsections (2a)(2d), the impact area is identical to the safety area.

(2a) In the nuclear safety authority procedure aimed at licensing the site survey and assessment, site characterization and evaluation of suitability the impact area shall be the planned site of the nuclear facility, and

a) in the case of research reactor, training reactor and nuclear fuel examination laboratory the area within 100 m of the border of the planned site of the nuclear facility,

b) except for the nuclear facilities determined in Para *a)* the area within 500 m of the border of the site of the planned nuclear facility.

(2b) In the nuclear safety authority procedure aimed at licensing the construction of a nuclear facility the impact area shall be the planned site of the nuclear facility and the safety area proposed by the designer of the facility in the documentation supporting the license application according to the requirements of the Govt. decree, but least

a) in the case of research reactor, training reactor and nuclear fuel examination laboratory the area within 100 m of the border of the planned site of the nuclear facility,

b) except for the nuclear facilities determined in Para *a)* the area within 500 m of the border of the site of the planned nuclear facility.

(2c) In the authority procedure related to site survey and assessment and siting of a radioactive waste repository the impact area is the planned survey area of the facility.

(2d) In the authority procedure related to construction licensing of a radioactive waste repository the impact area is the safety area proposed by the designer of the facility to be licensed in the license application supporting documentation in compliance with the requirements of the government decree.

(3) In the cases belonging to the scope of competence of the atomic energy oversight organization the application for launching procedure shall only be submitted in writing, in an original copy exclusively to the authority having competence to perform the procedure.

(4) The atomic energy oversight organization, in the procedures determined in Para *a)* and *e)* of Subsection (1), before making a decision, in order to obtain the opinion of the public shall hold public hearing.

(5) The atomic energy oversight organization, at least 15 days before the public hearing, shall

a) publish a notice on the website and notice board of the atomic energy oversight organization and on the central administration portal,

b) inform the co-authorities contributing in the procedure about the location and time of the public hearing and about the subject of the procedure.

(6) In addition to the contents specified in the Ákr., the protocol made about what has been told during the public hearing shall contain

a) denomination of the proceeding authority, name of the administrator and subject of the case,

b) data necessary to identify the persons appeared in the public hearing to represent the atomic energy oversight organization, the co-authority and the licensee.

(7) If the atomic energy oversight organization documents the public hearing by means of image or voice records according to the Ákr., or prepares a memo on the image or voice records with a content according to Subsection (6), it shall publish it electronically. If the atomic energy oversight organization documents the voice memo in a written form, it shall publish the document electronically.

(8) During the conduct of the public hearing it shall be ensured that the appeared persons may ask questions and express opinions with equal conditions.

Section 11/B

(1) The denomination of the co-authorities participating in the procedure of the atomic energy oversight organization, the scope of cases of the involvement, the issue to be addressed and the subject of the procedure are determined in Annex 2 except for case in Subsection (1a).

(1a) The central organ of the professional disaster management organization shall proceed as a co-authority in fire protection issues during public administration regulatory procedures according to Annex 2 in the case of investments qualified as priority by the Government based on the empowerment of the Act on Acceleration and Simplification of Implementation of National Priority Investments (hereinafter referred to as the Ngvt.).

(2) The administration deadline for the co-authority procedure shall be 21 days except for the cases listed in Subsection (3).

(3) The administration deadline for the co-authority proceeding in an environmental protection and nature conservation issue shall be 30 days.

(4) The preliminary co-authority statement issued by the authority designated as co-authority for the application of the client submitted before commencement of the procedure shall be valid until 1 year.

(5) In relation to investments qualified as national priority by the Government based on the empowerment of the Ngtv., in the case of licensing of construction, extension determined in Subitem b) of Item 1 of Subsection (2) of Section 17, the deadline of the co-authority procedure related to fire protection and disaster management issues shall be six months.

(6) In relation to investments qualified as national priority by the Government based on the empowerment of the Ngtv., for civil structures being special from nuclear safety point of view, in the case of licensing determined in Item 3 of Subsection (2) of Section 17, the deadline of the co-authority procedure related to fire protection and disaster management issues shall be forty-two days.

General rules of regulatory licensing and inspection

Section 12

(1)

(2) More calls for supplementations shall be possible in the procedure of the atomic energy oversight organization.

(3) The atomic energy oversight organization shall suspend the procedure if the substantive decision of the case depends on consideration of such a preliminary issue which belongs to the competence of another organization or cannot be made in a duly substantiated manner without preliminary decision of the same authority in another issue closely related to the subject of the decision. The atomic energy oversight organization shall execute all acts of the procedure till the suspension that are possible without consideration of the preliminary issue.

(3a) In the authority procedure belonging to the scope of this Act

(a) summary procedures shall not be possible in the procedure of the atomic energy oversight organization,

(b) the respective application for the procedure shall not aim at conducting a preliminary procedure,

(c) missing evidence shall not be substituted by a declaration of the client,

(d) the decision shall not be announced orally.

(4) Consent to and licensing of transport of radioactive wastes, spent fuel or other radioactive material through the country borders shall take place based on documents prepared in English or Hungarian.

(5) In the case of inspections taking place based on conventions concluded with international organizations, the inspection record shall be prepared in the official language of the international organization.

(6) Using of standards is mandatory in supporting the license applications of a nuclear facility or a radioactive waste repository.

(7) In the case of such structures of the nuclear facility and the radioactive waste repository, which do not have a role in the operation of the facility, the application for a building license can be submitted before the commencement of the construction licensing procedure. In the case of such structures of the nuclear facility and the radioactive waste repository, which are required for the operation, the building licensing procedure of the atomic energy oversight organization according to the government decree on the nuclear safety requirements of nuclear facilities and on related regulatory activities (hereinafter referred to as the NSC govt. decree) and the government decree on the safety requirements for facilities ensuring interim storage or final disposal of radioactive wastes and the corresponding authority activities (hereinafter referred to as the RSC govt. decree) can be conducted together with the construction licensing procedure. The application for fabrication license for long lead items (nuclear systems, structures and components) determined in the NSC govt. decree, upon the decision of the licensee, if the conditions of the NSC govt. decree are met can be submitted also during the construction licensing procedure, but all risks from this, i.e. the applicability of the fabricated product shall be borne by the licensee.

(8)-(9)

(10) The Customer of Investment according to Act VII of 2015 on the investment related capacity maintenance of Paks Nuclear Power Plant and the amendment of certain related acts (hereinafter referred to as: Act VII of 2015) shall apply for all licensing procedures required to implement the investment.

Section 12/A

(1) Inspection of nuclear safety related data shall take place through systems installed at the location of the facility or at the atomic energy oversight organization, or also through remote data supply from a monitoring system installed in the process.

(2) The inspection of the nuclear safety authority is not limited in time.

(3) The atomic energy oversight organization performs integrated, exploring and occasional inspections in the frame of regulatory oversight of the nuclear facility, the radioactive waste repository so for the assessment, analysis of the licensee's activities, for confirming the compliance with the requirements laid down in authority resolutions and laws, and for conducting enforcement procedures. The atomic energy oversight organization shall ensure the continuity of such activities through resident inspectors on-site of the nuclear facility and operation of a duty service.

(4) Commencement, conduct and termination of inspection of a nuclear facility and radioactive waste repository and the request of documents shall be recorded. The requested documents shall be stored by the atomic energy

oversight organization after the completion of assessment and analysis activities corresponding to the case.

(5) The atomic energy oversight organization shall use personal data contained in the quality management system of the licensee of a nuclear facility or a radioactive waste repository in the document describing the training and qualification of the personnel only for inspection of work performance of the positions bound to regulatory authorization exams.

Section 12/B

(1) The administration deadline regarding construction and extension determined in Subitem *b*) of Item 1 of Subsection 17 (2) and designation of safety area of a nuclear facility according to Item 12 of Subsection 17 (2) shall be

a) 12 months if the licensee submits a preliminary safety information according to Subsection (8) of Section 17,

b) 18 months if the licensee does not submit a preliminary safety information according to Subsection (8) of Section 17.

The procedures can be extended once if justified, with a maximum of 3 months.

(2) The administration deadline shall be 12 months regarding licensing of siting and construction of a radioactive waste repository according to Item 15 of Subsection 17 (2) and designation of safety area of a radioactive waste repository according to Item 12 of Subsection 17 (2), which can be extended once if justified, with a maximum of 3 months.

(3) The administration deadline shall be 11 months:

a) regarding licensing of commissioning, operation, operation beyond design lifetime, final shutdown and decommissioning of nuclear facilities according to Subitem *b*) if Item 1 of Subsection 17 (2),

b) in the case according to Item 10 of Subsection 17 (2),

c) in the licensing procedure according to Item 5 of Subsection 17 (2), if due to modification of the nuclear facility it is necessary to modify the operation license of the nuclear facility,

d) in the licensing procedure according to Item 15 of Subsection 17 (2), including those modifications, which require the modification of the operation license of the radioactive waste repository, except for the cases of site survey and assessment, siting and construction of the repository.

(4) The administration deadline shall be 8 months

a) in the case of determination and review of design basis threat with the exception determined in Subsection (7), licensing of physical protection system

based on physical protection plan of a nuclear facility or a radioactive waste storage or disposal facility according to Item 18 of Subsection 17 (2),

b) in the case of first safeguards registration procedure of a nuclear facility.

(5) The administration deadline shall be 150 days regarding the containment building licensing from the building licensing procedures according to Item 3, fabrication licensing procedure of higher safety class components from fabrication licensing procedures according to Item 4, and regarding the licensing procedures determined in Item 14 of Subsection 17 (2).

(6) The administration deadline shall be 120 days

a) in the licensing procedures determined in Subitem *a)* of Item 1 of Subsection 17 (2), in Item 3 of Subsection 17 (2) with the exception determined in Subsection (5), in Item 4 of Subsection 17 (2) with the exception determined in Subsection (5), in Items 6., 7., 9. and 44. of Subsection 17 (2) and in Subsection 17 (8a),

b) in the licensing procedures determined in Item 5 of Subsection 17 (2) with the exception determined in Subitem *c)* of Subsection (3),

c) in the licensing procedures determined in Item 15 of Subsection 17 (2) with the exception determined in Subsection (2) and Subitem *d)* of Subsection (3),

d) in the case determined in Item 39 of Subsection 17 (2) regarding special facilities,

e) in the case of review of safety area of a nuclear facility or radioactive waste repository determined in Item 12 of Subsection 17 (2), except if it is carried out within the Periodic Safety Review,

f) in the cases determined in Item 26 of Subsection 17 (2) in the case of a special facility,

g) in the procedure aimed at modification of duration of validity regarding a license granted with a determined duration of validity,

h) in the procedure aimed at modification of deadline of conditions stipulated in a license granted by the atomic energy oversight organization,

i) in a procedure commence ex officio.

(7) The administration deadline shall be ninety days in the licensing procedure determined in Item 18 of Subsection (2) of Section 17 with the exception determined in Item *a)* of Subsection (4) for the licensing of the physical protection system based on physical protection plan for the application, storage and disposal of nuclear material, radioactive source and radioactive waste and the transport of these demanding protection to prevent a sabotage or unauthorized removal or limit the possibility of sabotage and unauthorized removal, or limit the possibility of unauthorized removal.

(8) The administration deadline shall be

a) one hundred fifty days in the containment licensing procedure from the construction licensing procedures according to Item 3 of Subsection (2) of Section 17,

b) forty-two days

ba) in the case of such structures special from nuclear safety point of view, which are necessary for the construction of the nuclear facility or the radioactive waste storage and disposal facility, but have no role in the operation of the facility,

bb) in the case of those structures, which or certain part of which belong to the safety area, but have nor role in the operation of the facility, and

c) sixty days except for Items a) and b) in the other authority licensing procedures determined in Item 3 of Subsection (2) of Section 17,

if these public administration cases have been qualified as cases of national priority in a decree based on the empowerment of the Ngvtv.

(9) The administration deadline determined in Item c) of Section (8) can be extended by 30 days if justified.

Section 13

(1) During the authority licensing procedure related to a nuclear facility the independence of a person or an organization proceeding as an expert shall be ensured. The expert or expert organization assigned or invited in particular procedures shall not be a relative of any of the clients according to Item 2 of Subsection (1) of Section 8:1 of the Civil Code, furthermore shall not be in any direct or indirect ownership relation with the applicant, or with its executive officers, with the vendor of the technology marked in the authority procedure and shall not take part in the development of the documents being subject of the expert review and in the related supplementing and supporting documents. In the case of an expert organization, the relation of relatives shall be taken into account regarding the executive officers and the persons holding an expert qualification according to Subsection (2a) of Section 19/B.

(2) In the case of licensing activities significantly affecting nuclear safety of a nuclear facility the documentation supporting the application shall be subjected to independent technical expert review. The applicant shall submit the result of the independent technical expert review to the atomic energy oversight organization during the regulatory procedure, according to the respective nuclear safety requirements.

(3) Departing from Subsection (2), in the construction licensing procedure of a new nuclear facility, the independent expert review is not a pre-condition for the

licensing procedure. If the applicant does not submit an independent expert review opinion or if it is not full-scope, then the atomic energy oversight organization shall purchase it ex officio, the expense of which shall be borne by the applicant.

Section 14

(1) In the cases and in the conditions determined by law, for the request of the applicant the atomic energy oversight organization can grant a unified license or a preliminary type license, and in the case of a nuclear power plant a preliminary modification license in principal aimed at the use of a different fuel assembly,.

(1a) License shall be granted for limited or unlimited duration, or bound to specific conditions. A license granted for limited duration can be extended upon application.

(1b) In relation to the use of a different fuel assembly the license in principal shall have a determined duration of validity and the contents of the license shall also bind the atomic energy oversight organization.

(2) The license shall become void, if

a) its limited duration expires, or if the conditions stipulated in the license are not satisfied;

b) the nuclear equipment or the nuclear facility, within the licensed duration, is in a continuous outage state for a period longer than it is allowed in the license.

(3) The atomic energy oversight organization may revoke the license or limit the license duration if it confirms that the nuclear safety, safeguards, security circumstances or those corresponding to protection against ionising radiation have changed and the level of risk increased originating from the change.

(3a) The atomic energy oversight organization shall ban the licensee from performing the activities if it breached the provisions of this act or of a decree promulgated as execution of this act. The atomic energy oversight organization, in the determination of the time validity of the ban from an activity shall decide considering the safety or radiological risks, with the stipulation that the ban shall last at most until the recovery of the legal compliance.

(3b) In the determination of the time validity of the ban, in considering the safety or radiological risks, all circumstances of the case shall be taken into account, especially during the breach or omission of the rules

a) if an extraordinary event occurred, nuclear emergency or nuclear damage,

b) what is the gravity of breach of the requirements, provisions,

c) if the breach is repeated,

d) whether a behaviour causing the breach of rule or mission can be confirmed,

e) if the behaviour of the person committing the breach or omission has supported the actions aimed at terminating the caused conditions, mitigating the damage.

(4) If a non-compliance impairing nuclear safety is revealed during the inspection performed before the issuance of the modification license, the atomic energy oversight organization may arrest the modification.

(4a) If, prior to the commencement of operation after a modification, the atomic energy oversight organization reveals such a non-compliance during the assessment of documents submitted according to law, during an occasional or other inspection conducted in the course of implementation of the modification that impairs nuclear safety, then it shall revoke the modification license granted beforehand or shall amend the license by determining conditions.

(4b) Ordering for suspending the execution of a resolution by the court for a statement of claim shall not be possible in the case of a resolution according to Subsection (4) and (4a) and in the case of the resolution containing the license issued for operation beyond design lifetime of a nuclear power plant..

