

(This is an unofficial translation of the text effective on April 10, 2017)

Minister of the Interior Decree 47/2012 (X.4.) BM

on the tasks of the police related to the use of atomic energy

Based on the authorization provided in Subsection (7) a) of Section 68 of Act CXVI of 1996 on Atomic Energy, acting in the scope of my duties defined in Section 37 n) of Govt. Decree 212/2010 (VII.1) Korm. on the Duties and Powers of the Individual Ministers and the Secretary of State being in charge of the Prime Minister's Office,

regarding Section 5 of this decree, based on the authorization provided in Subsection 8 of Section 68 of Act CXVI of 1996 on Atomic Energy, acting in the scope of my duties defined in Section 37 n) of Govt. Decree 212/2010 (VII.1) Korm. on the Duties and Powers of the Individual Ministers and the Secretary of State being in charge of the Prime Minister's Office, in accordance with Section 1 c) of Prime minister decree 5/2010 (XII.23) ME on the appointment of Ministers in charge of government offices as well as in agreement with the Minister of National Development acting the scope of his duties pursuant to Section 84 e) of Govt. Decree 212/2010 (VII.1) Korm. on the Duties and Powers of the Individual Ministers and the Secretary of State being in charge of the Prime Minister's Office,

regarding Section 8 of this decree, based on the authorization provided in Subsection (1) a) of Section 101 of Act XXXIV of 1994 on the Police as well as Section 37 n) of Govt. Decree 212/2010 (VII.1) Korm. on the Duties and Powers of the Individual Ministers and the Secretary of State being in charge of the Prime Minister's Office I hereby order the following:

1. Scope

Section 1

(1) The decree applies to the aspects of co-authority opinion of the co-authority proceedings designated to the scope of authority of the National Police Headquarters by Annex 1 of Govt. Decree 112/2011 (VII.4.) Korm. on the scope of authority of the Hungarian Atomic Energy Authority in relation to the European Union obligations and international obligations in connection with atomic energy, the designation of co-authorities contributing to the regulatory proceeding of the Hungarian Atomic Energy Authority, the extent of fines that can be imposed and on the scientific council assisting the work of the Hungarian Atomic Energy Authority (hereinafter referred to as: Kr.1); to the public security requirements for workers employed in the field of atomic energy and their verification procedures; furthermore to the police inspection duties of the application, storage and transport of nuclear material, radioactive sources, processing, storage and transport of radioactive waste as well as the use and storage of fix and mobile equipment that generate ionizing radiation but do not contain radioactive material and to other police tasks related to the use of atomic energy.

(2) The decree does not apply to:

a) the rights and obligations of the defense sector as defined by law related to the peaceful use of atomic energy, as well as

b) the inspection of nuclear safety, radiation protection and proliferation resistance processes related to the use of nuclear energy.

2. Aspects of co-authority opinion necessary to issue regulatory licenses

Section 2

In the proceedings defined in Annex 1 of Kr.1

a) Section 4.1, for a request for the release of the co-authority opinion by the police, the changes applied to the Physical Protection Plan as defined in Annex 4, Section 1 of Govt. Decree 190/2011 (IX. 19) Korm. on physical protection requirements for various applications of atomic energy and the corresponding system of licensing, reporting and inspection (hereinafter referred to as: Kr.2),

b) Section 4.4, for a request for the release of the co-authority opinion by the police , the Physical Protection Plan as defined in Kr.2 Annex 4, Section 2,

c) Section 4.5, for a request for the release of the co-authority opinion by the police, the Physical Protection Plan as defined in Kr.2 Annex 4, Section 1 shall be submitted.

Section 3

(1) For co-authority opinion defined in Section 2 – proceedings by the police as defined in Kr.1 – the police shall examine compliance of the Physical Protection Plan submitted by the licensee with the requirements stipulated in Kr.2

(2) If the Hungarian Atomic Energy Authority (hereinafter referred to as: HAEA) involves the police in the proceedings in the cases defined in Subsection (9) of Section 32 of Kr.2, the police shall examine the conditions under which the deviations from the requirements can be authorized from a law enforcement point of view.

(3) If the HAEA involves the police in the proceedings in the cases defined in Subsection (5) of Section 37 of Kr.2, the police shall examine from a law enforcement point of view the provisional measures to be taken by the licensee in accordance with the schedule of implementation until the final completion date of the physical protection system as defined by the HAEA.

