

## **Draft**

### **Act**

**of ..... 2008,**

**which amends and supplements Act No. 541/2004 Coll., On the Peaceful use of Atomic Energy (the Atom Act) and amending and completing certain other acts, as amended by the most recent regulations**

The Parliament of the Slovak Republic has resolved upon the following Act:

### **Article I**

Act No. 541/2004 Coll., On the Peaceful use of Nuclear Energy (Atomic Act) and amending and completing certain Acts, as amended by Act No. 238/2006 Coll., Act No. 21/2007 Coll., Act No. 94/2007 Coll. and Act No. 335/2007 Coll., is amended and supplemented as follows:

1. The former text of Article 1 is marked as Paragraph 1 and supplemented with Paragraphs 2 and 3, which read:

“(2) This Act has the aim of ensuring adequate protection for the public and of establishing a monitoring system within the territory of the Republic of Slovakia for the cross-border shipment of radioactive waste and spent nuclear fuel, including spent nuclear fuel that is exported for reprocessing, and monitoring within the territory of the Slovak Republic in relation to cross-border shipments of radioactive waste and spent fuel, where

- a) the Slovak Republic is the country of origin, the country of destination or a country of transit for the shipment of radioactive waste or spent nuclear fuel, and
- b) the quantities and concentrations in respect of a shipment exceeds the level at which a notification is required under the special regulation.<sup>1)</sup>

(3) The system of supervision and control of cross-border shipments of radioactive waste and spent nuclear fuel does not apply to cross-border shipments of

- a) unused emitters<sup>1a)</sup> sent to suppliers or producers of radioactive emitters or licensed facilities,
- b) radioactive materials obtained for further use through reprocessing,
- c) waste containing only naturally-occurring radio nuclides.”.

Footnotes 1 and 1a read:

“1) Article 3 Paragraph 1 Letter a) of Slovak Government Decree No. 345/2006 Coll., On the Basic Safety Requirements for Protecting the Health of Workers and the Public from Ionising Radiation.

1a) Article 2 Paragraph 2 Letter o) Act No. 355/2007 Coll., On the Protection, Support and Development of Public Health, and amending and completing certain other Acts.”.

The former Footnote 1 is renumbered as 1b).

2. Footnote 2 reads: “2) Act No. 355/2007 Coll. Slovak Government Decree No. 345/2006 Coll.”.

3. In Article 3, Paragraph 8 reads:

“(8) It is forbidden to transport radioactive waste or spent nuclear fuel to

- a) destinations lying south of 60° latitude,
- b) a state which is a member of the Partnership Agreement between members of the African, Caribbean and Pacific group states on the one hand and the European Community and its Member States on the other hand,<sup>3)</sup> and which is not a Member State of the European Union (hereinafter a “Member State”), with the exception of return imports of radioactive waste or spent nuclear fuel exported from such a State for the purposes of processing or reprocessing in the Slovak Republic, or
- c) a third State which, in the opinion of the relevant authorities in the Member State of origin, does not have the technical, legal and administrative capacity or supervisory structures for the safe handling of radioactive waste or spent nuclear fuel under the international treaty.<sup>3a)</sup>”.

Footnote 3 reads: “3) The Partnership Agreement between members of the African, Caribbean and Pacific group of states on the one hand and the European Community and its Member States on the other hand, signed in Cotonou on 23<sup>rd</sup> June 2000 (Special Edition of the Official Journal of the European Union, Chapter 11/vol. 35, 15. 12. 2000).”.

Footnote 3a reads: “3a) The Joint Agreement on the Safe Handling of Spent Fuel and Radioactive Waste (Slovak Foreign Ministry Notification No. 125/2002 Coll.).”.

4. In Footnote 8 the reference to “Article 16 of Slovak Act of Parliament No. 127/1994 Coll., On Environmental Impact Assessments, as amended by the most recent regulations,” is replaced by a reference to “Article 31 Paragraph 2 of Act No. 24/2006 Coll., On Environmental Impact Assessments, and amending and completing certain other Acts.”.