(5) The licensee shall assume the responsibility for nuclear safety of the nuclear facility or of the radioactive waste repository as long as this responsibility is no longer exists based on the resolution of the atomic energy oversight organization per Para 17 (2) 1 b) or transferred to another licensee. The responsibility shall be assumed for site characterization and evaluation of suitability, construction, extension, commissioning, operation, operation beyond design service life, modification, final shutdown, decommissioning of the nuclear facility or radioactive waste repository even if the license obtained for these activities becomes void.

(5a) The responsibility of the licensee shall still persist irrespective of the contents of Subsection (5)

a) for site survey and assessment, determination of site characteristics and suitability, construction, extension, commissioning, operation, operation beyond design service lifetime, modification, final shutdown and termination of the nuclear facility,

b) site survey and assessment, siting, construction, operation, modification, closure and active and passive institutional control of radioactive waste repositories.

(6) The court shall conclude a decision regarding the statement of claim within 120 days after receipt of the statement of claim.

14/A. (1) The public administration resolution concluded by the atomic energy oversight organization shall only be challenged by the client according to Subsection 11/A (1) in a public administration lawsuit.

(2) The defendant authority may propose the involvement of the co-authority participating in the preceding procedure into the lawsuit only in a defence statement. The court shall immediately notify the co-authority of the proposal of involvement into lawsuit, which shall make a statement on the acceptance of the proposal of involvement into the lawsuit 3 days within the notification.

Section 15

(1) The atomic energy oversight organization shall regularly verify the compliance with the license, the laws, the nuclear safety code and the repository safety code and the safety of use of atomic energy, and shall promptly interact or initiate intervention to eliminate any deviation detected.

(1a) Warning shall not be applied if a breach of law was determined during the authority procedures in the application of atomic energy, if

a) the breach may lead to extraordinary event, nuclear emergency or nuclear damage,

b) the requirements are breached such a way that may cause uncontrolled nuclear chain reaction,

c) the requirements according to Item c) of Subsection (3) of Section 4 are not met, or

d) it is not possible to recover the consequences of the breach of law.

(2) If the atomic energy oversight organization confirms a violation of or failing to comply with this act or any other law promulgated to execute this act, or a resolution issued based on this act or the laws promulgated to execute this act, the atomic energy oversight organization, according to Para 20-22 of Subsection (2) of Section 17 may require the licensee obliged to data supply under the competence of the atomic energy oversight organization to pay a fine.

(3) A fine shall not be ordered within one year of the discovery of the violation or fail by the authority and within five years of that day, on which the obligant shall have complied with the requirements determined in this act or in any other law promulgated to execute this act.

Section 15/A.

(1) If the type of obligation allows, the atomic energy oversight organization can determine a payment in instalments.

(2) Before the expiry of the deadline of payment, the obligant may request a delay in performance or payment in instalments of the payment obligation (hereinafter together payment allowance) from the atomic energy oversight organization by justifying that the cause being beyond his/her control makes the timely performance impossible or that the payment means a disproportionate burden.

(3) If the execution process has not been started yet, after the expiry of the performance deadline the client can apply for a payment allowance together with a justification application referring to the causes in Subsection (2). If the atomic energy oversight organization declines the application, at the same time it shall decide about launching of the execution.

(4) Before expiry of the payment deadline, the obligant can apply for a delay of performance of the given act from the atomic energy oversight organization by justifying that a cause beyond his/her control makes the performance before the deadline impossible.

(5) Deadline for performance of a given act can be extended once, if the obligant can demonstrate that a cause beyond his/her control makes it impossible to perform timely and justifies with an analysis that the delay of the performance of the given act does not decrease the level of nuclear safety, security and safeguards.

(6) The atomic energy oversight organization can inquiry the standpoint of the entitled or other side with regard to approving the payment allowance or extension of performance deadline.

(7) The client can launch a public administration suit against the decision on payment allowance after its becoming final.

Section 15/B.

1) In the regulatory procedures under the effect of this act, with regard to public security and nuclear safety requirements there is room for confiscation. Detailed rules of confiscation shall be determined in a decree promulgated for the execution of this act.

(2) With regard to the nuclear safety and security requirements, confiscation of nuclear or radioactive material can be ordered for the user of atomic energy.

Rules of accountancy for and control of radioactive and nuclear material and of the connecting data supply

Section 16

(1) The atomic energy oversight organization shall maintain a central accountancy for radioactive materials including separately handled nuclear materials according to Para 20 and 21 of Subsection (2) of Section 17, which, except for the name and contact data, shall be certified public records.

(2) The user of atomic energy shall maintain a local register containing the location, physical and chemical properties of the possessed radioactive materials and the pursued activity therewith, and shall handle the data of the local register including personal data according to Subsection (4), and shall supply data for the central accountancy system. The user of atomic energy shall retain the

accountancy data until five years following the termination of data supply obligation.

(3) The atomic energy oversight organization shall develop and operate the central accountancy system to register the local inventories, and shall maintain the harmony between the central and local registers, and between the amount of radioactive material inventory in the local register and the real inventory.

(3a) The central accountancy system shall contain:

- a) location, physical and chemical properties of radioactive materials,
- b) name and home address of owner of radioactive materials,
- c) user of atomic energy and the activities pursued with radioactive materials,
- d) name and contact of the natural person obliged to maintain the accountancy system or name and contact of the head of legal entity obliged to maintain the accountancy system,
- e) location where the radioactive material can be found,
- f) in the case of sealed radioactive sources, including sealed radioactive sources qualified as radioactive waste, the maximum allowed amount, actual amount, type, activity and purpose (licensed form of use and application) of radioactive materials per owner and per operator and per radionuclide,
- g) in the case of unsealed radioactive sources, excluding radioactive wastes, the amount, change of amount, use, type, original activity and purpose of radioactive materials per owner and per operator and per radionuclide for the inventory taking period determined in the decree issued by the president on accountancy for and control of radioactive materials and related data supply,
- h) in the case of radioactive wastes – excluding sealed radioactive sources not qualified as radioactive waste – the amount, change of amount and type of radioactive wastes per owner and per operator and radioactive waste categories and, if know, per radionuclide for the inventory taking period determined in the ministerial decree on accountancy for and control of radioactive materials and related data supply.

(3b) In the case of nuclear materials the accountancy system shall contain furthermore:

- a) activities and sites related to the nuclear fuel cycle,
- b) quality and amount per elements (uranium, plutonium, thorium) and fissile material content of nuclear material under the control of each particular organization disposing of nuclear material,

c) quality and amount per elements (uranium, plutonium, thorium) and total fissile material content of nuclear materials under the control of all organizations disposing of nuclear material,

d) traffic of nuclear materials between organizations disposing of nuclear materials,

e) correctness of data supply in international reports and data services.

(4) The atomic energy oversight organization shall handle and process the following personal data corresponding to the central register:

a) name and contact of the natural person obliged to maintain the accountancy system,

b) name and contact of the head of legal entity or company obliged to maintain the accountancy system,

c) name and contact of the radiation protection officer,

d) name and contact of the manager tasked with the implementation of safeguards,

e) name and contact of the site representative,

f) name and contact of the site safeguards inspector,

g) name and contact of the facility safeguards inspector.

(5) The atomic energy oversight organization shall use personal data only for the verification of local accountancy systems, for the purpose of measures aimed at eliminating the deficiencies revealed by the inspections or related to measures with found and seized radioactive or nuclear materials.

(6) The atomic energy oversight organization shall handle personal data for five years of the termination of local accountancy and data supply obligation determined in Subsection (2). Subsequently, the data is transferred to archive database. Discard of data from the archive database shall happen after final disposal of the radioactive material (including nuclear material) or its transport out of the country or total use up.

(6a) Data of the central accountancy system for radioactive and nuclear materials is not public for national security interest.

(7) All persons or organizations possessing radioactive and nuclear material that are obliged to supply data are authorized to obtain data on themselves from the radioactive and nuclear material register. The police for prevention, investigation of crimes, protection of public security, order and the national borders, the national intelligence services to perform tasks related to homeland security control, the health state administration organization to perform its public health tasks, the national and territorial organs designated by law for

nuclear emergency response to perform tasks related to preparedness for extraordinary events, the prosecution office and the investigation authority to conduct the penal procedure, the court to conduct penal procedures, implement punishment and actions, and to conclude statement of facts in a civil lawsuits are authorized to demand data from the central register free of charge, including data determined in subsection (4).

(7a) For the inquiry of the atomic energy oversight organization, the National Tax and Customs Administration shall send the customs secret, if it is necessary to fulfil its licensing, inspection, oversight, registration task.

(8) Detailed rules of accountancy for and control of radioactive materials including separately handled nuclear materials, and the corresponding data supply shall be outlined in a law.

National Dose Registry of Radiation Workers

Section 16/A

(1) The atomic energy oversight organization, in line with Para 38 of Subsection (2) of Section 17 maintains a National Dose Registry of Radiation Workers on the individual doses of workers exposed to occupational radiation.

(2) The National Dose Registry of Radiation Workers shall contain the following sets of data:

a) the worker's

aa) *natural* personal identification data,

ab) *sex*,

ac) citizenship,

ad) *social* insurance identification sign, or any such official identification sign for foreign citizens, which is unique and permanent for the entire lifetime of the given person;

b) *results* of employment medical surveillance conducted by employment-health services, and information from medical examination made due to potentially occurred accident or extraordinary radiation exposure;

c) *data* of the undertaking being responsible for the radiation monitoring of the employee, in the case of an outside worker, the data of the employer of the worker;

d) *personal* dosimetry results of workers subject to occupational exposure, and

e) *potential* limitations on employment at a radiation hazardous workplace.

(3) The data of the user of atomic energy includes the name, residential and site address(es) and tax number of the undertaking.

(4) The National Dose Registry of Radiation Workers shall contain the following data among those relating to the employment of the worker:

a) name, residential and site address(es), and tax number of the employer;

b) the starting and end date of personal dosimetry monitoring period;

c) the categorization of the worker based on his/her radiation exposure in line with the Government decree on protection against ionizing radiation and the corresponding licensing, reporting and inspection system.

(5) The officially recorded individual dosimetry data shall include all radiation exposures to the worker during his/her employment, independently of their sources and exposure pathways, and shall include equivalent doses in different parts of the body and in the eye lens;

(6) If the outside worker is employed by his/her employer at another employer (hereinafter referred to as temporary employer), then the employer requests the National Dose Registry of Radiation Workers to provide the following data of the outside worker to the temporary employer:

a) data of the employment of the outside worker as defined in Subsection (4);

b) results of employment medical surveillance conducted by employment-health services, and information from medical examination made due to a potentially occurred accident or extraordinary radiation exposure, and

c) results of individual dose monitoring of the outside worker in accordance with Subsection (5) for the subject year and the preceding four years.

(7) The data identified in Para b) of Subsection (6) shall contain:

a) the medical opinion whether the worker is suitable for the given job;

b) potential limitations on employment in a radiation hazardous workplace;

c) the date of the last periodic occupational medical examination and

d) the end-date of the validity of the results.

(8) At the end of the activity, in the case of intake of radionuclides as determined in the Government decree, the undertaking shall submit a report to the National Dose Registry of Radiation Workers on the estimated value of all incorporated activities and the absorbed effective dose.

(9) The atomic energy oversight organization shall use the personal data for the verification of the compliance with the dose limits established for occupational exposure.

(10) The atomic energy oversight organization may manage the data of the National Dose Registry of Radiation Workers until the given worker exceeds or

exceeded 75 years of age, but not longer than 30 years after the end of his/her employment in a radiation hazardous job.

(11) Each person or organization obliged to provide data may request data on his/her/its own from the National Dose Registry of Radiation Workers. Data may be requested from the National Dose Registry of Radiation Workers, free of charge, by the police for preventing, investigating criminal acts, protecting public security, public order and the order of the border, the national security services for performing tasks in connection with security vetting, the health state administration organization for performing public medical tasks, the prosecution office and the investigation authority to conduct the penal procedure, the court for conducting penal procedures, implement punishment and actions, and for establishing the facts in a civil case. In a way that does not allow personal identification, the data of the National Dose Registry of Radiation Workers may be used for statistical purposes.

Radiation protection expert

Section 16/B

(1) The performance of radiation protection expert activity in the scope of the use of atomic energy requires license issued by the atomic energy oversight organization or a certificate issued in accordance with Para a) of Subsection (1) of Section 23 of the Act LXXVI of 2009 on the general rules of taking up and pursuit services (hereinafter referred to as Szolgtv.). The pursuit of the service is allowed by the atomic energy oversight organization to that person, who possesses the professional qualification determined in the Government decree on protection against ionizing radiation and the corresponding licensing, reporting and inspection system and complies with other conditions established thereof.

(2) Radiation protection expert activity can be performed by a licensed

a) natural person,

b) commercial company recorded in the company registry (hereinafter referred to as radiation protection expert enterprise), and undertaking possessing the right of providing services according to the Szolgtv. (hereinafter referred to as radiation protection expert undertaking).

(3) At request, the atomic energy oversight organization shall license the radiation protection expert activity to that radiation protection expert enterprise, which has at least one member or employee, who is allowed to pursuit radiation protection expert activity and possess a valid radiation protection expert license.

(4) The radiation protection expert undertaking shall report to the atomic energy oversight organization its intention to pursuit radiation protection expert activity in the frame of cross-border service provision. The undertaking may

pursuit the radiation protection expert activity in the territory of Hungary, in the frame of cross-border service provision through its member or employee licensed to pursuit this activity.

(5) If the law requires the involvement of an expert in a radiation protection case or establishes legal consequence to the involvement thereof, only the natural and legal persons determined in Subsection (2) can be involved as radiation protection experts, and the legal consequences shall apply only if such radiation protection expert, radiation protection expert enterprise or radiation protection expert undertaking is involved, who possesses license issued by the atomic energy oversight organization or certificate.

(6) The atomic energy oversight organization maintains a register of licensed radiation protection experts, radiation protection expert enterprises and radiation protection expert undertakings. In addition to the data determined in the Szolgtv., the register shall include the radiation protection expert's:

- a) natural personal identity data, citizenship, mailing address,
- b) professional qualification, the number, date of issuance and the name of issuing institute of the justifying certificate(s),
- c) short description and duration of the professional experience,
- d) field of expertise,
- e) number and date of issuance of the license to pursue expert activity,
- f) dates of submitting data modifications,
- g) fact of suspension of expert activity, its starting date and duration, and
- h) registration number.

(7) The register, in relation to Para *d)-h)* of Subsection (6) is a certified public record.

(8) The atomic energy oversight authority shall publish and keep up-to-date the list of radiation protection experts, which include the name of the radiation protection expert and the number of the license issued to pursue expert activity. With the consent of the radiation protection expert, the list includes his/her/its mailing address, phone number, fax number and electronic mail address.

(9) In addition to those determined in the Szolgtv., the following data are public among those recorded in the register:

- a) short description and duration of the professional experience of the radiation protection expert,
- b) field of expertise,

c) date of issuance of the license of the radiation protection expert, radiation protection expert enterprise,

d) fact of prohibition from expert activity, the date when the founding resolution becomes final,

e) fact of suspension of expert activity, its starting date and duration, and

h) registration number.

(10) In relation to data not regulated in Subsection (2) of Section 30 of the Szolgtv., data from the register shall only be provided to justify the right to pursue expert activity.

(11) The atomic energy oversight organization shall delete the radiation protection expert from the register, if his/her/its activity was terminated, if he/she does not comply with the retraining requirements established in other law or submits a declaration for deletion.

