

THE LAW OF THE REPUBLIC OF BELARUS
JULY 30, 2008, N 426-3

ON NUCLEAR ENERGY USE

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Chapter 1
GENERAL PROVISIONS

Article 1. General terminology and definitions

For the purposes of this Law the following terminology and definitions has been adopted:

Emergency preparedness - the ability to swiftly undertake measures to efficiently, reliably and without delay prevent and minimize the probability of the radioactive accident occurrence in the course of activities related to nuclear energy use;

Emergency response - undertaking measures aimed at remedying, containing or minimizing the effects of a radioactive accident occurred in the course of activities related to nuclear energy use;

Nuclear power plant - nuclear facility producing electrical and thermal power in pre-set modes of operation and conditions located within a specific terrain with an active nuclear reactor (reactors) and a complex of systems, equipment and constructs necessary for its functioning;

Nuclear energy - energy released in nuclear reactions and radioactive decay, as well as energy of generated ionizing radiation;

Nuclear power plant unit - the part of the nuclear power plant including nuclear reactor with generating and other equipment, ensuring the operation of the plant within a scope established by the project;

Commissioning of the nuclear installation and (or) storage facilities - the process of bringing the systems and components of the constructed nuclear installation and (or) storage facilities to operational state and evaluating its adherence to the project of the specified objects;

De-commissioning of a nuclear installation and (or) storage facilities - the process of discontinuation of further operation of the nuclear installation and (or) storage facilities, ensuring safety of personnel employed by the operator,

civilian population and the environment;

Activities related to nuclear energy use - substantiated activities involving siting, designing, constructing, commissioning, operating, limiting operational characteristics, extending operational lifespan and de-commissioning of a nuclear installation and (or) storage facilities, as well as handling nuclear materials, spent nuclear materials and (or) operational radioactive waste;

Nuclear facilities - nuclear installation, storage facilities, nuclear materials, spent nuclear materials, operational radioactive waste;

Spent nuclear materials - nuclear materials irradiated in the reactor core and ultimately removed from it;

Project of the nuclear installation and (or) storage facilities - design and technical documents, including the substantiation of investments, assessment of environmental impact, substantiation of safety, architectural and constructional design and other documents in accordance with legislative acts, including technical normative legal acts, required for siting, constructing, commissioning and de-commissioning of a nuclear installation and (or) storage facilities.

Storage facilities - immobile objects and (or) constructs used for storage of nuclear materials, spent nuclear materials and (or) operational radioactive waste;

Siting of a nuclear installation and (or) storage facilities - selection of terrain for construction of a nuclear installation and (or) storage facilities, including a corresponding assessment and determination of criteria implemented within the project for the nuclear installation and (or) storage facilities;

Construction of a nuclear installation and (or) storage facilities - manufacturing and assembling the components of a nuclear installation and (or) storage facilities, installation of the components and equipment, conducting the corresponding tests;

Physical protection - a complex of technical, organisational and other measures aimed at ensuring the physical security of the nuclear facilities and restriction of unsanctioned access to them;

Operational radioactive waste - radioactive waste produced in the course of operation of a nuclear installation and (or) storage facilities;

The operator - an organisation conducting siting, construction, commissioning, operation, limiting the operational characteristics, extending the operational lifespan and de-commissioning of a nuclear installation and (or) storage facilities at their own expense or with the help of sub-contractors, as well as handling nuclear materials, spent nuclear materials and (or) operational radioactive waste;

Nuclear safety - protection of civilian population and the environment

from hazardous impact of ionizing radiation of a nuclear installation and (or) storage facilities, provided by duly adhering to operational requirements and conditions of handling nuclear materials, spent nuclear materials and (or) operational radioactive waste;

Nuclear installation - constructs and complexes containing a nuclear reactor (reactors), including constructs and complexes with industrial, experimental and research nuclear reactors, critical and sub-critical nuclear assemblies;

Nuclear material - a material containing and producing fission materials (substances);

Nuclear reactor - a device used to carry out a controlled chain nuclear reaction.