5. Footnote 10 reads: “For example, Article 5 Paragraph 1 of Act No. 656/2004 Coll., On the Energy Sector, and on changes to several other Acts, as amended by the most recent regulations, Act No. 125/2006 Coll., On Work Inspections, and on changes and supplements to Act No. 82/2005 Coll., On Illegal Work and Illegal Employment, and amending and completing certain other Acts, as amended by Act No. 309/2007 Coll.”.

6. In Footnote 15 the reference to “Commission Regulation (Euratom) No. 3227/76 of 19<sup>th</sup> October 1976 relating to the application of measures in the Euratom system of guarantees, in the current wording (Official Journal of the European Community L 363, 31.12.1976).” is replaced with a reference to “Commission Regulation (Euratom) No. 302/2005 of 8<sup>th</sup> February 2005, On the Enforcement of the Euratom System of Guarantees (Official Journal of the European Union L 54, 28. 2. 2005).”.

7. The heading for Article 16 reads:

“Supervision and control of cross-border shipments of radioactive waste and spent nuclear fuel”.

8. Article 16 reads:

“Article 16

- (1) The country of origin is a Member State or a third country, from which cross-border shipments are planned to begin or are beginning.

- (2) The country of destination is a Member State or a third country, to which cross-border shipments are planned or are under way.
- (3) The country of transit is a Member State or a third country other than the country of origin or the country of destination, and through the territory of which cross-border shipments are planned or are under way.
- (4) The cross-border shipment forms part of an operation linked to the removal of radioactive waste or spent nuclear fuel from a country of origin to a country of destination via the territory of the Slovak Republic.
- (5) A cross-border shipment within the territory of the Member States is a cross-border shipment in which the country of origin and the country of destination are Member States.
- (6) A cross-border shipment outside the territory of the Member States comprises a cross-border shipment, in which the country of origin or the country of destination are third countries.
- (7) A holder is a person who, prior to a cross-border shipment being carried out, is responsible under the valid domestic laws for the radioactive waste or spent nuclear fuel and is planning the cross-border shipment of these materials to a recipient.
- (8) The recipient is the person to whom radioactive waste or spent nuclear fuel is being sent.
- (9) The competent supervisory authorities are the competent authorities in the country of origin, the country of transit or country of destination for carrying out the supervision and monitoring of cross-border shipments.
- (10) Approved facilities are facilities located on the territory of a given State and approved by that State's competent supervisory authorities for the long-term storage or depositing of deactivated emitters<sup>20a</sup>), in special cases also for the capsules containing radioactive materials which form part of an emitter, or facilities designated for the temporary storage of deactivated emitters.
- (11) Standardised documents are understood to be the forms that are used as templates in respect of applications for cross-border shipment permits, approvals of cross-border shipments by the competent authorities, decisions to grant permits for cross-border shipments or to refuse cross-border shipments, and also other actions of a holder, an applicant, a recipient or the competent authorities which are related to cross-border shipment permits. The standardised documents are set out in the special regulation."

Footnote 20a reads: "<sup>20a</sup>) Article 2 Paragraph 2 Letter m) of Act No. 355/2007 Coll."

9. After Article 16 there are Articles 16a to 16l which, including the headings, read:

#### "Article 16a

- (1) The competent supervisory authority under Article 16 Paragraph 9 in the Slovak Republic (hereinafter "the Supervisory Authority") for the shipment of
  - a) radioactive waste from nuclear facilities, the shipment of spent nuclear fuel and the shipment of institutional radioactive waste from a processing site to a storage site is the office,
  - b) institutional radioactive waste other than the institutional radioactive waste described under Letter a) is the Office of Public Health<sup>20b</sup>).
- (2) The Supervisory Authority, through a procedure that is consistent with Article 16h, shall ensure safe return to the country of origin, if

- a) a consignment of radioactive waste or spent nuclear fuel which falls within the scope of this Act has not had a permit issued for it in accordance with this Act, or
  - b) radioactive contaminated waste or material containing radioactive emitters has not been declared in the country of origin as radioactive waste.
- (3) The Supervisory Authority shall inform the European Commission of any unjustifiable delays or lack of cooperation on the part of the relevant supervisory authorities in other Member States in connection with approvals for cross-border shipments.
- (4) The Supervisory Authority shall send to the European Commission once every three years a report on the permits issued, the monitoring and supervision of cross-border shipments and the actual cross-border shipments that have taken place across the territory of the Slovak Republic.