Radiation protection qualification and its registration

Section 16/C

(1) Any activity within the scope of the use of atomic energy shall be performed by a person possessing radiation protection qualification as required by the decree of the president. The required radiation protection qualification can be obtained through the participation in radiation protection training prescribed by law and taking successful exam. The radiation protection qualification shall periodically be renewed.

(2) The fulfilment and examination of radiation protection training and retraining shall be recorded. The successful fulfilment of the examination is justified by the certificate issued by the organizer of the training, retraining. The record and the data of the issued certificates as determined in Subsection (3) shall be submitted to the atomic energy oversight organization within the deadline determined by law.

(3) The atomic energy oversight organization keeps records of the following data of the certificate:

a) level of training, further training;

b) natural identifiers and citizenship of the employee;

c) date of issuance of the certificate;

d) the result of the examination obtained by the examinee.

(4) The atomic energy oversight organization shall use the personal data recorded in the radiation protection qualification register to verify the compliance with the legal requirements for radiation protection qualification,

and can manage those data for one more year after the certificate loses its validity.

(5) At request, the atomic energy oversight organization may provide data in accordance with Subsection (11) of Section 16/A.

Scope of authority of atomic energy oversight organization

Section 17

(1) Fundamental tasks of the atomic energy oversight organization shall be the performance and coordination of regulatory tasks in relation to the peaceful, safe and secured use of atomic energy, especially to the nuclear safety and security of nuclear facilities, radioactive waste repositories, safety and security of equipment emitting ionizing radiation, activities against proliferation of nuclear weapons and to the nuclear emergency management and the respective public information activity.

(2) The competence of the atomic energy oversight organization contains:

1. nuclear safety licensing of nuclear facilities required for
 - a) site survey and assessment, site characterization and evaluation of suitability,
 - b) for construction, extension, commissioning, operation, operation beyond design service life, final shutdown and decommissioning;
2. inspection of nuclear facilities and radioactive waste repositories, and nuclear safety assessment and analysis of nuclear facilities and radioactive waste repositories;
3. regulatory licensing and inspection of civil structures connected to nuclear facilities and radioactive waste repositories, and regulatory licensing of elevators of these civil structures;
4. licensing and inspection of activities related to modification (including introduction of a different fuel assembly in the case of a nuclear power plant), design, fabrication, assembly (installation), commissioning, operation, purchase, shutdown, decommissioning of nuclear facility systems, structures and components and to modification, decommissioning and closure concerning systems, structures and components of radioactive waste repositories;
5. licensing and inspection required for modification of nuclear facilities and radioactive waste repositories including;
6. licensing and inspection required for the modification of systems, structures and components of nuclear facilities, radioactive waste repositories and the organizational structure, management system and technical and regulation documents of the licensee;

7. nuclear safety licensing required for post-outage re-starting of nuclear power plant units;
8. nuclear safety licensing required for the first introduction and later modifications of nuclear emergency management plans of nuclear facilities and radioactive waste repositories;
9. approval of description of assembly, implementation techniques, measurement, calculation, technical review and evaluation methods determined by law, and approval of applications to job positions important to safety;
10. implementation of the Periodic Safety Review, determination of conditions for further operation, ordering of implementation of necessary measures based on the results of Periodic Safety Review and approval of deviation identified in the Periodic Safety Review Report and during the Periodic Safety Review;
11. inspection of the quality management system required by Subsection (2) of Section 11;
12. designation and review of the safety area of nuclear facilities, and radioactive waste repositories;
13. licensing of the transport of radioactive materials according to the dispositions of laws on the transport of dangerous goods;
14. approval and inspection of the packaging of radioactive materials according to the disposition of laws and international agreements on dangerous goods;
15. licensing, inspection of site survey and assessment, siting, construction, operation, modification, closure, active control and licensing of passive control of the radioactive waste repository;
16. licensing of the transport of radioactive wastes and spent fuels through national borders and consent to licensing of such a transport;
17. consent to and licensing of transport of radioactive materials between Hungary and other member states of the European Union, and between Hungary and third country;
18. determination and review of design basis threat, and licensing and inspection of the physical protection system based on the physical protection plan in relation to use of atomic energy;
19. registration and inspection of the existence of the insurance or other financial instruments related to the liability for nuclear damage;
20. central accountancy for and control of nuclear materials in compliance with stipulations of international treaties;
21. central accountancy for radioactive materials;

22. central registration and control of data related to the long term planning in relation to the nuclear fuel cycle, research and development, fabrication and export-import activities and to the sites and connected locations;

23. assessment and coordination of research and development activities related to the safety and security of peaceful use of atomic energy, and financing of technical support activities for regulatory oversight taking into account Subsection (10) of Section 4;

24. coordination of international cooperation corresponding to the use of atomic energy, preparation and organization of execution of inter-state and inter-government agreements in this field, coordination of cooperation with the International Atomic Energy Agency;

25. occasional authority acknowledgement of a foreign professional as expert in the use of atomic energy;

26. licensing of the generation, production, processing, handling, possession, storage, use, use-up, transformation, trade of radioactive materials, and the clearance from regulatory control;

27. licensing of the construction, commissioning, operation, modification, maintenance and termination of the operation of non-nuclear facilities and equipment serving for the purpose listed in Paragraph 26;

28. licensing of fabrication, trade, operation, modification and maintenance, and acknowledgement of notification of termination of the operation of equipment generating ionizing radiation without containing radioactive material;

29. licensing of the construction, commissioning, operation, modification, maintenance and termination of the operation of non-nuclear facilities serving for the purpose of fabrication and operation of equipment listed in Paragraph 26;

30. acknowledgement of notification of obtaining, transferring of the ownership right over materials, facilities and equipment as per Paragraphs 26-29, and of allowing their use transferred under any legal title;

31. licensing of the trade of radiation protection tools and their radiation protection qualification;

32. inspection of materials, facilities and equipment as per Paragraphs 26-29 and determination of the required data supply;

33. approval of the thematic of radiation protection training and further training and their exam requirements, judgment of the appropriateness of foreign qualifications;

34. radiation protection licensing and inspection of vehicles transporting nuclear or other radioactive materials;

35. licensing of the clearance of equipment containing radioactive materials and equipment generating ionizing radiation without containing radioactive material;

36. central collection, processing, registration and evaluation of data on the national radiation situation through the determination of data to be mandatorily measured and the coordination of the activities of organizations defined by law for performing environmental radiation monitoring;

37. declaration of inactivity of facilities, areas, places after the termination of the application of nuclear and other radioactive materials;

38. determination of normal and extraordinary radiation protection monitoring obligations of workers exposed to radiation; registration of personal doses;

39. establishment of dose limits and dose constraints for public exposure, dose limits for occupational exposures, and approval of dose constraints for occupational exposures;

40. supervision of the organization and operation of radiation protection services operated by licensees;

41. inspection of the compliance with radiation protection requirements for employees in the scope of the use of atomic energy;

42. approval of plans for responding to extraordinary events and nuclear emergencies in relation to the radiation protection of nuclear and other radioactive materials;

43. determination of suitability for pursuing civil engineering-technical expert, civil engineering designer, technical buildings inspector and responsible construction supervisor professions, and the respective registration.

44. Approval of the facility level Workplace Radiation Protection Rules of the nuclear facilities and radioactive waste repositories.

(2a) The Act on mining and the respective implementation government decree shall apply to the licensing procedures related to research facilities necessary for geological mapping for site survey and assessment of nuclear facility, radioactive waste repository.

(2b) The atomic energy oversight organization shall proceed in civil structure licensing procedures related to nuclear facility and radioactive waste repository. Provisions of Act LXXVIII of 1997 on the formation and protection of built environment and of the law and local authority resolution issued for its implementation shall apply to the procedure together with the deviations included in this Act and its relevant implementation laws.

(2c) After the becoming final of the license for final shutdown it shall not be possible to submit a license application regarding the operation of the facility.

(3) The atomic energy oversight organization may involve other expert organization or expert to provide competence in assessment of planned, licensable activity and the grounding of the respective license application, review of compliance with technical, nuclear safety, radiation protection, security and safeguards requirement and with conditions stipulated in regulatory resolutions. The atomic energy oversight organization shall conclude agreement with the mostly involved expert organizations.

(4) The atomic energy oversight organization is authorized to conduct inspections within its competence at any user of atomic energy.

(5) License application to implement a modification affecting nuclear safety shall be submitted to the atomic energy oversight organization. Unlike Para 4 of Subsection (2), it is not required to obtain a license from the atomic energy oversight organization for the purchase, fabrication and preparation of assembly of system and component in the case of a modification. The modification license authorizes the licensee to connect the system or component to the service systems, to commission and operate the modified system or component.

(6) In the case of modifications determined by law the amendment to the operation license of the nuclear facility and radioactive waste repository shall be initiated at the atomic energy oversight organization.

(7) The licensing procedure according to Para 1, 3-10, 12 and 15 of Subsection (2), except for the procedure required for site survey and assessment of the nuclear facility shall launch for the application of the licensee of the facility. The application and the grounding documentation thereof shall be submitted in writing. The documentation grounding the application shall be attached in an electronic data carrier. Considering the technical features, the documents larger than A3 size shall be submitted on paper copy too.

(8) Prior to the planned launching of the construction licensing procedure of a nuclear facility, the licensee of the nuclear facility can submit preliminary safety information as determined in a government decree to inform the atomic energy oversight organization of preliminary compliance with the safety requirements of the planned nuclear facility (preliminary safety information).

(8a) Authority licenses of the nuclear facility and the radioactive waste repository under construction can be modified by the atomic energy oversight organization, if the contents of the modification license application meet the requirements of the NSC govt. decree and the government decree on the safety requirements for facilities ensuring interim storage or final disposal of radioactive wastes and the corresponding authority activities.

(9) Publication of all data occurring in the licensing procedure in relation to the nuclear facility and its structures can be refused by the proceeding authority if the publication of the data would violate or endanger a national security or

national defence interest, public security, foreign affairs activity of Hungary, foreign relations, relations with international organizations, violate rights to intellectual property, or if the publication of the data would entail a reduced level of protection of the environment. Publication can also be refused in the case if it would violate the conduct of court or other authority procedure, except if the proceeding court or authority permits the publication of the data.

(10) No one apart from the licensee, the proceeding court, authority or other authority authorized to know the data shall be authorized to know a business secret.

(11) All such data, fact, information emerged in the licensing procedures shall be classified as business secret in the use of this act, the publication of which would violate or endanger the lawful, so especially financial, commercial or market interests of the licensee, so especially know-how, intellectual product, invention or a patent right concerned by the licensing procedure.

Section 17/A

(1) The atomic energy oversight organization shall

1. coordinate the domestic participation of the research and development frame programmes of the European Atomic Energy Community (Euratom), and perform the duties of the national point of contact in connection with the frame programmes;

2. cooperate with the International Atomic Energy Agency, the Nuclear Energy Agency of the Organisation for Economic Co-operation and Development, the European Atomic Energy Community, and other international and regional intergovernmental organizations acting in the field of peaceful use of atomic energy;

3. perform the tasks serving for the implementation of intergovernmental agreements bound in the field of peaceful use of atomic energy;

4. take care of the fulfilment of international obligations associated with the safe use of atomic energy falling under its competency, in association with:

- a) nuclear safety,
- b) safe management of radioactive wastes and spent nuclear fuel,
- c) nuclear emergency response,
- d) nuclear security,
- e) non-proliferation of nuclear weapons, and
- f) liability for nuclear damages;

5. prepare the national reports to be submitted based on international obligations as determined in Sub-paragraphs a) and b) of Paragraph 4;

6. prepare the report on the implementation of the 2009/71/Euratom council directive;

7. take care of requesting the international expert review serving for the continuous improvement of the nuclear safety of nuclear facilities;

8. take care of the member state self-assessment of laws serving for the nuclear safety of nuclear facilities and competent authorities according to 2009/71/Euratom council directive;

9. submit the national programme and its significant amendments to the European Council;

10. upon request, provide additional information to the European Commission regarding the national programme;

11. inform the European Commission on the review of the national programme;

12. take care of the member state self-assessment of laws serving for the responsible and safe management of spent fuel and radioactive wastes and competent authorities, and during the national programme and its implementation according to 2011/70/Euratom council directive;

13. prepare the spent fuel related part of the report on the implementation of the 2011/70/Euratom council directive, and compile the entire report;

14. take care of requesting the international expert review serving for the high level safe management of spent nuclear fuel and radioactive waste;

15. coordinate the national evaluation of the expert review conducted based on a concrete topic according to the 2014/87/Euratom council directive, prepare and publish the national report, determine actions for the improvement of safety;

16. request international expert review, without undue delay, in the case of such accidents, which make off-site emergency response measures or public protective actions necessary;

17. cooperate with the National Accreditation Authority regarding the designation of experts having expertise in the nuclear field in the evaluation group of the accreditation proceeding of the verification organization, independent of the licensee and authorized by law, according to the NSC decree;

(2) The atomic energy oversight organization shall take care of the fulfilment of the reporting obligation to the European Commission according to Paragraphs 6 and 13 of Subsection (1).

(3) The licensees of nuclear facilities and the licensees of facilities managing radioactive wastes and spent fuel shall provide information and data to the preparation of national reports to be made based on international obligations and assigned to the competence of the atomic energy oversight organization

according to Paragraphs 5 and 15 of Subsection (1), and the annual report on the safety of the domestic use of atomic energy to be submitted to the Parliament according to Subsection (3) of Section 8.

(4) The atomic energy oversight organization shall establish and maintain an effective management system based on the obligations associated with the safe use of atomic energy, in the frame of which, in order to reach the fundamental safety objective specified in this act, it takes such actions, which facilitates questioning and learning behaviour at all levels of the organization.

Section 17/B

The atomic energy oversight organization shall act as general building authority and general building oversight authority

a) in the safety zone of the research reactor and the training reactor, and in the case of real assets affected by the safety zone of other nuclear facility, and/or

b) if safety zone is not established, then in the case of real assets affected by the planned site of the nuclear facility as specified in its site survey and evaluation license, and

ba) for research reactor, training reactor and nuclear fuel examination laboratory, in the case of real assets located within one-hundred meters from the boundary of the planned site of the nuclear facility or affected thereby;

bb) with the exemption of nuclear facilities determined in sub-paragraph ba), in the case of real assets located within five-hundred meters from the boundary of the planned site of the nuclear facility or affected thereby.

Section 17/C

The atomic energy oversight organization shall act as general building authority and general building oversight authority

a) in the case of real assets affected by the safety zone of the radioactive waste repository, and/or

b) if safety zone is not established, then in the case of real assets in the planned site of the radioactive waste repository as specified in its site survey frame programme license, and in the case of real assets located within one-hundred meters from the boundary of the planned site or affected thereby.

Section 18

(1) Contracts on transfer of ownership or allowing the use under any legal title of radioactive materials and equipment generating ionizing radiation and the facility housing the operation shall be concluded in writing.

Section 18/A

Section 18/B

(1) In authority procedures affecting the nuclear safety of a nuclear facility or radioactive waste repository, if conflict of competence emerges between the atomic energy oversight organization and other authority authorized to license or inspect, then until the designation procedure is terminated the atomic energy oversight organization is authorized and shall proceed.

Section 18/C

Public administration service fee shall be paid for the site survey and assessment licensing, site licensing and construction licensing procedures, furthermore for transport, freight and packaging licensing procedures of radioactive materials to be conducted by the atomic energy oversight organization.