Article 2. Legislative regulation of activities related to nuclear energy use

This Law establishes arrangements pertaining to siting, construction, commissioning, operation, limiting the operational characteristics, extending the operational lifespan and de-commissioning of a nuclear installation and (or) storage facilities, as well as handling nuclear materials in the course the operation of a nuclear installation and (or) storage facilities, spent nuclear materials and (or) operational radioactive waste, and other activities related to nuclear energy use.

Arrangements involved in handling nuclear materials, spent nuclear materials and (or) operational radioactive waste, beyond the provisions of this Law are regulated by legislation in the field of nuclear safety and other regulations.

The legislation in the field of nuclear energy use is based on the Constitution of the Republic of Belarus and consists of this Law, other legal acts and international agreements of the Republic of Belarus.

Article 3. Principles of conducting activities related to nuclear energy use.

The activities in the field of nuclear energy use are based on the following principles:

The priority of life and health of the current and future generations of civil population and environmental protection with respect to any other aspects of activities related to nuclear energy use;

Ensuring the prevalence of benefit to citizens and society resulting from nuclear energy use over potential detrimental effects of activities related to the use of nuclear energy;

Assurance of nuclear and radiation safety;

Compensation of harm caused by detrimental effects of ionizing radiation or activities related to nuclear energy use;

Provision of complete, valid and current information on activities related to the use of nuclear energy, unless the information contains classified or restricted data;

The ban on manufacturing nuclear weapons and other nuclear explosives.

Chapter 2

STATE REGULATION OF NUCLEAR ENERGY USE. STATE REGULATION OF NUCLEAR SAFETY ASSURANCE IN THE FIELD OF NUCLEAR ENERGY USE

Article 4. Authority of the President of the Republic of Belarus pertaining to the field of nuclear energy use.

With respect to nuclear energy use, The President of the Republic of Belarus:

Establishes primary state policies;

Ratifies state programs;

Makes decisions concerning siting, design, construction, commissioning, operational lifespan extension, limiting operational characteristics and de-commissioning of the nuclear power plant and its units;

Determines the state body or other state organisations responsible for monitoring and regulating the nuclear power plant;

Makes decisions concerning safety assurance, protection of the population and environment with respect to nuclear energy use;

Makes decisions concerning prevention and containing emergencies with respect to nuclear energy use;

Bears the right to determine state bodies or other organisations responsible for ensuring development in the field of nuclear energy use and determine their expertise and authority in the field;

Possesses other authorities in accordance with this Law and other legal acts.

Article 5. Authority of the Government of the Republic of Belarus in the field of nuclear energy use.

The Government of the Republic of Belarus within its authority in the field of nuclear energy use:

Implements state policies;

Coordinates the activities of state bodies and organisations;

Organises the development and implements state programs;

Makes decisions concerning siting, design, construction, commissioning, operational lifespan extension, limiting operational characteristics and decommissioning of the nuclear installation (excluding the nuclear power plant and its units) and (or) storage facilities;

Determines the state body or other state organisations responsible for monitoring and regulating the nuclear installation (excluding the nuclear power plant and its units) and (or) storage facilities;

Establishes the order of discussing the issues pertaining to the field with participation of public associations, other organisations and citizens;

Ensures compensations of damages caused by hazardous impact of ionizing radiation or activities related to nuclear energy use in accordance with this Law and other legal acts;

Determines the conditions and order of providing physical protection of the nuclear facilities;

Determines the order of state monitoring and control over the provision of physical protection of the nuclear facilities;

Undertakes the assurance of compliance with international agreements covering the field on the part of the Republic of Belarus;

Coordinates international cooperation on the part of the Republic of Belarus;

Possesses other authorities in accordance with this Law, other laws and Edicts of the President of the Republic of Belarus.