### Cross-border shipment within the territory of the Member States

#### Article 16b

##### Applications for cross-border shipment permits

- (1) A holder that is planning to carry out a cross-border shipment within the territory of the Member States, or to arrange such a cross-border shipment where the country of origin is the Slovak Republic, shall submit to the Supervisory Authority an application for a cross-border shipment permit.
- (2) Applications made under Paragraph 1 may be submitted for multiple cross-border shipments, if
- a) the radioactive waste or spent nuclear fuel has the requisite physical, chemical and radioactive properties,
  - b) the cross-border shipment is to take place between equivalent holders and recipients and comes under one and the same supervisory authority, and
  - c) the cross-border shipment involves a transit across a third country and such a transit is taking place via one and the same customs office when leaving the territory of the Member States and when entering the territory of the Member States, and via one and the same customs authority for the third country or countries involved, unless the competent supervisory authorities involved have determined otherwise.

#### Article 16c

##### Submitting applications to the competent authorities

- (1) If the Slovak Republic is country of origin, the Supervisory Authority shall submit applications under Article 16b for approval to the competent supervisory authorities in the Member State of destination and to the competent supervisory authorities in the Member States of transit.
- (2) If the Supervisory Authority is a competent supervisory authority involved, the procedure set out in the special regulation <sup>20c</sup>) shall be followed concerning the protection of the data set out in standardised documents and other documents relating to cross-border shipments.

#### Article 16d

## Confirmation of acceptance and requests for information

- (1) If the Slovak Republic is the country of destination or a country of transit, the Supervisory Authority shall, within 20 days of receiving an application from a competent supervisory authority in a Member State of origin, confirm whether an application has been properly completed in accordance with Article 16l.
- (2) If the Slovak Republic is the country of destination and the application has been properly completed, the Supervisory Authority shall, no later than 10 days after the expiry of the deadline under Paragraph 1, send to the competent supervisory authority in the Member State of origin a confirmation of receipt, copies of which shall also be sent to the other competent supervisory authorities involved.
- (3) If the Slovak Republic is the country of destination or a country of transit and the application has not been properly completed, the Supervisory Authority shall, before the expiry of the deadline under Paragraph 1, request the missing information from the competent supervisory authority in the Member State of origin and shall notify the other competent supervisory authorities involved in the Member States of transit and the Member State of destination.
- (4) If the Slovak Republic is the country of origin, the Supervisory Authority shall send the requested missing information to the competent supervisory authorities involved in the Member States of transit and the Member States of destination.
- (5) If the Slovak Republic is the country of destination, the Supervisory Authority shall, no later than 10 days from the date of receiving the missing information and as soon as possible after the expiry of the deadline under Paragraph 1, send to the competent supervisory authority in the Member State of origin a confirmation of receipt, copies of which shall also be sent to the other competent supervisory authorities involved.

## Article 16e

### Approving cross-border shipments and rejecting approve cross-border shipments

- (1) If the Slovak Republic is the country of destination or a country of transit, the Supervisory Authority shall, no later than two months from the date of confirmation of receipt of an application from a Member State of destination, either approve a cross-border shipment or state any conditions required for consenting to a cross-border shipment or refuse to approve a cross-border shipment, in the form of an opinion communicated to the competent authority in the Member State of origin.
- (2) If the Slovak Republic is the country of destination or a country of transit, the Supervisory Authority may request an extension of up to one month in the deadline for communicating its opinion under Paragraph 1.
- (3) If the Slovak Republic is the country of destination or a country of transit, and the Supervisory Authority does not communicate its opinion within the deadline under Paragraph 1 or within the extended deadline under Paragraph 2, the failure to communicate shall be regarded as an indication of approve the requested cross-border shipment.
- (4) If the Slovak Republic is country of origin and the competent authorities in the Member States of transit and Member State of destination involved have not communicated their opinion within the deadline under Paragraph 1 or within the extended deadline under Paragraph 3, the Supervisory Authority shall regard such a failure to communicate as an indication of approve the requested cross-border shipment.