Tasks of the atomic energy oversight organization related to pursuing engineering, civil construction, civil construction-technical design professions

Section 18/D

(1) That person is authorized to pursue civil engineering-technical expert, civil engineering designer, technical building inspector and responsible construction supervisor activity in relation to structures applied for the use of atomic energy under the effect of this act, who certifies at the atomic energy oversight organization his/her suitability to pursue this activity and who appears in the registry of the atomic energy oversight organization developed for this purpose. The licensee shall apply for determination of suitability to pursue the profession. Suitability to pursue the profession shall be determined if it can be justified to assume based on the education, qualifications and international scientific recognition of the person that he/she is suitable to pursue the profession. A decree issued by the president shall determine the detailed rules how to certify and register pursuing of professions.

(2) The atomic energy oversight organization shall manage the data obtained during the procedure per Subsection (1) according to the effective data management rules in authority procedures with the condition that the general registry rules of pursuing a civil engineering, engineering, civil engineering-technical profession shall appropriately apply to the publication of the register. Access to the registry shall be refused only because of a direct order of an international agreement or for a national security interest.

(3) The registry, in addition to the data determined in the Act on Service Provision, shall contain the following data on the pursuer of the professional activity:

a) the natural personal identifier data, sex, nationality and mailing address of the professional,

b) professional qualification, number, date of evidence document(s) certifying the qualification and the name of issuer institute,

c) short description and duration of professional experience,

d) professional field of the expert,

e) identifier and date of issue of the resolution authorizing the professional activity,

f) time of reporting of data change,

g) the fact of suspension to pursue the professional activity, its first day and duration,

h) registration number.

(4) If the documents required for the determination of applicability were issued on paper, then these documents shall be submitted to the atomic energy oversight organization on paper in the procedure aimed at determination of applicability to conduct professional activity.

Oversight fee

Section 19

(1) Licensee of a nuclear facility or radioactive waste repository under construction or in operation shall pay oversight fee to the atomic energy oversight organization.

(2) Annual amount of the oversight fee:

a) in the case of an operating nuclear power plant and research reactor the product of the nominal thermal power (MWth) and the calculation base; the calculation base shall be 302 450 HUF/MWth;

b) in the case of a nuclear power plant and research reactor with a valid construction license the product of designed nominal thermal power (MWth) and the calculation base; the calculation base shall be 82 100 HUF/MWth;

c) in the case of an interim storage facility of spent nuclear power plant fuel shall be 300 million HUF.

(3) Constructors or operators of nuclear facilities shall quarterly pay the proportional amount of the annual oversight fee until the fifth day of the actual quarter.

(4) If the construction or operation license is granted during the year the first day of the payment obligation shall be the first day of the quarter following the

date when the license becomes final, while the deadline for payment shall be the fifth day of the actual quarter following the date when the license becomes final.

(4a) The licensee of a radioactive waste repository, subsequent to the date when the operation license becomes final, shall pay an oversight fee to the atomic energy oversight organization.

(4b) The annual oversight fee shall be:

a) 100 million HUF in the case of a surface repository

(4c) The operator of the radioactive waste repository shall pay quarterly the proportional part of the annual oversight fee as latest until the fifth day of the object quarter.

(4d) In the case of an operation license issued during the year the start of paying obligation is the fifth day of the quarter following the becoming final of the license.

(5) The atomic energy oversight organization shall determine the amount of oversight fee missed to be paid before the actual deadline in a resolution, and shall oblige the obligant to pay the missing amount.

(6) If the oversight fee is not paid or paid with delay, a late payment default interest shall be paid from the day when the payment becomes due as determined in Subsections (3) and (4), and (4c)-(5) until the day of settlement according to the act on the rules of taxation.

Independent technical expert and expert organization proceeding in the scope of the use of atomic energy

Section 19/A

(1) That person or organization is authorized to perform independent technical expert activity in the scope of the use of atomic energy, who holds an authorization for performing this activity granted by the territorially competent professional chamber of engineers determined by the act on professional chambers of designer and expert engineers and architects (hereinafter referred to as: the chamber). If the law requires the deployment of an expert in a professional issue in the scope of the use of atomic energy or determines a separate legal consequence for the deployment of such an expert, only such a person or organization shall be deployed as an expert and the legal consequences are bound to the deployment of only that expert who holds an authorization granted by the chamber.

(2) Only independent and impartial person or organization shall proceed as expert, who or which is not personally interested in the decision on the compliance with the requirements at the time of communication of the opinion and the statement, he/she is exclusively governed by professional aspects, and

his/her allowance for the work performed is independent of the content of the expertise.

(3) Administration service fee shall be paid for procedures related to licensing of an expert activity and its extension with a new field of profession.

Section 19/B

(1) The chamber shall authorize to pursue expert activity for that person who

a) has clean criminal record, and is not under the effect of expulsion that would exclude him/her from performing expert activity in the scope of the use of atomic energy, and who

b) has the professional qualification, experience determined by the law promulgated based on the authorization of this act and complies with other criteria determined therein.

(2) The application for the authorization shall contain the natural personal identifiers, nationality, mailing address of the applicant, as well as his/her professional qualification, description of professional experience and its duration, and the name of the professional area applied for.

(2a) The chamber shall license performing independent technical expert activity by an expert organization for that organization, which employs at least one qualified expert in any form of employment relationship in the area in which the expert activity is intended to be pursued.

(3) The Hungarian Chamber of Engineers (hereinafter referred to as: MMK) shall keep a register of the persons holding authorizations, which shall, in addition to the data determined according to the Service Act, contain

a) the natural personal identifier data, nationality and mailing address of the expert,

b) professional qualification, number, date of evidence document(s) certifying the qualification and the name of issuer institute,

c) short description and duration of professional experience,

d) professional field of the expert,

e) identifier and date of issue of the resolution authorizing the expert activity,

f) time of reporting of data change,

g) the fact of forbidding to pursue the expert activity, its reason and duration, and the date of becoming final of the basis resolution,

h) the fact of suspension of expert activity, its starting date and duration,

i) registration number.

(3a) The register, in relation to Paras *d)-i)* of Subsection (3), is a certified public record.

(3b) The MMK shall keep a register of the independent technical expert organizations holding a license. The register, beyond what is determined in the Szolgtv., shall contain the data of all those persons according to Items a)-d) of Subsection (3), whose qualification and professional experience are taken into account by the chamber when issuing the license, and the professional area of the independent technical expert organization, identifier of the resolution licensing the expert activity, its date of issuance and the registration number. If the chamber takes into account the qualification, professional experience of such a natural entity, who is taken into the expert register based on Subsection (3), then in relation to this person, the register of independent technical expert organization shall contain the status and registration number of the expert, the fact, reason, duration of banning from expert activity and the date of becoming final of the related resolution, and also the fact, starting day and duration of suspension of expert activity.

(4) In addition to the data determined in the Szolgtv., the short description and duration of professional experience of the expert, field of profession, day of issuance of expert license, the fact of expulsion from expert activity and the day of becoming final of the resolution reasoning the expulsion, the fact of suspension of expert activity, its first day and duration and the registry number shall be public. In relation to the data not ruled in Subsection (2) of Section 30 of the Szolgtv., data shall be retrieved from the register only to certify the due authorization to pursue expert activity.

(4a) Out of the data of the register of independent technical expert organizations, beyond what is determined in the Szolgtv., the name, short description, duration and area of professional experience, and in case of technical experts the registration number, of all those persons who are included the register according to Subsection (3b), furthermore the date of issuance and registration number of the independent technical expert organization shall be public.

(5) The validity of decision on banning from expert activity shall be at most three years.

(6)-(7)

(8) The chamber, simultaneously with the issuance of the resolution on performance of expert and expert organization activity, shall forward all data necessary for registering to the MMK, which shall promptly take care of registering the data of the expert or expert organization.

Section 19/C

(1) The Budapest and Pest County Chamber of Engineers (hereinafter referred to as: BPMK) shall establish a qualification committee at the first instance that participates in the authorization procedure regarding the performance of expert activities. It shall be the task of the qualification committee to determine whether the professional experience of the applicant is appropriate to pursue the expert activity.

(2) The director general of the atomic energy oversight organization and the secretary general of the MMK shall jointly designate the members of the qualification committee. The qualification committee shall have odd number of members, at least five and maximum fifteen, whose assignment shall last for 4 years. The members shall elect a chair.

(3) At least three members designated by the chair of the qualification committee shall proceed in a particular licensing case. The proceeding committee shall conclude the decision based on the documents (especially the references and professional curriculum vitae) submitted by the application certifying his/her professional experience.

(4) The license that authorizes to perform expert activity shall be granted only for those fields of professions, in relation to which the committee determined the adequacy of the expert activity. If the committee does not find the expert's experience appropriate, the application shall be refused.

(5) The chamber shall promptly forward the application received and the attached documents related to the professional experience to the chair of the BPMK qualification committee. The procedure of the qualification committee shall be included into the administration deadline.

(6) If the chamber partially or fully refused the application due to the statement issued by the qualification committee, a qualification committee at the second instance operated by MMK shall proceed in the procedure at the second instance. The rules of the tasks and members of the qualification committee at the first instance shall apply to the tasks and members of the qualification committee at the second instance with the condition that the same person shall not be member of both committees simultaneously.

(7) If the independent technical expert person or expert organization wishes to register a new field of profession in the list of his/her expert, then the rules for licensing shall be used with the condition that the subject of the procedure shall exclusively be the new field of profession and the skills of the expert for that field.

Section 19/D

(1) A foreign expert or expert organization shall pursue expert activity in the scope of the use of atomic energy only if the atomic energy oversight organization preliminary acknowledges his/her expert capacity.

(2) In a procedure launched on the acknowledgement of expert capacity of a foreign expert or expert organization in the scope of use of atomic energy the applicant shall certify that in which country's what expert register and in what field and based on what qualifications or reference he/she/it has been registered. The atomic energy oversight organization shall decide appropriately using the data certified by the applicant and the rules related to the experts performing expert activity in the scope of the use of atomic energy.

(3) That person shall be regarded as foreigner in the use of this Section, who is not a citizen of a member state of the European Economic Area, and that expert organization shall be regarded as foreigner in the use of this Section that does not belong under the effect of the Szolgtv.

Section 19/E

Competence of the minister responsible for health in licensing procedures regulated by the minister responsible for health

Section 20

(1) The minister responsible for health shall perform through an organization determined by law

a) inspection of compliance with requirements for radiation health, work performance, occupation aptitude in the use of atomic energy;

b) operation of the radiological monitoring and data provision network of the health sector;

c) inspection of the sterilization of therapeutic instruments and sanitary articles performed by ionizing radiation;

d) establishment and operation of the radiation health duty service;

e) medical treatment of radiation injured or potentially injured persons;

f) determination of the scope who shall mandatory participate in radiation medical further training, the designation of the institute obliged to conduct the further training, the approval of the thematic of the further training;

g) cooperation in nuclear emergencies to support decision making from radiation health point of view;

h) oversight of health protection of persons subjected to ionizing radiation during provision of medical services incurring an exposure other than as part of their occupation.

(2) not effective

Scope of competence and tasks of other public administration organizations in the use of atomic energy

Section 22

In relation to atomic energy, the minister responsible for the police shall perform the police and physical protection response tasks aimed at provision of internal security and order, while the minister responsible for disaster management shall perform the fire protection, civil protection and the operative nuclear emergency preparedness and response tasks.

Section 23

The minister responsible for oversight of land use shall perform monitoring of and giving expertise on the radioactivity of the soil, while the minister responsible for the food chain shall perform monitoring of and giving expertise on the radioactivity of flora, fauna and foodstuff products made thereof, and tasks related to performance of tests required for international trading of foodstuffs and issuance of certificates.

Section 24

(1) The minister responsible for regulation of building and building authority cases shall perform monitoring of radioactivity of raw materials used for production of construction materials and imported from abroad, and of construction materials and other products released for trading.

(2) not effective

Section 25

The minister responsible for environmental protection shall perform monitoring of radioactive contamination of the air, land and water environment.

Section 26

(1) The minister responsible for national defense can specify different requirements within the frames of this Act for national defence interest at the national defense organizations, at workplaces or temporary workplaces serving also for national defense purposes established at areas under asset management by the ministry lead by the minister responsible for national defense, at those commercial companies over which the owners' rights are assumed by the minister responsible for national defense and at commercial companies according to Item c) of Subsection (2) of Section 3 of the Act CVI of 2007 on State Assets.

(2) The government decree promulgated for the implementation of this act, containing the designation of the national defense organization fulfilling the scope of competences determined in Items 26-42 of Subsection 17 (2) in relation

to the organizations according to Subsection (1) and the public administration procedures supplementing and deviating from the Ákr to be applied by the designated national defense organization..

(3) The procedural rules determined in Section 12 and 15 shall also be applied by the designated organization according to Subsection 2.

Section 27

not effective

Section 28

The minister responsible for education shall

a) take care that the National Curriculum determined by law incorporates the obligation to educate scientific, technical and radiation protection knowledge related to the use of atomic energy;

b) in cooperation with the professionally competent higher education institutes, with involvement of the concerned ministers and within the frames of the laws for higher education, take care of regulation and provision of conditions for higher education and further education in the field of the use of atomic energy.

Section 29

(1) The organizations mentioned in Sections 17-27 of this Act may authorize such an institute with the task of performing inspections, which owes the necessary human and objective conditions or such a person who owes appropriate special professional qualifications.

(2) The institute or person authorized to perform inspections, during the performance of an inspection shall assume the same rights as the organization authorized to inspect with the exception that it/he/she has no right to take measures.

Nuclear security

Section 30

(1) Nuclear security shall provide

a) prevention of unauthorized removal of nuclear and other radioactive materials, misuse of radioactive material according to the Penal Code (Section 250), sabotage, causing public danger with nuclear or other radioactive material, and of damaging to the environment;

b) physical protection based on the actual level of threat concerning unauthorized removal of nuclear and other radioactive materials being used, stored or transported, and against sabotage;

c) detection of causing public danger, damaging to the environment committed with nuclear or other radioactive materials, and of the misuse of radioactive material;

d) introduction of fast and comprehensive measures to locate and, if possible, to recover missing nuclear and other radioactive material and that removed without authorization; and

e) mitigation and minimization of consequences of sabotage, and causing public danger and damaging the environment committed with nuclear or other radioactive material.

(2) The atomic energy oversight organization and the police shall establish an effective supervision system to comply with the requirements of Para *a)* of Subsection (1) and continuously operate it by the application of the following system of instruments:

a) examination during accounting and licensing processes whether the activities pursued by the organizations owning nuclear and other radioactive materials, the accountancy, safeguards and physical protection measures are suitable to satisfy the requirements and to effectively implement the oversight activity and support the meeting of the goals of regulatory site inspections;

b) prescription of data supply and processing the submitted reports the authorities shall provide continuous oversight and evaluation in relation to nuclear and other radioactive materials and the corresponding activities;

c) verification during site inspection the information obtained thorough data supply and the use and operation of accountancy, safeguards and physical protection systems, and the actual and effective implementation of the required measures; and

d) enforcement the compliance with the legal requirements and penalize the non-compliance.

Section 31

(1) Physical protection system shall be based on a graded approach, considering the actual level of threat, physical and chemical properties of the material, its suitability to make nuclear weapon and to commit a malevolent act, and the potential consequences corresponding to unauthorized removal and sabotage against nuclear and other radioactive materials and nuclear facilities.

(2) The physical protection systems shall be suitable to effectively and timely detect, delay and response to the respective design basis threat.

(3) The licensee shall be responsible for the establishment and operation of an effective physical protection system against the design basis threat.

(4) In the case of a threat beyond the design basis the physical protection system provided by the licensee shall be supplemented by state instruments determined by law.