Article 6. State regulatory bodies and other state organisations operating in the field of nuclear energy use and their authority

State regulation in the field of nuclear energy use in accordance with this Law and other legal acts is performed by the Ministry of Energy of the Republic of Belarus, the Ministry of Emergency situations of the Republic of Belarus, and other state regulatory bodies and organisations authorised by the President of the Republic of Belarus.

The Ministry of Energy of the Republic of Belarus possesses the authority to perform the following activities pertaining to the field of nuclear energy use:

Participating in developing and implementing state policies;

Ensuring the implementation of consistent state scientific, technical and investment policies;

Developing proposals on the matters of procurement in the field of nuclear energy use, including resolving issues related to the provision of nuclear fuel to nuclear installations;

Other activities in accordance with this Law and other legal acts.

The Ministry of Emergency Situations of the Republic of Belarus possesses the authority to perform the following activities pertaining to the field of nuclear energy use:

Managing the preparedness of resources of emergency services departments and units to emergency situations that may occur in the course of activities related to nuclear energy use, as well as monitoring and controlling corresponding prevention measures;

Organising the development of an external emergency plan;

Establishing requirements to nuclear and radiation safety assurance for activities in the field of nuclear energy use;

Organising measures of containing and remedying the consequences of radioactive accidents that may occur in the course of activities related to nuclear energy use;

Other activities in accordance with this Law and other legal acts.

Other state regulatory bodies and organisations authorised by the President of the Republic of Belarus operating in the field of nuclear energy use possess, within their authority, the right to conduct the following activities:

Developing proposals on formation and implementation of consistent state scientific, technical and investment policies;

Participating in state assessment of projects of the nuclear installation and (or) storage facilities in the set forth by the legislation;

Participating in organisation and carrying out assessment of equipment and technology of the nuclear facilities;

Ensuring security and environmental protection at the nuclear facilities within their jurisdiction;

Organising discussion of matters in the field with public associations, other organisations and citizens;

Participating in personnel training;

Other activities in accordance with this Law and other legal acts.

Article 7. State regulatory bodies responsible for government regulation of activities related to nuclear energy use

Ministry of Emergency Situations of the Republic of Belarus, Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, Ministry of Healthcare of the Republic of Belarus, Ministry of Internal Affairs of the Republic of Belarus, Committee of Public Security of the Republic of Belarus (hereinafter referred to as state regulatory bodies carrying out government regulation over the safety of nuclear energy use) are authorised state regulatory bodies carrying out government regulation over

the safety of nuclear energy use, unless any contrary provisions are passed by the President of the Republic of Belarus.

The Ministry of Emergency Situations within its authority performs the following functions:

State regulation over assurance of nuclear and radiation safety and assurance of physical security of the nuclear facilities;

Organising and carrying out government regulation over handling spent nuclear materials and operational radioactive waste;

Regulating compliance of nuclear and radiation safety assurance with corresponding legislation;

Participating in the organisation and carrying out of assessment of compliance of equipment and technologies of the nuclear facilities with corresponding standards;

Ensuring the operation of a unified state system of accounting and control over sources of ionizing radiation and nuclear materials in the Republic of Belarus;

Organising and carrying out the assessment of safety of the nuclear installation and (or) storage facilities and compliance of its projects with corresponding requirements, with involvement of independent experts, if necessary;

Other activities in accordance with this Law and other legal acts.

Other state regulatory bodies carrying out government regulation over the safety of nuclear energy use within their authority perform the following functions:

Regulation of physical security of the nuclear facilities;

Coordination of programs of commissioning and de-commissioning of a nuclear installation and (or) storage facility;

Developing and implementation of an external emergency plan;

Reconciliation of technical normative legal acts covering the field of the use of nuclear energy;

Other activities in accordance with this Law and other legal acts.