- (5) The Supervisory Authority shall, in any opinions communicated under Paragraph 1, state its reasons for refusing to approve a cross-border shipment or for attaching conditions to its approve a cross-border shipment, where
  - a) if the Slovak Republic is a country of transit, there are special regulations or international agreements arising from this Act which are binding on the Slovak Republic <sup>20d</sup>) and which apply to the shipment of radioactive materials,
  - b) if the Slovak Republic is the country of destination, there are special regulations or international agreements arising from this Act which are binding on the Slovak Republic <sup>20d</sup>), and which apply to the shipment of radioactive materials and to the handling of radioactive waste or spent nuclear fuel.
- (6) If the Slovak Republic is a country of transit or the country of destination, the Supervisory Authority cannot attach to its approvals to cross-border shipments conditions that are stricter than those set out in Article 15 for domestic shipments.
- (7) If the Slovak Republic is a country of transit, the Supervisory Authority, once it has consented to a cross-border shipment, cannot refuse consent for a return cross-border shipment, provided that
  - a) the original consent for a cross-border shipment applied to material that was being transported for processing or reprocessing, and it involves the cross-border shipment of radioactive waste or other products corresponding to the original material after processing or reprocessing and it satisfies all of the related laws which are conditional upon the actions set out under Paragraph 5 Letter a), or
  - b) the circumstances mentioned in Article 16h have occurred and the return cross-border shipment is to take place under those same conditions and with specifications equivalent to those of the original cross-border shipment.

#### Article 16f

##### Cross-border shipment permits

- (1) If the Slovak Republic is country of origin, the Supervisory Authority shall not issue decisions in respect of applications made under Article 16b within the deadline which is specified for the competent authorities involved in the Member State of destination or the Member State of transit as regards the communication of opinions under Article 16e Paragraph 1.
- (2) If the Slovak Republic is the country of origin, the Supervisory Authority shall extend the deadline for communicating opinions under Article 16e Paragraph 1 on the basis of a request to extend the deadline by up to one month, sent by the competent authority involved in the Member State of destination or the Member State of transit.
- (3) If the Slovak Republic is the country of origin and all of the approvals necessary for a cross-border shipment have been made, the Supervisory Authority shall permit the holder to make the cross-border shipment and shall inform the competent authorities in the Member State of destination about this, as well as every country of transit. The Supervisory Authority shall set out in the cross-border shipment permit all of the conditions that the competent authorities involved have attached to their approvals to the cross-border shipment.
- (4) Permits issued under Paragraph 3 do not take the place of permits issued under Article 5 Paragraph 3 Letter j) or permits issued under the special regulation <sup>20e</sup>).
- (5) The permits described in Paragraph 3 do not in any way affect the responsibilities of the holder, transporters, owner, recipient or any other persons taking part in the cross-border shipment.

- (6) Permits issued under Paragraph 3 may apply to more than one cross-border shipment, provided that the conditions under Article 16b Paragraph 2 have been fulfilled.
- (7) Permits issued under Paragraph 3 are valid for a period of up to three years. When specifying a validity period the Supervisory Authority shall take into account all of the conditions that the Member State of destination or the Member States of transit have attached to their approvals.

Article 16g  
Confirming the receipt of a consignment

- (1) If the Slovak Republic is the country of destination, the recipient must, within 15 days of receiving a consignment, send to the Supervisory Authority a confirmation of receipt for every consignment.
- (2) If the Slovak Republic is the country of destination, the Supervisory Authority shall send copies of the confirmation of receipt of a consignment under Paragraph 1 to the Member State of origin and every country of transit.
- (3) If the Slovak Republic is the country of origin, the Supervisory Authority shall send copies of the confirmation of receipt of a consignment under Paragraph 1 to the original holder.