(5) The physical protection system shall follow the protection-in-depth concept and shall provide multilevel and multi-method protection in accordance with the concept of balanced protection irrespective of the location, time and method of the action.

(6) The licensee shall develop physical protection policy and quality management system and shall apply it to demonstrate that the requirements are complied with in relation to all activity important to physical protection.

(7) The atomic energy oversight organization, the police and the licensee shall develop plans and shall adequately exercise the implementation of the plans to be able to adequately respond to unauthorized removal of and sabotage against nuclear materials.

(8) The licensee shall ensure the protection of those nuclear facilities, nuclear and other radioactive materials, equipment producing radioactive material and facilities used to process, interim storage and final disposal of radioactive wastes that are specified by law by armed security guard service.

(9) The State shall establish appropriate system to detect and recognize any misuse of radioactive material, causing public danger and damaging to the environment with the use of nuclear and other radioactive materials, or the attempt of or preparation for it, in which the detection instruments of the licensees shall be integrated and operated.

Section 32

(1) Whoever learns about that nuclear or radioactive material or equipment capable of generating ionizing radiation is being owned or may be owned by an unauthorized person or notices any abnormal circumstances, then he/she shall promptly report that to the police.

(2) The order of measures after a report according to (1) and of measures related to missing, found or seized material are determined in a government decree.

(3) A nuclear emergency response plan coordinated with the national nuclear emergency response plan shall be developed to survey and recover the regulatory control of nuclear and other radioactive materials missing or removed in an unauthorized manner and applicable to cause a nuclear emergency and to mitigate the consequences of causing public danger and damaging to the environment with the use of nuclear and other radioactive materials and to provide an effective cooperation of the organization specified by law to carry out these operations.

Specific rules for the nuclear power plant

Section 33

In addition to the nuclear safety licenses granted based on this Act for the construction and operation of a nuclear power plant, the licenses of the Hungarian Energy and Public Works Regulatory Authority shall also be obtained according to the Act on Electric Power.

Rights and obligations related to other real estates, safety area

Section 34

(1) Environment of a nuclear facility or radioactive waste repository, including its parts being under the ground, may be designated as safety area to protect the facility, its environment and the population living there.

(2) Establishment of allotments, prohibition of building and mining, restrictions of rights to use land and water and of other use may be ordered within the safety area.

(3) The Government shall determine in decree the requirements for designation of the safety area and for the prohibition and restrictions per Subsection (2), and the detailed rules for compensations.

Section 35

(1) Establishment of allotments, prohibition of building and restrictions of rights to use within the safety area shall be ordered by the territorially competent construction authority, restriction of mining rights by the mine oversight organization, while restriction of use of water by the water authority. The fact that a safety area exists and the prohibitions and restrictions ordered for the real estates shall be recorded into the register of real estates.

(2) If the prohibition or restriction ordered within the safety area puts an end to or significantly hinders the ordinary use of the real estate, or if it is justified by the safe use of the facility to be constructed to serve the use of atomic energy, then the concerned areas shall be expropriated according to the general rules of expropriation.

Section 36

Aviation prohibition shall be ordered above the nuclear power plant, research reactor and spent fuel interim storage facility. Law shall order about the qualification to prohibited airspace and its dimensions.

Section 37

Damage caused by prohibitions and restrictions ordered within the safety area, and by construction of nuclear facility or radioactive waste repository and by works performed within the safety area in relation to these facilities shall be compensated.

Storage and disposal of radioactive waste and spent fuel

Section 38

(1) License shall be granted to the use of atomic energy only if the safe disposal of radioactive waste and spent nuclear fuel is ensured in harmony with the latest justified scientific results and international expectations and experiences.

(2) In the case of nuclear power plant, the compliance with the requirement of Subsection (1) shall be demonstrated together with the submittal of the commissioning license application.

(3) Storage of radioactive waste (interim storage or final disposal) and disposal of spent nuclear fuel (interim storage or closing of the nuclear fuel cycle) shall be regarded as being safe, if

a) the protection of human health and environment is ensured throughout these activities; and

b) the impact on human health and environment is not greater beyond the national borders than the level accepted for inland.

Section 39

License for storage of radioactive waste and spent nuclear fuel shall be granted for a limited duration.

Section 40

(1) An organization designated by the Government shall take a proposal for the national policy and programme of the management of radioactive wastes and spent nuclear fuel and their revision, and perform the tasks related to the final disposal of radioactive wastes, interim storage of spent nuclear fuel and closing of the nuclear fuel cycle and decommissioning and dismantling of nuclear facilities.

(2) The supervisory board of the organization designated by the Government according to Subsection (1), differently from the rules laid down by the act on commercial companies in public ownership, shall consist of five natural persons.

Section 41

The costs of final disposal of radioactive waste, interim storage of spent nuclear fuel and closing of nuclear fuel cycle and the decommissioning of the nuclear facility shall be borne by the licensee; or in the case of a central budget

organization established by the Hungarian Academy of Sciences, a high education institute or other central budget organization, the costs shall be borne by the central budget.

Chapter IV

Measures to prevent the occurrence of abnormal events and to eliminate the consequences thereof

Section 42

(1) The user of atomic energy is obliged to take appropriate measures immediately if an abnormal event occurs in the course of its activity, and the level of ionising radiation or the extent of radioactive contamination affecting the employees or the population, or the amount of radioactive materials released into the environment exceeds or may exceed the level permitted by the authority.

(2) Due to an extraordinary event occurred at the nuclear facility or radioactive waste repository or based on specified operational experience, the atomic energy oversight organization, if needed, shall initiate measures, or require the implementation of measures, as well as shall require the execution of measures for the sake of nuclear safety, the protection of life, health, environment and assets.

(3) In an accident or nuclear emergency, or in an operation state directly threatening with the occurrence of an accident or nuclear emergency, in order to prevent the occurrence of the accident or nuclear emergency, or to respond to and prevent the evolution of a real transient or accident, according to law, the responsible manager of the operating organization being in service can order the execution of an action, measure or modification judged to be necessary by him/her without regulatory license and approval required by law.

Section 43

(1) The termination of an abnormal event, the investigation of its causes, and the execution of measures necessary to prevent its repeated occurrence are primarily the tasks of the user of atomic energy.

(2) In order to prevent the occurrence of a nuclear emergency situation, to respond to or mitigate the consequences of an event that has occurred, as well as to restore the prescribed regular circumstances, the user of atomic energy is obliged to:

a) elaborate a nuclear emergency preparedness and response plan and have it approved by the competent authorities;

b) establish the personal, material and organisational conditions for efficient nuclear emergency response and to regularly verify the meeting of these conditions from time to time;

c) ensure the conditions required for external assistance necessary for nuclear emergency response (nature, extent and method of such assistance) in agreement with the competent authorities and organisations.

Section 44

The execution of measures necessary for the response to an abnormal event which exceed the capabilities of the user of atomic energy is the responsibility of the institutions identified in the nuclear emergency preparedness and response plan, and in a nuclear emergency situation it is the task of authorities and organisations responsible for emergency response and identified in separate legal regulations.

Section 45

(1) The user of atomic energy is obliged to report, in accordance with regulatory requirements, all abnormal events without delay to the mayor with jurisdiction over the area, the competent health state administration office, the military state health administration body in the case of units and the organizations according to Subsection 26 (1), the police and the atomic energy oversight organization, and furthermore if the environment is contaminated, to the environmental protection authority and the foodstuff chain oversight organization, in the case of agricultural land becoming contaminated, to the county soil protection authority, in the case of water becoming contaminated to the water affairs regulatory organization, as well as for information, to the organisations designated on the basis of separate legal regulations for nuclear emergency response.

(2) If the abnormal event causes air contamination as well, the user of atomic energy shall also inform the Hungarian Meteorological Service in accordance with Subsection (1).

(3) In the case of a nuclear facility or radioactive waste repository, reporting obligations - in addition to the provisions in Subsection (1) - shall be determined by the atomic energy oversight organization considering all the circumstances justifying the necessity of reporting.

(4) The authorities shall notify the other competent authorities of abnormal events if they were not reported by the user of atomic energy.

Section 46

In a nuclear emergency situation, the reporting obligation is regulated by the nuclear emergency preparedness and response plan.

Section 47

(1) In order to prevent the further dispersion of radioactive contamination and to avoid radiation injury, the health state administration body and the military health state administration body:

a) may subject a person to medical observation if he/she may directly contaminate his/her environment as a result of his/her radioactive contamination;

b) may order the placement of persons into safe conditions, and the decontamination of the area, real estate property, buildings and other structures, as well as material assets and may restrict or ban their use (utilisation) and distribution for a specified or unspecified period;

c) may order the destruction of contaminated material assets, and in the case of livestock their emergency slaughter or elimination;

d) may initiate the ordering of renovating, restoring, modifying, or demolishing of buildings and other structures with the construction supervisory authority, and those of water facilities with the water affairs authority.

(2)-(3) not effective

Chapter V

Liability for and compensation of nuclear damage

Section 48

(1) The licensee of a nuclear facility shall be obliged to compensate nuclear damage defined pursuant to this Act (hereinafter referred to as compensation of nuclear damage). The licensee may be exempted from liability exclusively in cases defined by this Act.

(2) In the case of international carriage, the location where liability is transferred shall be set forth in the contract.

(3) In the use of Subsection (1) the Customer of Investment and the operator of the nuclear facility of the Investment according to Subsection 1 (1) of Act VII of 2015 shall be a licensee.

Section 48/A

(1) If the title for the compensation of nuclear damage is based on non-material damage as loss of human life or any personal injury, then the determination of the liability defined in Section 48 shall not require the justification of damages in addition to the fact of law violation.

(2) The value, method and due date of compensation shall be determined

a) in the case of non-material damage as loss of human life or any personal injury, as per stipulations on grievance fee of the Civil Code,

b) in the case of nuclear damage other than described in a), as per stipulations on compensation of damages caused out of the contract of the Civil Code.

Section 49

(1) No exemption from the liability determined in Section 48 shall be granted unless the nuclear damage is the consequence of a nuclear accident directly triggered by an unavoidable external cause outside the scope of activity of the facility (armed conflict, war, civil war, armed uprising or a devastating natural disaster of an extraordinary character).

(2) The licensee shall be exempted in part or in whole from the liability determined in Section 48 if it can prove that the nuclear damage suffered by the claimant occurred in part or in whole as a result of his gross negligence, or is the consequence of such a wilful and unavoidable act or omission of the claimant which was expressly aimed at creating the damage.

Section 50

It will not be qualified as nuclear damage, and the licensee shall be liable for it in accordance with the Civil Code, if the damage

a) was caused to the condition of the nuclear facility or to any property on the site of that facility, which is used or intended to be used in connection with that facility;

b) was caused to the means of transport upon which the given nuclear material was placed at the time of the nuclear accident.

Section 51

Except the exemptions stipulated in this Act, the limitation of or exemption from the liability for nuclear damage is null and void.

Section 52

(1) The absolute liability of the licensee of a nuclear power plant, nuclear district heating plant and a facility producing, storing or processing nuclear fuel shall not exceed SDR 100 million on each occasion of a nuclear accident arising in the facility, and SDR 5 million on the occasion of each nuclear accident arising in other nuclear facilities and in nuclear accidents arising during the transport or storage of nuclear fuel.

(2) The nuclear damage in excess of the amount defined in Subsection (1) shall be compensated by the State of Hungary; however, the total amount devoted to compensation of nuclear damage shall not be greater than SDR 300 million even in this case.

(3) The compensation of nuclear damage shall be effected in official Hungarian currency, based on the official exchange of limit amounts expressed in SDR set forth in Subsections (1) and (2).

Section 53

(1) If the damage to property, non-material damage as loss of human life or any personal injury has been caused by a nuclear accident as defined by this Act and another event jointly, and the damage to property, non-material damage as loss of human life or any personal injury caused by the other event cannot be separated from the nuclear damage with absolute certainty, the damage to property, non-material damage as loss of human life or any personal injury caused by the other event is also qualified as a nuclear damage. In the case, however, if the nuclear damage was caused together by a nuclear accident and by the release of ionising radiation not falling within the scope of this Section, the person responsible for this release shall be obliged to provide compensation as per stipulations on activities entailing increased hazards of the Civil Code.

(2) If more than one licensee take joint responsibility for the nuclear damage, the upper limit of the absolute liability of any of the licensees shall not exceed the amount applicable to them on the basis of Section 52.

(3) If the abnormal event arises in the course of transport of nuclear materials either in a means of transport or while storing them during their transport in a facility, and there is more than one licensee responsible for the nuclear damage caused, the total upper limit of absolute liability may not be higher than the highest amount to be paid by one of the licensees on the basis of Section 52 of this Act.

(4) Two or more nuclear facilities operated at the same site by the same licensee, from the aspect of applying nuclear damage and other compensation rules of this Act, are qualified as one nuclear facility.

Section 54

(1) The licensee is obliged to provide for insurance or other financial guarantees up to the amount of compensation for nuclear damage as per Subsection (1) of Section 52. In the case of a budgetary institution, the sources of funding shall be secured by the central budget.

(2) No insurer or financial guarantor shall suspend or cancel the insurance or financial guarantees without giving notice in writing, at least two months in advance, of the suspension or cancellation to the atomic energy oversight organization.

(3) If the insurance or financial guarantees relates to the transport of nuclear materials, the insurance or financial guarantees may not be cancelled or suspended during the period of the transport.

(4) It is a condition for the issuance of the commissioning license to have the contract for the liability insurance or credit bank guarantee for financial coverage for the amount specified for the nuclear accident determined in Subsection 52 (1).

Section 55

(1) Claims for compensation of nuclear damage may only be brought against the licensee

or the party which grants the financial coverage on behalf of the licensee.

(2) In the case of nuclear damage, the licensee has the right of recourse if:

a) this right has been expressly provided for in a written contract;

b) the nuclear damage is the result of a wilful destructive action or negligence, against a natural person acting or

omitting to act with such intention.

Section 56

(1) The amount of absolute liability defined in Section 52 does not include the interest and costs determined by a court in relation with the compensation of nuclear damage.

(2) If it is probable that the nuclear damage caused by the nuclear accident will exceed the amount defined in Section 52 then on the basis of the Government's decision, until further action, only a specified portion of the amount of compensation of nuclear damage may be used to satisfy those titled for compensation of nuclear damage.

(3) If the amount available for compensation is not enough to satisfy all those injured in full, the amount of compensation due to all of them is proportionately reduced.

Section 57

(1) Persons titled for compensation of nuclear damage may claim their right to compensation within a three-year limitation period. The statutory limitation commences on the date when the person titled for compensation of nuclear damage learned or could have learned about the occurrence of the nuclear damage and the identity of the licensee responsible therefor.

(2) The licensee shall bear liability for nuclear damage defined in this Act for ten years from the date of the occurrence of a nuclear accident.

(3) If the nuclear damage was caused by an abnormal event induced by such nuclear material which was stolen, lost, thrown away or abandoned at the time of the abnormal event, the deadline stipulated in Subsection (2) shall be counted

from the date of the abnormal event, but it shall not be longer than twenty years from the date of occurrence of the events listed.

(4) No claim for compensation of nuclear damage shall be enforced after the expiration of the deadlines specified in Subsections (2) and (3).

Section 58

This Act does not affect the liability, pursuant to the Civil Code, of

a) natural persons who caused such nuclear damage by their act or omission aimed at causing damage, for which the licensee is not responsible according to Subsection (2) of Section 49 and Section 50 of this Act;

b) the licensee in cases not falling within the scope of this Act, for which the licensee is not responsible according to Section 50 of this Act.