3. Special security requirements and the control system ensuring their long term existence for persons employed in the field of atomic energy

Section 4

The public security permission request – containing the content elements set out in Annex 1 - for duties defined in the Act on Atomic Energy (hereinafter referred to as: Atv.) shall be submitted by the

head of the organization intending to employ the natural person working in connection with atomic energy to the police authority competent for authorization.

4. Police inspection and security measures of the transport of nuclear materials

Section 5

Pursuant to Subsection (4) of Section 31 of the Atv., during the transportation of Category I. and Category II. nuclear materials as defined in Table 1 of Annex 1 of Kr.2 in addition to the security tasks to be implemented by the obligant as defined in Kr.2, the police shall contribute to and participate in the protection of the transport

a) in the case of road transport by providing lead and trail escort vehicles and performing the necessary traffic control tasks,

b) in the case of rail transport by alerting the regionally competent intervention units, enhanced police surveillance of the planned stops and by operating the police radio broadcast for the transport.

5. Other law enforcement tasks related to the use of atomic energy

Section 6

During other law enforcement tasks related to the use of atomic energy, the police shall

a) review the Physical Protection Plan submitted by the licensee and to ensure compliance with the requirements stipulated in Kr.2

aa) the access and regress control rules to nuclear facilities and the premises of the radioactive waste repository,

ab) the rules and conditions of the physical protection of nuclear facilities and radioactive waste repositories,

ac) the existence and operation of the equipment of physical protection systems in nuclear facilities and radioactive waste repositories,

ad) whether the obligants carry out the provisions contained in the Physical Protection Plan as specified in the license,

ae) the use, storage and transport of nuclear material, radioactive sources, processing, storage and transport of radioactive waste, and the existence and operation of the equipment of the physical protection system,

af) the physical protection and law enforcement conditions of the storage of nuclear material, radioactive sources, radioactive waste and of their storage facilities,

ag) the operation of the physical protection zones and access points of the obligant as defined in Kr.2, the efficiency and effectiveness of the screening process of natural persons without valid public security permission, and

b) from a law enforcement aspect investigate extraordinary events and nuclear emergencies that occurred during the application of atomic energy.

Section 7

- (1) During the inspection defined in Section 34 of Kr.2, a member of the police may enter the premises of the nuclear facility, the radioactive waste repository, and the facility where nuclear material and radioactive sources are used and stored, as well as the radioactive waste processing and storage facility. He/she may access the accountancy of nuclear materials, radioactive sources and radioactive wastes, can view the internal access and regress control rules, the technical means of guarding and protection as well as the provisions of personal conditions.
- (2) The obligant shall inform the member of the police performing the inspection about possible health hazards, and if necessary shall provide the appropriate protection equipment to carry out the inspection.
- (3) If the inspector detects an irregularity or deficiency, he/she initiates the termination of the irregularity or deficiency on sight and notifies the licensing body about the violation found without undue delay.

6. Competence

Section 8

The issuance of the public security permission in accordance with the provisions of the Atv. by the police, is carried out by the county (capitol) police headquarter based on the location of the nuclear facility, the radioactive waste repository(site), the location of the use and storage of nuclear material, radioactive source as well as the location of radioactive waste processing and storage or the headquarter of the user of atomic energy (site).

7. Closing Provisions

Section 9

The decree shall enter into force on the 8th day after its promulgation.

Section 10

The validity of existing public security permissions shall not be affected by the entry into force of this Decree.

Section 11

Annex 1 to Minister of the Interior Decree 47/2012 (X.4.) BM

1. Personal details of the natural person
 - 1.1. First and last name;
 - 1.2. Birth name;
 - 1.3. Maiden name;
 - 1.4. Date and place of birth ;
 - 1.5. Mother's name;
 - 1.6. Nationality;
 - 1.7. Personal identification number, in case of foreign citizens passport number;
 - 1.8. Address (permanent address);
 - 1.9. Place of residence (temporary address);
 - 1.10. Name of the prospective employer;
 - 1.11. The location of employment within the nuclear facility or in the scope of use of atomic energy (physical protection level A, B, C, D);
 - 1.12. Duties/tasks;
 - 1.13. For the duration of the employment
 - 1.13.1. Start of employment,
 - 1.13.2. In case of fixed term employment, the end date;
- 2.1 Place;
- 2.2 Date;
- 2.3 Signature of the prospective employee;

2.4 Authorized signature of the organization submitting the application.