Article 16h  
Uncompleted shipments

- (1) If the Slovak Republic is the country of origin, a country of transit or the country of destination and a shipment is not being carried out in accordance with this Act, with the conditions set out in the permit or with the approvals attached under this Act, the Supervisory Authority shall decide that the cross-border shipment cannot continue. The Supervisory Authority shall, without delay, inform the competent authorities in the other Member States involved of its decision.
- (2) If the Slovak Republic is the country of origin and a cross-border shipment cannot be completed or is not allowed to continue for the reasons set out under Paragraph 1, and no other safe procedure can be agreed on, the holder of the permit to ship the radioactive materials issued under Article 15 Paragraph 1 and 2 or the holder of a permit issued under the special regulation <sup>20e</sup>) has an obligation to accept remedial safety measures and to return the radioactive waste or spent nuclear fuel to the location it was in prior to the cross-border shipment.
- (3) If the holder of a permit issued under Paragraph 2 is not capable of implementing the remedial safety measures and returning the radioactive waste or spent nuclear fuel involved to the location it was in prior to the cross-border shipment, the Supervisory Authority shall specify another holder of a shipment permit issued under Article 15 Paragraphs 1 and 2 or another holder of a shipment permit issued under the special regulation <sup>20e</sup>), who shall fulfil the obligations in place of the original holder of the permit issued under Paragraph 2, within the scope of his permit.
- (4) If a cross-border shipment is not allowed to continue or cannot be completed under Paragraphs 2 and 3, all of the costs shall be borne by the holder of the permit issued under Article 16f Paragraph 3.

Cross-border shipment outside the territory of the Member States

Article 16i  
Importing into the territory of the Member States

- (1) If radioactive waste or spent nuclear fuel is to be imported into the territory of the Member States from a third country and the country of destination is the Slovak Republic, the recipient shall submit to the Supervisory Authority an application for a cross-border shipment permit.
- (2) An application submitted under Paragraph 1 may apply to multiple cross-border shipments under the conditions set out in Article 16b Paragraph 2.
- (3) The annex to an application submitted under Paragraph 1 shall comprise a written agreement between the recipient and a holder who has a permanent address or headquarters in the third country and has been accredited by the competent authorities in the third country, through which the holder undertakes to take back the radioactive waste or spent nuclear fuel if the cross-border shipment cannot be completed in accordance with this Act in the cases mentioned in Paragraph 7.
- (4) The Supervisory Authority shall send applications submitted under Paragraph 1 for approval to the competent authorities involved in the Member States of transit. If the Slovak Republic is the country of origin or a country of transit, the provisions of Article 16d and Article 16e shall be applied accordingly.
- (5) If the Slovak Republic is the country of destination and all of the necessary approvals have been issued for the cross-border shipment, the Supervisory Authority shall allow the recipient to receive the cross-border shipment and shall inform the competent authorities of this in the countries of transit and the country of origin. The provisions of Article 16f Paragraph 4 to 7 shall be applied accordingly.
- (6) If the Slovak Republic is the country of destination, the recipient shall, within 15 days of receiving a consignment, send to the Supervisory Authority a confirmation of receipt in respect of each consignment. The Supervisory Authority shall send copies of the confirmations of receipt for every consignment to the country of origin and every country of transit.
- (7) If the Slovak Republic is the country of destination or a country of transit, the Supervisory Authority may decide not to allow the completion of a cross-border shipment where the cross-border shipment is not in accordance with this Act, with the conditions set out in the permit or the approvals issued under this Act. The Supervisory Authority shall, without delay, inform the competent authorities in the country of origin of its decision.
- (8) If a cross-border shipment cannot be completed or has not been allowed to continue, all of the costs shall be borne by the recipient under Paragraph 1.

Article 16j  
Transit across the territory of the Member States

- (1) If radioactive waste or spent nuclear fuel is to enter into the territory of the Member States from a third country and the country of destination is not a Member State, the person responsible for cross-border shipments in the Slovak Republic, through whose customs offices the radioactive waste or spent nuclear fuel is to be imported into the territory of the Member States for the first time, shall submit to the Supervisory Authority an application for a cross-border shipment permit.