Section 59

No compensation of nuclear damage on the basis of this Act is due to any person that has received full compensation for the same nuclear damage or claim on grievance fee, under any other title.

Section 60

(1) The liability and compensation rules of nuclear damage of this Act related to the use of atomic energy must be used in cases when as a result of a nuclear accident related to a nuclear facility operating within the territory of Hungary, the nuclear damage arises in the territory of Hungary, or in the territory of a foreign state or other areas where the licensee is obliged to compensate for nuclear damage on the basis of an international treaty.

(2) This Act does not rule out the application of the provisions of this Act in other cases in addition to those mentioned in Subsection (1), on the basis of reciprocity.

Section 61

The provisions of this Act shall be applied without any discrimination.

Chapter VI

The Central Nuclear Financial Fund

Section 62

(1) The Central Nuclear Financial Fund is a separate state fund exclusively earmarked for financing the construction and operation of disposal facilities for the final disposal of radioactive waste, as well as for the interim storage of spent fuel and the closure of the nuclear fuel cycle, and the decommissioning of nuclear facility.

(2) The ministry lead by the minister shall dispose over the Central Nuclear Financial Fund.

(3) Payments from the Central Nuclear Financial Fund shall only be settled for the purposes determined in Subsection (2) of Section 10/A and in Subsection (1); the tasks performed by the organization as per Subsection (2) in relation to the management of the Central Nuclear Financial Fund shall be financed from the Central Nuclear Financial Fund.

(4) The manager of the Central Nuclear Financial Fund shall:

a) conclude contract with the organization designated as per Subsection (1) of Section 40 for financing the tasks described in Section 40,

b) authorize that the organization designated as per Subsection (1) of Section 40 concludes the contracts required for the fulfilment of the objective established in the annual work programme of the actions to be financed from the Central Nuclear Financial Fund,

c) keep records of and manage the contracts bound by the organization designated as per Subsection (1) of Section 40,

d) draft and submit to the designated minister the budget modifications in relation to the planned budget of the Central Nuclear Financial Fund, and

e) assess, and if agree, together with the preliminary statement of the body referred Subsection (6), submit to the designated minister the interim and long term plans of the activities to be financed from the Central Nuclear Financial Fund, and as parts of these plans the proposals for obligations for payments into the Central Nuclear Financial Fund, as well as the annual work programmes and reports.

(5) The preliminary technical evaluation of the atomic energy oversight organization shall be attached to the documents listed in Para e) of Subsection (4).

(6) In order to assist the work of the designated minister in relation with the Central Nuclear Financial Fund a body assessing and establishing preliminary statements shall be operated.

Section 63

(1) The nuclear power plant shall be obliged to pay in the Central Nuclear Financial Fund in order to assure the costs of the final disposal of radioactive wastes, the interim storage of spent fuel, including the cost of decommissioning the storage facility, the closure of the nuclear fuel cycle, the decommissioning of the nuclear power plant, and the costs of the assistance provided to the monitoring and information aimed local government associations. The proportional part of the annual determined value shall be paid directly to the

account of the Central Nuclear Financial Fund maintained at the state treasury, monthly, by the 15th day of each month.

(2) The value of the payment obligation of the nuclear power plant shall be determined to fully cover the costs entailing:

a) the final disposal of irradiative wastes generated during the whole service life of the nuclear power plant and during its decommissioning, and the interim storage of spent fuel and the closure of the nuclear fuel cycle,

b) the decommissioning of the nuclear power plant and the spent fuel interim storage facility, excluding the cost of the first preliminary decommissioning plan,

c) the financial support provided to the monitoring and information aimed local government associations as per Subsection (2) in Section 10/A, and

d) the disposal of the disposed radioactive waste, safety improvement and operation of the radioactive waste repository constructed prior to the establishment of the Central Nuclear Financial Fund, which costs are not covered by the revenue collected in accordance with Section 63/A.

(2a) The payment from the nuclear power plant shall be determined with the use of net present value calculation method, considering 3% real discount rate in a way that the present value of the sum from the payment as per Subsection (1), the value sustaining contributions from the central budget as per Subsection (2) of Section 64, and the asset accumulated for the base year of the calculation shall be equal to the present value of the costs of future activities as per Subsection (2).

(3) The extent of the annual payment of the nuclear power plant shall be determined in the act on the central budget, with consideration of the obligation as per Subsection (2).

(4) In the case of nuclear facility operated by a central budget organization established by the Hungarian Academy of Sciences, a high education institute or other central budget organization, the costs entailing the construction and operation of the interim storage facility of the spent fuel, the closure of the nuclear fuel cycle, the decommissioning and dismantling of the nuclear facility, and the final disposal of the radioactive waste generated during decommissioning and dismantling of the nuclear facility shall be paid to the Central Nuclear Financial Fund at their incurrence. The source of the payment in the Central Nuclear Financial Fund shall be assured in the annual budget of the operating organization by the central budget, based on approved cost estimation.

Section 63/A.

(1) The costs entailing the final disposal of radioactive wastes during the service life of the nuclear facility operated by a central budget organization established by the Hungarian Academy of Sciences, a high education institute or other central budget organization shall be paid at the delivery of the waste to the repository

according to Annex 1. The source of the payment in the Central Nuclear Financial Fund shall be assured in the annual budget of the operating organization by the central budget.

(2) Any such user of the atomic energy, who does not fall under the effect of Subsections (1) and (4) of Section 63 or Subsection (1) shall pay the costs determined in Annex 1 in relation to the final disposal of radioactive waste at the time of the delivery of the waste to the repository.

(3) The waste deliverer as per Subsections (1) and (2) shall settle the payment obligations within 15 days after the delivery via payment in the account of the Central Nuclear Financial Fund maintained at the state treasury.

(4) During the calculation of the payment obligation as per Annex 1, the volume of the radioactive waste shall be determined as the nominal gross volume of the packaging, or if the nominal volume cannot be specified then as the volume of the inclusive cuboid, however the minimum volume to be calculated is 5 litre.

(5) Payments made pursuant to the provisions under Subsections (1) and (4) of Section 63 and Subsections (1) and (2) constitute the source of revenue of the Central Nuclear Financial Fund.

Section 64

(1) The provisions on the separate state financial funds of Act on Public Finance shall be applied to the financial management of the Central Nuclear Financial Fund, with the deviations included in this Act.

(2) In order to ensure that the Central Nuclear Financial Fund maintains its value, it shall receive value sustaining contribution from the central budget in a sum calculated on the average assets of the Central Nuclear Financial Fund in the previous year using the price index of the preceding year published by the Central Statistical Office plus 3 percent default rate.

(3) The sum referred to in Subsection (2) shall be made available to the Central Nuclear Financial Fund in equal monthly instalments, the first instalment shall be transferred by January 31 of the given year.

(4) The assets of the Central Nuclear Financial Fund shall be kept separated in the unified treasury account.

(5) The manager of the Central Nuclear Financial Fund shall use the accumulated assets through the organisation identified in Section 40 exclusively for the purposes defined in Subsection (1) of Section 62.

(6) The revenue and the residue at the end of the year of the Central Nuclear Financial Fund shall not be withdrawn.

Chapter VII

Closing provisions

Miscellaneous and enacting provisions

Section 65

(1) The Municipal Court of Budapest has exclusive jurisdiction to judge claims for compensation of nuclear damage submitted on the basis of this Act.

(2) The power of this Act does not affect the rights and obligations related to international co-operation in the field of the use of atomic energy, originating from treaties accepted by Hungary.

(3)

(4) Subsection (4) of Section 12 of this act serves for the compliance with Paragraph (3) of Article 17 of the Council Directive 2006/117/EURATOM of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel.

(5) Section 19/A and Section 19/B of this act serves for the compliance with Article 9 of the directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

Section 66

(1) This Act, with the exception of Sections 62 through 64, shall enter into force on the first day of the sixth month following its promulgation. Paragraphs 62 through 64 shall enter into force on 1 January 1998.

(2) not effective

Section 66/A

(1) Subsection (3) of Section 11 of this Act, *which was established by Section 9 of the Act LXXXVII of 2011 on the amendment to the Act CXVI on atomic energy and the Act CLIX of 1997 on the armed security guard service, nature protection and field guard service (hereinafter referred to as Atvmtv)*, with the exemptions determined in Subsections (2) and (3) shall apply to police procedures in relation to employment that are in progress, not terminated with decision at the first instance, or to repeated procedures.

(2) Subsection (3) of Section 11 of this Act shall apply to criminal acts committed and criminal procedures commenced regarding suspicion of criminal acts after the enactment of Atvmtv in the case of those persons, whose job positions fall under the effect of Subsection (3) of Section 11 after the enactment of Atvmtv.

(3) In the case of those employees, whose job position fell under the effect of this act even prior to the enactment of the stipulation of the Atvmtv amended Subsection (3) of Section 11, only those criminal acts determined in Sections 221-222, 259 (5), 264/A, 264/B, 265, 270, 270/A, 280 (1) and (2) , 281/A (2) and 303 of

the Penal Code that were committed and those criminal procedures regarding suspicion of criminal acts that were commenced after the enactment of Atvmtv shall be considered.

(3a) In the case of persons being already employed prior to July 1, 2013 only the enactment or criminal procedure commenced after July 1, 2013 shall be considered with regard to misuse of new psychoactive material criminal act.

(4) The licensee of the radioactive waste repository holding a valid operation license on the day when the Act VII of 2015 comes into effect shall pay an oversight fee according to Subsection 19 (4a) from the first day of the quarter following the day when the Act VII of 2015 comes into effect, the deadline for payment shall be the fifth day after the start of the payment obligation date.

Section 66/B

The (4 pc) subsections of Section 14 shall apply in procedures being in progress on the date when Section (2) of Act CCI of 2012 on the amendment of Act CXVI of 1996 on atomic energy comes into force.

Section 66/C

(1) The national policy shall be approved, on the first occasion, by October 31, 2014.

(2) The national programme shall be approved, on the first occasion, by March 31, 2015.

(3) The European Commission shall be informed, on the content of the national programme, on the first occasion, by August 23, 2015.

Section 66/D

The alcohol and drug policy in relation to the act on atomic energy and certain acts on energetics, and Subsection (4) of Section 10 established by Section 7 of Act CI of 2013 amending Act CLIX of 1997 on armed security guards, nature protection and field guard service, on the first occasion, by December 31, 2013.

Section 66/E

Subsection 17 (8a) of this act on the amendment of the acts on energy determined by Subsection 12 (2) of the Act LXXV of 2017 shall be applied also in the regulatory procedures in progress and in the repeated procedures.

Section 66/F

The provisions of this Act determined by Act L of 2017 on the amendment of certain acts related to the coming into force of the act on general public administration procedures and the public administration judicial procedure code (hereinafter referred to as the Ákr.-Kp. Módtv.) shall be applied in the

procedures commenced and repeated after coming into force of the Ákr.-Kp. Módtv.

Section 66/G

Subsections (1b)-(1d) of Section 11/A shall be applied also in the procedures already in progress at the entering into force of the Act XXXIX of 2019 on the amendment of Act CXVI of 1996 on Atomic Energy and the Act LIII of 2006 on the Acceleration and Simplification of Implementation of National Priority Investments.

Section 66/H

(1) The governmental service legal relationship of the government officer employed by the atomic energy oversight organization (hereinafter referred to as the concerned person), with the exemption of Subsections (4) and (5), shall be transformed to public service legal relationship under the effect of Act CVII of 2019 (hereinafter referred to as Kut) on January 1, 2022.

(2) The provisions of Act CXXV of 2018 on government administration (hereinafter referred to as Kit) shall apply to the governmental service legal relationship of the government officer employed by the atomic energy oversight organization.

(3) The concerned person shall be informed about the transformation of the legal relationship as per (1) by December 1, 2021, and the public service employment contract shall be concluded, with the content defined in Subsection 2) of Section 6/K, by January 15, 2022.

(4) If the public service labour employment contract is not concluded by the deadline specified in Subsection (3), then the governmental service legal relationship of the concerned person shall be terminated on January 15, 2020 in accordance with Subsection (3) of Section 11 of the Kit.

(5) In difference from Subsection (1) the legal relationship of the concerned person shall not transform to public service legal relationship as per Kut, if the legal relationship is terminated based on an unilateral legal declaration of any of the parties, after date when Act CXIV of 2021 on the amendment to certain acts in relation to the legal status of the atomic energy oversight organization (hereinafter referred to as Act CXIV of 2021) enters into force.

(6) The allowance of the concerned person as per this Act shall be determined in a way that it shall not be less than the amount that the concerned person was entitled as allowance based on the appointment certificate on December 1, 2021.

(7) In the case of transformation of the legal relationship of the concerned person as per Subsection (1), the legal relationship shall be considered as continuous from the viewpoint of the probation period, and entitlement for severance pay and acknowledgment of service.

(8) The concerned person shall perform his/her work duties performed at his/her work position December 31, 2021 until the tasks to be performed or the professional conditions of the work position will not change.

(9) Entering into force of provisions described in Subsection (2) of Section 18 of Act CXIV of 2021 shall not break the prescriptions of the demands raising from the legal relationship that is due on December 31, 2021.

(10) Study contracts and employer loan contracts that are valid on December 31, 2021 shall not be affected by the provisions of Subsection (2) of Section 18 of Act CXIV when they enter into force.

(11) Disciplinary and compensation procedures being in progress on December 31, 2021 shall be concluded according to the rules that were effective at the initiation of the procedures, considering that punishment as per Subsection (2) of Section 84 of the Kut can be imposed.

(12) The benefits to be returned and/or not to be returned provided by the atomic energy oversight organization, as specified in its rules, before Act CXIV of 2021 enters into force can be provided until new rules become effective.

(13) The deadline of the obligation to declare practicable activities and voluntary activities for public interest shall be 15 days after the provisions of Subsection (2) of Section 18 of Act CXIV of 2021 enter into force.

(14) The provisions for the appointment conditions and procedure of the president as per Sections 6/A and 6/B determined with Act CXIV of 2021 shall apply to the appointment of the first president of the atomic energy oversight organization after the provisions of Subsection (2) of Section 18 of Act CXIV of 2021 enters into force.

(15) The conduct of the national security check of the concerned person shall be initiated within 30 days after the provisions of Subsection (2) of Section 18 of Act CXIV of 2021 enters into force.

Section 66/I

(1) The accrued but not used leave days of the concerned person on December 31, 2021 shall not be used, with the exemption specified in Subsection (2), after January 1, 2022.

(2) The leave days of the concerned person, being on maternity leave or on unpaid leave used for caring the child, accrued by December 31, 2021, after the termination of the leave of the concerned person, based on the decision of the concerned person shall be

- a) used within 2 years, or
- b) redeem in 30 days.

(3) The accrued, but unused leave days of the concerned person on December 31, 2021 shall be redeemed within 40 days. The redemption shall be calculated based on the allowance of the concerned person due on December 1, 2021.