State regulatory bodies responsible for government regulation of activities related to nuclear energy use with respect to performing activities within their authority related to state regulation of safety, state control and monitoring over activities related to nuclear energy use, are independent from state regulatory bodies or other state organisations carrying out government regulation in the field of nuclear energy use.

Article 8. The authority of local government bodies and self-governing units in the field of nuclear energy use

Local government bodies and self-governing units in the field of nuclear

energy use within their authority perform the following functions:

Organisation of and participation in discussions of issues on the field with public associations, other organisations and citizens;

Participation in the organisation of the assurance of protection of citizens and the environment from hazardous impact of ionizing radiation surpassing limits established by technical normative legal acts in the field of nuclear energy use;

Within the administrative territory under their jurisdiction carry out control over preparedness of organisations and citizens to respond to radioactive accidents that may occur in the course of activities related to nuclear energy use;

Participation in containing and remedying the consequences of radioactive accidents that may occur in the course of activities related to nuclear energy use;

Informing the citizens via local mass media of radioactivity status within the administrative territory under their jurisdiction;

Other activities in accordance with this Law and other legal acts.

Article 9. Special aspects of technical standardization and certification of compliance in the field of nuclear energy use

Technical normative legal acts in the field of nuclear energy use are certified in coordination with state bodies regulating safety in the field of nuclear energy use.

Equipment and technologies of nuclear facilities are to be assessed in accordance with the corresponding legislation.

Article 10. Licensing in the field of nuclear energy use

Licensing in the field of nuclear energy use is to adhere to legal acts concerning licensing.

Article 11. Operating permit for activities related to nuclear energy use and requirements to personnel

Certain types of works may be performed by the personnel of the operator and other organisations operating in the field of nuclear energy only if the personnel possesses the corresponding permit issued by the authorised state regulatory body carrying out state control of nuclear energy use.

The list of activities requiring the acquisition of the operation permit for the personnel of organisations specified in the first part of this article, and the requirements to personnel, including requirements to education and

qualification, as well as the order of acquisition of permits are established by the Government of the Republic of Belarus.

The list of medical requirements and the list of activities to which these requirements are applicable, as well as requirements to health assessment and psychological and physical evaluation of personnel is established by the legislation.

Chapter 3

HANDLING NUCLEAR MATERIALS, SPENT NUCLEAR MATERIALS AND (OR) OPERATIONAL RADIOACTIVE WASTE

Article 12. State accounting for and control over nuclear materials, spent nuclear materials and operational radioactive waste

Nuclear materials, spent nuclear materials and operational radioactive waste are to be accounted for and controlled by the state via a state accounting and control system for nuclear materials in the Republic of Belarus.

Operational radioactive waste is to be accounted for and controlled by the state via a state accounting and control system for sources of ionizing radiation in the Republic of Belarus.

The order of accounting and control over nuclear materials in the Republic of Belarus, as well as accounting and control system for sources of ionizing radiation in the Republic of Belarus is established by the Government of the Republic of Belarus.

Article 13. Transportation of nuclear materials, spent nuclear materials and operational radioactive waste

Transportation of nuclear materials, spent nuclear materials and operational radioactive waste is to be conducted in accordance with this Law and legal acts covering the field of transporting hazardous cargo.

In the course of transportation of nuclear materials, spent nuclear materials and (or) operational radioactive waste the subjects conducting the transportation of hazardous cargo are to undertake all measures necessary to ensure prevention of accidents and localize and are to contain their consequences if accidents do occur, as well as undertake measures to protect personnel, citizens, environment and property from potential hazardous impact of accidents that may occur in the course of transportation.

The responsibility for localization and containment of the consequences of accidents that may occur in the course of transportation of nuclear

materials, spent nuclear materials and (or) operational radioactive waste lies with the subjects conducting the transportation and corresponding departments and units of the Ministry of emergency situation of the Republic of Belarus.