- (2) An application made under Paragraph 1 may apply to multiple cross-border shipments under the conditions set out in Article 16b Paragraph 2.
- (3) The annex to an application made under Paragraph 1 shall comprise a written agreement between a recipient having a permanent address or headquarters in the third country, and a holder having a permanent address or headquarters in the third country and being accredited by the competent authorities, in which the holder undertakes to take back the radioactive waste or spent nuclear fuel if the cross-border shipment cannot be completed under Paragraph 7. For the purposes of this Act such an agreement may also involve an equivalent arrangement between a recipient having a permanent address or headquarters in a third country, and a holder having a permanent address or headquarters in a third country and being accredited by the competent authorities under the special regulation <sup>20f</sup>).
- (4) The Supervisory Authority shall send applications described in Paragraph 1 for approval to the competent authorities in the Member States of transit. If the Slovak Republic is to be the first country of transit within the territory of the Member States under the terms of Paragraph 1 or only one of a number of Member States of transit, the provisions of Article 16d and 16e shall be applied commensurately.
- (5) If the Slovak Republic is to be the first country of transit within the territory of the Member States under Paragraph 1 and all of the necessary approvals of the other Member States of transit have been given, the Supervisory Authority shall permit the person responsible under Paragraph 1 to carry out the cross-border shipment and shall inform the competent authorities in each country of transit about this. The provisions of Article 16f Paragraphs 4 to 7 shall be applied commensurately.
- (6) If the Slovak Republic is the first country of transit within the territory of the Member States, the person responsible under Paragraph 1 shall notify the Supervisory Authority that the radioactive waste or spent nuclear fuel has been transported to the destination site in the third country, and this shall be done within 15 days of the date of its arrival, stating the final customs office on the territory of the Member States through which the consignment shall pass. Such notifications shall be made through a written declaration or attestation to the recipient, in which it shall be stated that the radioactive waste or spent nuclear fuel has been transported to the destination site. The customs office of entry into the third country shall also be named.
- (7) If the Slovak Republic is a country of transit and the cross-border shipment is not taking place in accordance with this Act, with the conditions set out in the permit or with the approvals issued under this Act, the Supervisory Authority shall decide not to allow the cross-border shipment to continue. The Supervisory Authority shall inform the competent authorities in the country of origin about its decision.
- (8) If a cross-border shipment cannot be completed or has not been allowed to continue, all of the costs shall be borne by the person responsible under Paragraph 1.

#### Article 16k

##### Exports from the territory of the Member States

- (1) If radioactive waste or spent nuclear fuel is to be exported from the territory of the Member States to a third country and the Slovak Republic is the country of origin, the holder shall submit to the Supervisory Authority an application for a cross-border shipment permit.
- (2) Applications made under Paragraph 1 may apply to more than one cross-border shipment under the conditions set out in Article 16b Paragraph 2.

- (3) If the Slovak Republic is country of origin, the Supervisory Authority shall, via a procedure that satisfies Article 16d,
  - a) inform the competent authorities in the country of destination of the planned cross-border shipment and request their approve the cross-border shipment, and
  - b) send a request for approval under Paragraph 1 to the competent authorities in any Member States of transit.
- (4) If the Slovak Republic is the country of origin and all of the necessary approvals have been given for the cross-border shipment, the Supervisory Authority shall permit the holder to carry out the cross-border shipment and shall inform the competent authorities in the country of destination and every country of transit about this. The provisions of Article 16f Paragraphs 4 to 7 shall be applied commensurately.
- (5) If the Slovak Republic is the country of origin, the holder shall notify the Supervisory Authority that the radioactive waste or spent nuclear fuel has been transported to the destination site in the third country, and this shall be done within 15 days of the date of its arrival, stating the final customs office within the territory of the Member States through which the consignment has passed. Such notifications shall be submitted via a written declaration or attestation to the recipient, stating that the radioactive waste or spent nuclear fuel has been transported to the destination site, and stating the customs office of entry into the third country.
- (6) If the Slovak Republic is the country of origin or a country of transit and if a cross-border shipment is not taking place in accordance with this Act, with the conditions set out in the permit or with the approvals issued under this Act, the Supervisory Authority shall decide not to allow the cross-border shipment to continue. If the Slovak Republic is a country of transit, the Supervisory Authority shall, without delay, inform the competent supervisory authorities in the Member State of origin about this. The provisions of Article 16h Paragraphs 2 to 4 shall be applied commensurately.