Authorizing provisions

Section 67

The Government is empowered to regulate by decree:

a) the assignment, resignation, organization and operation of the technical advisory board advising the work of the atomic energy oversight organization in order to scientifically support the governmental, authority and nuclear emergency management measures in relation to the safe use of atomic energy;

b) not effective;

c) not effective;

d) not effective;

e) tasks and obligations of atomic energy users and the competent authorities, and the concerned sectoral and regional organisations related to both the preparedness and planning for a nuclear emergency situation, and the response to the emergency situation, as well as informing the general public on an authentic and timely basis;

f) the establishment, the operation and financial resources of the organisation designated for the fulfilment of the duties determined in Section 40;

g) the characteristics, conditions and amount of insurance or other financial guarantees related to nuclear liability;

h) the scope of tasks of the organization fulfilling the tasks described in Subsection (1) of Section 20 in relation to European Union obligations in connection with the safe use of atomic energy;

i) the rates of penalties stipulated in Section 15 of the Act, and the aspects of imposing penalties;

j) the provisions in connection with the safety zone pursuant to Section 34;

k) detailed rules of reports and measures in connection with missing, found or seized nuclear or other radioactive materials and measures following other reports in connection with nuclear or other radioactive materials;

l) the rules of nuclear exports and imports in accordance with the international control systems;

m) the regulations pertaining to monitoring the national radiation situation and the radioactive material concentrations; as well as the regime of central data

collection, processing, recording and evaluation of the results of monitoring operations;

n) not effective;

o) the rules on the method and payment of the amount of the support to associations established based on Section 10/A, the content of the support contract, the information and monitoring aimed activities of the associations, the obligations of the licensee of the repository to facilitate these activities, and the qualification of the spent fuel from the aspect of the support;

p) the licensing and consent to the transport of radioactive wastes and spent fuels through borders;

q) the designation of the body performing up-to-date threat analysis in relation to nuclear security and determining the design basis threat, its activity, organization and operation;

r) the definition of the design basis threat on the first occasion, and the physical protection requirements and the related authority system and procedures in relation to the use of atomic energy;

s) not effective;

t) the geological requirement system to be considered in the technical design of the site of the radioactive waste repository and the laboratory aimed at sub-surface assessment, the procedural rules for the licensing of the survey aiming at the determination of the geological suitability and the approval of the survey results, and the mine technical and mine safety requirements in relation to construction and operation;

u) the establishment, members, activity, rules how the statements are developed, and conditions for the operation of the body as per Subsection (6) of Section 62;

v) not effective

w) – y) not effective

z) the designation of the national defense organization for the implementation of the tasks determined in Section 26, the regulations supplementing and deviating from the Ákr to be applied in the public administration procedure of the designated organization.

Section 67/A

The Government is authorized to regulate in a decree the aspects of police co-authority contributions required for granting regulatory licenses for the use of atomic energy, and the special and supplementing procedural rules of regulatory inspections performed by the police authority in the use of atomic energy.

Section 68

(1) The minister is authorized to regulate in a decree

a) not effective

b) not effective

c) the regime of procedures of licensing and inspection of the packaging of radioactive materials and the rules of the connecting data provisions, in agreement with the minister responsible for transport;

d) not effective

e) the conditions of paying charges for the service of institutes and institutions utilised for the regulatory activities of the atomic energy oversight organization;

f) not effective

g) not effective

h) the way how the payment obligation as per Subsections (1) and (4) of Section 63 and Subsections (1) and (2) of Section 63/A shall be fulfilled.

(2) The minister responsible for health is authorised to determine in a decree:

a)-e) not effective

f) the regulations of the structure and operation of the radiological monitoring and information network within the health sector;

g)-i) not effective

j) the rules of sterilising therapeutic instruments and sanitary articles by ionising radiation;

k)-m) not effective

n) the rules of the establishment and maintenance of the radiation health duty service;

o) the rules of medical treatment of persons injured or suspected of being injured by radiation;

p) the radio health regulations of the interim storage and final disposal of radioactive waste;

q) the radio health requirements related to the mining and geological environment, in agreement with the minister responsible for mining affair;

r) the rules of health protection of persons subjected to ionizing radiation during provision of medical services incurring an exposure other than as part of their occupation.

(3) The minister responsible for environment protection is authorised to determine in a decree, in agreement with the minister supervising the atomic

energy oversight organization, the minister responsible for water management and the minister responsible for health

a) the maximum quantity of radioactive materials - depending on the physical and chemical characteristics - allowed to be released to the atmosphere and into water in the course of the use of atomic energy, as well as other conditions of the release, and furthermore, the regulations concerning the monitoring of the radioactive contamination of the air and water environment;

b) the special rules of protecting waters and water containing formations against radioactive contamination and heat pollution, which rules relate to environment protection and go beyond general legal regulations.

(4) The minister responsible for traffic is authorised to determine in a decree the requirements related to the transport and packaging of nuclear and radioactive materials in agreement with the minister responsible for environment protection, the minister responsible for health and the minister.

(5) not effective

(6) *not effective*

(7) Furthermore, in agreement with the minister supervising the atomic energy oversight organization

a) the minister responsible for law enforcement is authorised to determine in a decree the tasks of the police related to the use of atomic energy, as well as the special security requirements applying to employees engaged in the field of the use of atomic energy and the inspection regime of their prevailing in the long term;

b) *not effective*

c) the minister responsible for the protection against catastrophes is authorised to determine in a decree in agreement with the minister, in order to enhance fire safety, the special requirements for fire protection in relation to the use of atomic energy and the method of their enforcement during the work of the authorities.

(8) The minister responsible for law enforcement is authorised to determine in a decree the tasks of police control and protection tasks of transporting radioactive and nuclear materials, in agreement with the minister responsible for traffic and the minister.

(9) *not effective*

(10) The minister responsible for defence is authorised to determine in a decree issued in agreement with the minister supervising the atomic energy oversight organization the requirements different from those determined in this Act to be applied at the national defense organizations, at workplaces or temporary

workplaces serving also for national defense purposes established at areas under asset management by the ministry lead by the minister responsible for national defense at those commercial companies over which the owners' rights are assumed by the minister responsible for national defense and at commercial companies according to Item c) of Subsection (2) of Section 3 of the Act CVI of 2007 on State Assets.

(11) The member of the Government is authorized to determine in a decree regulating the organisation and operational rules of an environmental radiation monitoring system designed to supply data to the national environmental radiation monitoring system, along with a data collecting and distributing centre.

(12) The president is authorized to establish in decree:

1. the detailed rules of the amount of the administration service fee to be paid for proceedings, initiated upon request, falling under the competence of the atomic energy oversight organization, and the collection, handling, accountancy, reimbursement of the fees and other incomes;

2. detailed rules related to certification of suitability and registration to pursue professions according to Section 18/D to be conducted by it, and the data content of registration;

3. the scope of those radioactive materials and equipment generating ionising radiation, the application of which - as a result of the character and extent of ionising radiation generated by them - is not qualified as hazardous to human life and health, and to the human environment, and therefore is not qualified as falling within the scope of this act;

4. the special conditions for the acquisition of ownership of materials and equipment belonging to the application of atomic energy, and the regime of reporting their possession and operation;

5. rules of special enforcement measures,

6. for the enforcement of radiation protection in the scope of the use of atomic energy

a) the dose limits related to the radiation exposure to employees engaged in the field of atomic energy applications and the population, the rules of inspecting the external and internal radiation dose of persons, and the intervention levels to be taken into consideration in the plans of emergency preparedness and response, as well as the dose limits related to the radiation dose of persons involved in eliminating the consequences of a nuclear accident (catastrophe);

b) the radiation protection qualification of equipment and devices used in the field of applying atomic energy;

c) the requirements of radiation health, working conditions and occupational aptitude for employees engaged in the field of applying atomic energy, and the rule of radiation protection training of employees employed in the field of the use of atomic energy;

d) the radiation protection requirements for the means of road transport;

e) the radiation protection regulations related to planned, existing and emergency radiation situations, and the detailed specifications in connection with the tasks and operations of radiation protection services;

f) the acceptable level of the concentration of radon and radon daughter elements in residential and public buildings, as well as in agreement with the minister responsible for building affairs and the minister responsible for environment protection, the limitation - for radiation protection purposes - of using raw materials applied for the production of building materials and furthermore that of building materials to be distributed by trade, as well as the usage of construction sites;

g) rules of complying with and controlling of the requirements related to the radioactivity of products and raw materials originating from abroad and distributed by trade, in agreement with the minister responsible for trade;

h) the rules of using radioactive materials in consumer goods;

i) the licensing procedure of the possession, generation, production, handling, trade, storage, use-up, transformation and transportation of radioactive materials, and the procedural rules of transport, freight and packaging of radioactive materials;

j) the licensing procedures and regime of control of constructing, commissioning, operating, modifying, repairing, decommissioning and dismantling of facilities or equipment serving for the activities listed in Para xi);

k) the licensing procedures and regime of control necessary for the establishment, production, operation, modification and decommissioning facilities and equipment generating ionising radiation;

l) categorization of activities performed with the use of naturally occurring radioactive materials and determination of their types;

m) rules of categorization of workers exposed to radiation;

n) licensing and radiation protection qualification rules of the trade of radiation protection tools;

o) acknowledgment of notification of commencing or termination of use or operation, obtaining of the ownership right or allowing the use transferred under any legal title of facilities and equipment as per Paragraphs xj) and xk), and licensing of allowing their use transferred under any legal title;

7. The detailed rules on the maintenance of the National Dose Registry of Radiation Workers, the detailed conditions of pursuing radiation protection expert activity and the rules of issuing the license thereto and maintaining the register thereof, the detailed rules of radiation protection training and retraining, and the detailed rules of maintaining the register of radiation protection qualifications;

8. in the scope of the use of atomic energy

a) the rules and conditions of performing independent technical expert activity in relation to the use of atomic energy, the regarding rules of incompatibility, the fields of expertise, the rules of issuing license authorizing such activity, the conditions of the members of qualification committees participating in the procedure to make judgement on the application for the license authorizing such activity as well as their incompatibility, the content elements of the expert opinion and the rules of its preparation, the legal consequences of non-compliance with the obligations established in law or authority resolution in relation to the expert activity, the rules regarding foreign experts differing from those applying to experts who are citizens of a member state of the European Economic Area;

b) rules of qualification, registration, operation and employment of technical expert organizations;

9. with respect to nuclear facilities:

a) the contents of safety reports;

b) the nuclear safety requirements related to site survey and assessment, determination of the characteristics and suitability of the site, construction, extension, commissioning, operation, modifications, decommissioning and dismantlement;

c) the nuclear safety requirements related to the design, manufacture, purchase, assembly, commissioning and decommissioning of nuclear systems, structures and components, as well as their modification during the service of the nuclear facilities;

d) the requirements imposed on the quality assurance systems of organisations performing the design, construction, building, manufacture, commissioning, operation and decommissioning;

e) the employment requirements of employees;

f) the rules of regulatory activities of nuclear safety;

g) the scope of nuclear facility related buildings, , detailed rules of conduct of building authority licensing procedures related to nuclear facilities and to buildings connected with nuclear facilities, detailed content requirements for

technical documentation the regime of building authority procedure and inspections as well as the nuclear safety requirements related to construction and building engineering;

h) procedural rules of modification of the license of the nuclear facility under construction;

10. safety requirements of the radioactive waste repositories and the detailed rules of the related authority requirements, and the procedural rules of license modification under construction.

Compliance with the cardinality requirements of the Fundamental Law

Section 68/A

Subsections (2)-6) of Section 6, Sections 6/A-6/M, Subsections (1)-(2) of Section 9, Sections 17/A-17/C and Subsection (12) of Section 68 shall be qualified as cardinal based on Subsection (1), (2) and (4) of Article 23 of the Fundamental Law.

Compliance with the law of the European Union

Section 69

This act is served for the compliance with the Council Directive 2009/71/EURATOM of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations.

Section 70

This act is intended to provide compliance with the Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community Framework for the Nuclear Safety of Nuclear Installations.

Section 71

This Act is meant to provide compliance with the COUNCIL DIRECTIVE 2013/59/EURATOM of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom.

Section 72

This act serves for the compliance with the Council Directive 2009/71/Euratom of 8 July 2014 on the amendment of Council Directive 2009/71/Euratom on the establishing a Community framework for the nuclear safety of nuclear installations.

Annex 1 to the Act CXVI of 1996

Payment obligation for the occasional delivery of radioactive waste to the repository

Payment obligation for radioactive waste delivery

	A	B	C	D	E
1	Waste category	Payment obligation [HUF/m ³]			
2		short life waste		long life waste	
3		compressible	non-compressible	compressible	non-compressible
4	low activity waste	100 000	200 000	200 000	400 000
5	intermediate activity waste	200 000	400 000	400 000	800 000

Payment obligation for sealed source delivery

	A	B	C	D
1	Activity/MEA* = N (Bq/Bq)	Payment obligation (HUF/pc)		
2		Half-life T _{1/2} (year)		
3		T _{1/2} ≤ 1	1 < T _{1/2} ≤ 30	30 < T _{1/2}
4	N ≤ 10	500	1 000	2 000
5	10 < N ≤ 10 ²	855	1 710	3 420
6	10 ² < N ≤ 10 ³	1 460	2 925	5 850
7	10 ³ < N ≤ 10 ⁴	2 500	5 000	10 000
8	10 ⁴ < N ≤ 10 ⁵	4 275	8 550	17 100
9	10 ⁵ < N ≤ 10 ⁶	7 310	14 620	29 240
10	10 ⁶ < N ≤ 10 ⁷	12 500	25 000	50 000
11	10 ⁷ < N ≤ 10 ⁸	21 375	42 750	85 500
12	10 ⁸ < N ≤ 10 ⁹	36 550	73 100	146 200
13	10 ⁹ < N ≤ 10 ¹⁰	62 500	125 000	250 000
14	10 ¹⁰ < N	106 875	213 750	427 500

*MEA: Exemption activity

Annex 2 to the Act CXVI of 1996

Co-authorities contributing to the regulatory procedure of the HAEA

	A	B	C	D	E
1	1.	Condition of involvement and contribution	Issue to be addressed	Procedure	Proceeding co-authority
2	2.1.	In the case of a nuclear facility	Granting consent and establishment of conditions based on the assessment of discharges of radioactive materials to air, monitoring of the radioactive contamination of air and the discharge limit values, according to the ministerial decree on radioactive discharges to air and water during the application of atomic energy and monitoring thereof.	<ul style="list-style-type: none"> a) construction license, b) commissioning license, c) operation license d) license of operation beyond the design lifetime, e) final shut-down license, f) decommissioning license g) designation, review of safety area of nuclear facility 	Baranya County Government Office proceeding in its environmental protection and nature conservation competence
3	2.2.	In the case of a nuclear facility	Granting consent and establishment of conditions based on the assessment of discharges of radioactive materials to water, protection of waters and water retaining structures against radioactive and thermal contamination, monitoring of the radioactive contamination of water	<ul style="list-style-type: none"> a) construction license, b) commissioning license, c) operation license d) license of operation beyond the design lifetime, e) final shut-down license, f) decommissioning license g) designation, review of safety area of nuclear facility 	Baranya County Government Office proceeding in its environmental protection and nature conservation competence

			environment and the discharge limit values, according to the ministerial decree on radioactive discharges to air and water during the application of atomic energy and monitoring thereof.		
4	2.3.	In the case of a nuclear facility if the licensed activity may change the discharges, discharge limit values, the data serving as the basis for the establishment of discharge limit values, control of discharges, environmental monitoring, thermal load in relation to the nuclear facility; may change the place and method of generation, the generated activities, the mode and way of discharge, the activity, activity concentration of physical-chemical	Granting consent and establishment of conditions based on the assessment of discharges of radioactive materials to air, monitoring of the radioactive contamination of air and the discharge limit values, according to the ministerial decree on radioactive discharges to air and water during the application of atomic energy and monitoring thereof.	licensing of the modification of a nuclear facility	Baranya County Government Office proceeding in its environmental protection and nature conservation competence

		properties of the discharged radioactive material, the mass or volume flow rate of discharge, or the planned discharge levels and entail the modification of the operation license in relation to the discharged radioactive isotopes and materials.			
5	2.4.	In the case of a nuclear facility if the licensed activity may change the discharges, discharge limit values, the data serving as the basis for the establishment of discharge limit values, control of discharges, environmental monitoring, thermal load in relation to the nuclear facility; may change the place and method of generation, the	Granting consent and establishment of conditions based on the assessment of discharges of radioactive materials to water, protection of waters and water retaining structures against radioactive and thermal contamination, monitoring of the radioactive contamination of water environment and the discharge limit values, according to the ministerial decree on radioactive discharges to air and water during the application of atomic energy and monitoring thereof.	licensing of the modification of a nuclear facility	Baranya County Government Office proceeding in its environmental protection and nature conservation competence

		generated activities, the mode and way of discharge, the activity, activity concentration of physical-chemical properties of the discharged radioactive material, the mass or volume flow rate of discharge, or the planned discharge levels and entail the modification of the operation license in relation to the discharged radioactive isotopes and materials.			
6	2.5.	In the case of a nuclear facility.	<p>Assessment whether the survey and Assessment if the site of the nuclear facility, the specification of the site characteristics and suitability, and the design are in compliance with geology, mining and engineering safety requirements.</p> <p>Quantity, type, determination of the use and utilization of mineral source materials planned to be exploited during the construction of the nuclear facility, enforcement of mineral asset protection interests,</p>	<p>a) site survey and assessment license, b) site license, c) construction license</p>	County Government Office proceeding in its mine supervision competence

			and establishment of mine fee payment obligation.		
7	2.6.	In the case of a nuclear facility if the licensing has fire protection or disaster management aspects	Assessment of compliance with fire protection and disaster management requirements related to the nuclear facility and the systems, structures and components of the nuclear facility.	<i>a)</i> construction license, <i>b)</i> commissioning license, <i>c)</i> operation license, <i>d)</i> modification license, <i>e)</i> final shutdown license, <i>f)</i> regulatory assessment of Periodic Safety Review	Mol Directorate General for National Disaster Management
8	2.7.	In the case of building (demolition) and utilization of a nuclear facility if it has fire protection or disaster management aspects.	Assessment of compliance with fire protection or disaster management requirements related to the nuclear facility and the systems, structures and components of the nuclear facility.	<i>a)</i> building (demolition) license, <i>b)</i> utilization license	Mol Directorate General for National Disaster Management
9	2.8.	In the case of a nuclear facility.	Assessment of the compliance with fire protection related requirements established by the legislation on specific requirements of fire protection related to the use of atomic energy and their enforcement during the activity of the authorities.	assessment of Periodic Safety Review	regionally competent disaster management office

10	2.9.	In procedures aiming at regulatory licensing of buildings and structures in relation to nuclear facilities, if it has fire protection aspects.	Assessment of the compliance with fire protection related requirements established by the legislation on specific requirements of fire protection related to the use of atomic energy and their enforcement during the activity of the authorities.	a) building (demolition) license, b) utilization license	regionally competent disaster management office
11	2.10.	Siting of a nuclear facility on agricultural land.	Assessment of compliance with quantitative protection requirements for agricultural land.	site survey and assessment license	capital and county government office proceeding in its real estate, land administration competence
12	2.11.	In the case of a nuclear facility.	Assessment of compliance of designation of depth safety area of the nuclear facility with the geology, mining and engineering safety requirements.	designation, review of safety area of nuclear facility	County Government Office proceeding in its mine supervision competence
13	2.12.	Periodic Safety Review Report according to the act on atomic energy.	Judgment on whether the parts of the Periodic Safety Review Report describing the long term environmental tendencies, the adequacy of the environmental monitoring system and programme, the radiation load to the	Review of the Periodic Safety Review Report and the approval of revealed deviations	Baranya County Government Office proceeding in its Environmental Protection and Nature conservation competence

			environment caused by the operation of the facility, the analysis of the measured data of the environmental monitoring system, the evaluation of results, the evaluation of the adequacy of the environmental radiation monitoring system and environmental monitoring programme are in compliance with the environment and nature protection requirements established in a separate law, in relation to the assessment of environmental effects induced by the nuclear facility.		
14	3.1.	In the case of a radioactive waste repository	Assessment of the discharge of radioactive materials to the atmosphere and water, protection of the air against radioactive contamination, protection of waters and water reservoirs against radioactive and thermal contamination, and monitoring of the radioactive contamination of the atmosphere and water environment; determination of monitoring requirements and the system of reports to be submitted to the government office proceeding in environmental protection competence.	<ul style="list-style-type: none"> a) construction license, b) operation license, c) closure license d) designation and review of safe area of radioactive waste repository 	Baranya County Government Office proceeding in its environmental protection and nature conservation competence

15	3.2.	<p>In the case of a radioactive waste repository, if the licensed activity may change the discharges, discharge limit values, the data serving as the basis for the establishment of discharge limit values, control of discharges, environmental monitoring, thermal load in relation to the facility; may change the place and method of generation, the generated activities, the mode and way of discharge, the activity, activity concentration of physical-chemical properties of the discharged radioactive material, the mass or volume flow rate of discharge, or the planned discharge levels and entail the modification of the operation license in relation to the discharged</p>	<p>Assessment of the discharge of radioactive materials to the atmosphere and water, protection of the air against radioactive contamination, protection of waters and water reservoirs against radioactive and thermal contamination, and monitoring of the radioactive contamination of the atmosphere and water environment; determination of monitoring requirements and the system of reports to be submitted to the government office proceeding in environmental protection competence.</p>	<p>licensing of the modification of a radioactive waste repository</p>	<p>Baranya County Government Office proceeding in its environmental protection and nature conservation competence</p>
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		radioactive isotopes and materials..			
16	3.3.	In the case of a radioactive waste repository.	Assessment of the compliance with geology, mining and engineering safety requirements for the siting and design of radioactive waste repositories. Quantity, type, determination of the use and utilization of mineral source materials planned to be exploited during the construction of the radioactive waste repository, enforcement of mineral asset protection interests, and establishment of mine fee payment obligation.	a) site survey frame programme license, b) site survey license (for phases) c) site license d) construction license, e) operation license, f) closure license	county Government Office proceeding in its mine supervision competence
17	3.4.	In procedures related to the civil structures of the radioactive waste repository, if it has geology impact and if mineral source material is exploited during construction	Assessment of the compliance with geology, mining and engineering safety requirements for the siting and design of radioactive waste repositories. Quantity, type, determination of the use and utilization of mineral source materials planned to be exploited during the construction of the radioactive waste repository, enforcement of mineral asset protection interests, and establishment of mine fee payment obligation.	a) building (demolition) license, b) utilization license	county Government Office proceeding in its mine supervision competence

18	3.5.	In the case of modification of the radioactive waste repository, if it has geology impact and if mineral source material is exploited during construction	Assessment of the compliance with geology, mining and engineering safety requirements for the siting and design of radioactive waste repositories. Quantity, type, determination of the use and utilization of mineral source materials planned to be exploited during the construction of the radioactive waste repository, enforcement of mineral asset protection interests, and establishment of mine fee payment obligation.	licensing of the modification of the radioactive waste repository	county Government Office proceeding in its mine supervision competence
19	3.6.	In the case of a radioactive waste repository.	Assessment of the compliance with geology, mining and engineering safety requirements for the siting and design of radioactive waste repositories.	assessment of Periodic Safety Review	county Government Office proceeding in its mine supervision competence
20	3.7.	In the case of a radioactive waste repository.	Assessment of the compliance with fire protection related requirements established by the legislation on specific requirements of fire protection related to the use of atomic energy and their enforcement during the activity of the authorities.	assessment of Periodic Safety Review	regionally competent disaster management office

21	3.8.	Periodic Safety Review Report according to the act on atomic energy in the case of radioactive waste repositories.	Judgment on whether the parts of the Periodic Safety Review Report describing the long term environmental tendencies, the adequacy of the environmental monitoring system and programme, the radiation load to the environment caused by the operation of the facility, the analysis of the measured data of the environmental monitoring system, the evaluation of results, the evaluation of the adequacy of the environmental radiation monitoring system and environmental monitoring programme are in compliance with the environmental protection and nature conservation requirements established in a separate law, in relation to the assessment of environmental effects induced by the radioactive waste repository.	Review of the Periodic Safety Review Report and the approval of revealed deviations	Baranya County Government Office proceeding in its environmental protection and nature conservation competence
22	3.9.	In the procedure aiming at regulatory licensing of buildings and structures in relation to radioactive waste repositories, if it	Assessment of the compliance with fire protection related requirements established by the legislation on specific requirements of fire protection related to the use of atomic	a) building (demolition) license, b) utilization license	regionally competent disaster management office

		has fire protection aspects.	energy and their enforcement during the activity of the authorities.		
23	3.10.	In the case of a radioactive waste repository.	Assessment of compliance if the Periodic Safety Review with the disaster management requirements.	assessment of Periodic Safety Review	Mol Directorate General for National Disaster Management
24	3.11.	In the case of a radioactive waste repository.	Assessment of compliance of designation of depth safety area of the radioactive waste repository with the geology, mining and engineering safety requirements.	designation, review of safety area of a radioactive waste repository	county Government Office proceeding in its mine supervision competence
25	3.12	Siting of a radioactive waste repository on agricultural land.	Assessment of compliance with quantitative protection requirements for agricultural land.	siting license	capital an county government office proceeding in its real estate, land administration competence
26	4.1.	In the case of special facilities	Radiation hygienic assessment of dose constraints for the public from the operation of special facilities	Approval of dose constraints for the public	National Public Health Centre
27	4.2.	In the case of special facilities	Assessment of compliance of protection of the operating personnel of the special facility against radiation exposure with the radiation hygienic requirements	Approval of the Workplace Radiation Protection Rules	National Public Health Centre

28	4.3.	In the case of a nuclear facility	<p>Assessment of implementation possibility of off-site emergency response actions.</p> <p>Disaster management and civil defence related assessment of the nuclear emergency preparedness and response plan with regard to the existence and assurance of human and material conditions for the prevention of emergencies, response to and mitigation of consequences, and for effective interventions.</p>	site license, construction license, licensing of the nuclear emergency preparedness and response plan	Mol Directorate General for National Disaster Management
29	4.4.	In the case of a radioactive waste repository	<p>Assessment of implementation possibility of off-site emergency response actions.</p> <p>Disaster management and civil defence related assessment of the nuclear emergency preparedness and response plan with regard to the existence and assurance of human and material conditions for the prevention of emergencies, response to and mitigation of consequences, and for effective interventions.</p>	site survey license (by phases), siting license, construction license, licensing of the nuclear emergency preparedness and response plan	Mol Directorate General for National Disaster Management
30	4.5.	In the case of transportation of nuclear fuel	Disaster management and civil defence related assessment of the nuclear emergency preparedness and response plan with regard to the existence and assurance of human	licensing of the nuclear emergency preparedness and response plan	Mol Directorate General for National Disaster Management

			and material conditions for the prevention of emergencies, response to and mitigation of consequences, and for effective interventions.		
31	4.6.	In the case of all users of atomic energy	Assessment of compliance of exceeding annual effective dose limit with radiation hygienic requirements.	approval of exceeding annual effective dose limit	National Public Health Centre
32	4.7.	In the case of all users of atomic energy	Assessment of compliance of production, trading and use of goods containing radioactive materials with radiation hygienic requirements.	Licensing of production, trading and use of goods the ordinary use of which falls under the effect of Govt. Decree 487/2015. (XII. 30.) Korm. on the protection against ionizing radiation and the corresponding licensing, reporting (notification) and inspection system	National Public Health Centre
33	4.8.	At areas of permanent residual contamination.	Assessment of compliance of permanent contamination with radiation hygienic requirements.	licensing of management, living, pursuing social and commercial activities at areas of permanent contamination	National Public Health Centre
34	4.9.	In a procedure aiming at licensing the transport of radioactive wastes and spent fuels through the border of Hungary.	Assessment whether the police and personal physical protection requirements for the transport of nuclear and other radioactive	licensing of transportation	National Police Headquarters

			materials and radioactive wastes are met.		
35	4.10.	In the procedure aimed at regulatory licensing of the physical protection system in the use of atomic energy.	Assessment whether the police and personal requirements for the physical protection systems in the use of atomic energy are met.	licensing of the physical protection system	National Police Headquarters
36	5.1.	In the case of unsealed radiation source.	Assessment of the discharge of radioactive materials to the atmosphere and water, protection of the air against radioactive contamination, protection of waters and water reservoirs against radioactive and thermal contamination, and monitoring of the radioactive contamination of the atmosphere and water environment; determination of monitoring requirements and the system of reports to be submitted to the government office proceeding in environmental protection competence.	use of radioactive material, use of radioactive source outside isotope laboratory, by test types	Baranya County Government Office proceeding in its environmental protection and nature conservation competence
37	6.1.	In the case of construction of buildings, objects required for the	Assessment if the construction activity or the activity conducted in the building is in compliance with the requirements on	building license, utilization license	Mol Directorate General for National Disaster Management as water management authority

		construction of the nuclear facility but not required for the operation, if the licensing affects the protection of the drinking water base, passing by of flooding and ice or the maintenance of the riverbed.	requirements on protection of the drinking water base as described in the application or with additional conditions, furthermore assessment that how does the construction activity affect passing by of the flooding and ice and the maintenance of the river bed.		
38	6.2.	In the case of construction of buildings, objects required for the construction of the nuclear facility but not required for the operation, if their purpose affects production, trading or storage of foodstuffs.	Assessment of compliance of the parts of the structure serving foodstuff production (including hospitality, canteens), trading and storage with the food chain safety and veterinary requirements.	building license, utilization license	district authority of the concerned county government office proceeding in food chain safety and veterinary competence
39	6.3.	In the case of construction of buildings, objects required for the construction of the	Assessment of compliance of the structures used for working with occupational health requirements.	building license, utilization license	(capital) district authority of the concerned capital and county government office proceeding in

		nuclear facility but not required for the operation.			public health competence
40	6.4.	In the case of construction of buildings, objects required for the construction of the nuclear facility but not required for the operation, if the construction affects registered or protected archaeological site.	Cultural heritage assessment if the construction of a new building or underground extension of an existing building or if the construction affects the ground level within a registered or protected archaeological site.	building license, utilization license	capital and county government office proceeding in its heritage protection competence
41	6.5.	In the case of construction of buildings, objects required for the construction of the nuclear facility but not required for the operation, if during the construction deep foundation technology is used, or if during the	Assessment of compliance with geology, mining and engineering safety requirements related to new builds in construction.	building license, utilization license	county Government Office proceeding in its mine supervision competence

		construction more than 500 m3 raw minerals are excavated.			
42	6.6.	In the case of construction of buildings, objects required for the construction of the nuclear facility but not required for the operation, if buildings sensitive to noise or vibration are built, placed or terminated within 100 m of the shaft of the railway. In the case of construction of buildings, objects required for the construction of other nuclear facility but not required for the operation, if buildings sensitive to noise or vibration are built,	Assessment of compliance of loads from trafficking with traffic technical and traffic safety requirements.	building license, utilization license	minister responsible for transportation

		placed or terminated within 50 m of the shaft of the railway.			
43	6.7.	In the case of construction of car parks with a capacity of at least 100 cars or at least 10 trucks or buses or bus stations.	Assessment of compliance of loads from trafficking with traffic technical and traffic safety requirements.	Building and utilization license	capital and county government office
44	7	Every case	Protection of waters and water reservoir formations against radioactive and heat contamination and examination of monitoring or water environment and radioactive contamination	Inland water transport of radioactive material	Mol National Directorate General for Disaster Management