#### Article 16l

##### The use of standardised documents

- (1) Applications for cross-border shipment permits shall be completed and all of the other documents and information mentioned in Article 16f, Articles 16i to 16k shall be submitted to the Supervisory Authority in the national language <sup>20g</sup>) together with a verified translation of the standardised documents and all of the other documents and information mentioned in Articles 16f, 16i, 16j and 16k into the languages that are acceptable for the other competent supervisory authorities in the countries of transit and the country of destination.
- (2) The standardised documents shall include as attachments all of the additional requirements of the applicant and the competent authorities involved in respect of the cross-border shipment permits.
- (3) A completed standardised document verifying that the permit process has been properly followed shall accompany every consignment falling within the scope of this Act, even in cases where a single cross-border shipment permit covers more than one cross-border shipment.
- (4) The standardised document and the other documents shall be made available to the competent supervisory authorities in the country of origin, the country of destination and also all of the countries of transit.”

Footnotes 20b to 20g read:

“20b) Article 5 Paragraph 5 Act No. 355/2007 Coll.

20c) Act No. 215/2004 Coll., On Confidentiality, and amending and completing certain other Acts, as amended by the most recent regulations.

20d) For example, Act No. 355/2007 Coll., of Slovak Government Decree No. 345/2006 Coll., Decree No. 53/2006 Coll. of the Nuclear Supervision Office of the Slovak Republic, which sets out details of the requirements for handling nuclear materials, radioactive waste and spent nuclear fuel, Decree No. 57/2006 of the Nuclear Supervision Office of the Slovak Republic, which sets out details of the requirements for transporting radioactive materials, Decree No. 545/2007 of the Health Ministry of the Slovak Republic, which sets out details of the requirements for ensuring radiation protection in respect of activities relating to irradiation and activities that are important from the standpoint of radiation protection, and the Joint Agreement on the Safe Handling of Spent Fuel and Radioactive Waste (Notification No. 125/2002 Coll. of the Slovak Foreign Ministry).

20e) Article 45 Paragraph 2 Letter i) a j) a Paragraph 3 Letter d) Act No. 355/2007 Coll.

20f) Article 27 of the Joint Agreement on the Safe Handling of Spent Fuel and Radioactive Waste (Notification No. 125/2002 Coll. of the Slovak Foreign Ministry).

20g) Article 1 and Article 7 Paragraph 1 of Act of the Slovak Parliament No. 270/1995 Coll., On the National Language of the Slovak Republic, as amended by the most recent regulations.”.

10. Footnote 28 reads: “28) Act No. 238/2006 Coll., On the National Nuclear Fund for Decommissioning Nuclear Facilities and Handling Spent Nuclear Fuel and Radioactive Waste (the Nuclear Fund Act) and amending and completing certain other Act, as amended by Act No. 528/2006 Coll. Slovak Government Decree No. 312/2007 Coll., which sets out details of the method for selecting and implementing the mandatory contributions to the National Nuclear Fund for Decommissioning Nuclear Facilities and Handling Spent Nuclear Fuel and Radioactive Waste.”.

11. Footnotes 30 to 36 read:

“30) Article 11 of Act No. 293/2007 Coll., On the Recognition of Professional Qualifications.

31) Act No. 576/2004 Coll., On Health Care, Services Connected with the Provision of Health Care and amending and completing certain other Acts, as amended by the most recent regulations.

32) Article 30 of Act No. 355/2007 Coll. and Article 48 of Slovak Government Decree No. 345/2006 Coll.

33) Article 2 Letter b) of Act No. 293/2007 Coll.

34) Article 2 Letter c) of Act No. 293/2007 Coll.

35) Article 8 to 27 of Act No. 293/2007 Coll.

36) For example, Article 15 Paragraph 1 Letter c) of Act No. 355/2007 Coll.

12. In Article 35 after the number “16” the words “to 16l” are added.

13. After Article 37a an Article 37b is inserted, which, including the heading, reads:

“Article 37b

Temporary provisions for arrangements taking effect from 1<sup>st</sup> December 2008

(1) Actions already under way and cross-border shipments for which permits have been granted prior to this Act coming into force shall be completed under the previous laws.

- (2) If the European Commission does not establish a new standardised document under Article 16 Paragraph 12, the standardised document set out in the special regulation<sup>45a)</sup> shall be used for the purposes of this Act.
- (3) When deciding on an application for a cross-border shipment permit that has been submitted prior to 25<sup>th</sup> December 2008 for more than one cross-border shipment to a third country of destination, the Supervisory Authority shall take account of all of the circumstances, and especially:
  - a) the expected timetable for carrying out all of the cross-border shipments to which a single application applies,
  - b) the justification for including multiple cross-border shipments in a single application,
  - c) the suitability of granting a permit for fewer cross-border shipments than are mentioned in the application.
- (4) The Supervisory Authority shall, no later than 25<sup>th</sup> December 2008, send to the European Commission its name, address and all of the information necessary for the rapid communications required under Article 16a Paragraph 3.
- (5) The first report on permits, monitoring and supervision under the terms of Article 16a Paragraph 5 and on the actual cross-border shipments that have taken place across the territory of the Slovak Republic shall be sent by the Supervisory Authority to the European Commission no later than 25<sup>th</sup> December 2011.”.

Footnote 45a) reads: “45a) Commission Decision (Euratom) No. 93/552 of 1<sup>st</sup> October 1993, which establishes a standard document for the supervision of shipments of radioactive waste and the monitoring of such shipments, as set out in Council Directive 92/3/Euratom (Special Edition of the Official Journal of the European Union, 15/vol. 2).”.

14. After Article 38 an Article 38a is inserted, which reads:

“Article 38a

This Act has been passed in accordance with the legally binding Acts of the European Community and the special regulations on the provision of information in the area of technical standards and technical regulations.<sup>45b)</sup>”.

Footnote 45b) reads: “45b) Article 33 Paragraph 3 of the Convention Establishing the European Community for Atomic Energy, European Parliament and Council Directive 98/34/ES of 22<sup>nd</sup> June 1998, On Procedures for Providing Information in the Area of Technical Standards and Regulations, as amended by Directive 98/48/ES, Act No. 264/1999 Coll., On the Technical Requirements for Products and Product Conformity Assessments, and amending and completing certain other Act, as amended by the most recent regulations, Slovak Government Decree No. 453/2002 Coll., On Procedures for Providing Information in Area of Technical Regulations and Technical Standards.”.

15. V Footnote 46 the reference to “Commission Regulation (Euratom) No. 3227/76 of 19<sup>th</sup> October 1976 relating to the implementation of measures within the Euratom system of guarantees, in the current wording (Official Journal of the European Communities L 363, 31. 12. 1976).” shall be replaced with a reference to the “Regulation (Euratom) No. 302/2005.”.
16. Footnote 47 reads: “Commission Regulation (Euratom) No. 66/2006 of 16<sup>th</sup> January 2006, which sets out exceptions in relation to the transport of small quantities of ore, output

materials and specialised fissile materials, from the regulations in the chapter on supplies (Official Journal of the European Union L 11, 17. 1. 2006).”.

17. Annex No. 3 is deleted. The former annexes No. 4 and 5 are marked as annexes No. 3 and 4.

18. Annex No. 4 reads:

**“LIST OF THE TRANSFERRED LEGAL ACTS OF THE EUROPEAN  
COMMUNITIES AND THE EUROPEAN UNION**

1. Directive 62/302/EC of 5<sup>th</sup> March 1962, on the freedom to take skilled employment in the field of nuclear energy (Special Edition of the Official Journal of the European Union, Chapter 5/vol. 1).

2. Council Directive 89/618/Euratom of 27<sup>th</sup> November 1989 on informing the public of health protection measures that must be applied and the steps that must be taken in the event of a nuclear disaster (Special Edition of the Official Journal of the European Union, Chapter 15/vol. 1).

3. Council Directive 2006/117/Euratom of 20<sup>th</sup> November 2006 on supervision and control of shipments of radioactive waste and spent nuclear fuel (Official Journal of the European Union L 337, 5. 12. 2006).”.

**Article II**

This Act comes into force on 1<sup>st</sup> December 2008.