Chapter 4

SITING AND CONSTRUCTION OF A NUCLEAR INSTALLATION AND (OR) STORAGE FACILITIES

Article 14. Decisions on siting and construction of a nuclear installation and (or) storage facilities

The decisions concerning siting and construction of a nuclear installation and (or) storage facilities are made, including based on propositions of corresponding state regulatory bodies and other state organisations, with consideration of the following requirements:

The presence of necessity of resolution of social and economic issues in the Republic of Belarus and its specific regions with consideration of potential consequences brought by the presence of said objects;

The lack of threat to the safety of the nuclear installation and (or) storage facilities on the part of adjacent civil and military objects;

The presence of conditions necessary for environmentally safe placement of the nuclear installation and (or) storage facilities, adhering to the requirements of legislation on environmental protection and rational use of natural resources, which is to be affirmed by a favourable conclusion of state or other inspections conducted in accordance with the legislation;

Other requirements imposed by the legislation.

Article 15. Revocation of the decision to construct a nuclear installation and (or) storage facilities

The decision to construct a nuclear installation and (or) storage facilities may be revoked with ceasing their construction, if any factors reducing the level of safety of these objects, or environmental contamination or other adverse factors are discovered, on the basis of conclusions of state or other inspections in accordance with legislation.

The responsibility to revoke the decision to construct the nuclear installation and (or) storage facilities lies with the body or the official responsible for the decision to construct said objects.

Proposals on revocation of the decision to construct the nuclear installation and (or) storage facilities are submitted to the body or the official

responsible for the decision to construct said objects by state regulatory bodies, local authorities or public associations and citizens with substantiation of factors specified in part one of this article.

The organisation, due to the fault of which factors specified in part one of this article have not been discovered and accounted for, is liable for reimbursement of damages related to the revocation of the decision to construct the nuclear installation and (or) storage facilities.

Article 16. The nuclear installation and (or) storage facilities project

The development of the project of the nuclear installation and (or) storage facilities is to adhere to the requirements of the legislation covering construction, architecture and urban development, protection and use of land, subsoil, sanitary and epidemiological well-being of the population, protection of the population and territories from accidents and environmental protection and rational use of natural resources, including technical normative legal acts.

It is mandatory to substantiate the necessary area of the territory, the necessity to establish limitations (encumbrance) on the rights to use the territory for construction of the nuclear installation and (or) storage facilities in the project, taking into account the placement of functional permanent structures (buildings, constructs), other industrial, transport or engineering infrastructure and establishment of a sanitary protection zone and surveillance area.

The project of the nuclear installation and (or) storage facilities is to cover measures to assure safe de-commissioning, safe handling of nuclear materials, spent nuclear materials and (or) operational radioactive waste as a mandatory stage of every cycle of nuclear technology.

The project of the nuclear installation and (or) storage facilities is to undergo state or other safety assessment procedures set forth by the legislation.

Article 17. Sanitary protection zone and surveillance area

Sanitary protection zone and surveillance area may be established at the site of the nuclear installation and (or) storage facilities in accordance with this Law, legislation covering radiation safety and sanitary and epidemiological well-being of the population, for the purposes of protecting citizens and the environment.

The purpose of the sanitary protection zone is to minimize the hazardous impact of ionizing radiation produced in the course of activities related to nuclear energy use on health and well-being of citizens.

The purpose of the surveillance area is to monitor the natural background radiation and radioactive contamination of the atmosphere, surface and sub-

surface waters in the area adjacent to the site of the nuclear installation and (or) storage facilities.

Permanent structures (buildings, constructs) unrelated to the operation of the nuclear installation and (or) storage facilities, as well as other objects of industrial, transport or engineering infrastructure not covered by the project of the nuclear installation and (or) storage facilities are not to be constructed within the sanitary protection zone.

The functional purpose of permanent structures (buildings, constructs) or other objects of industrial, transport or engineering infrastructure covered by the project of the nuclear installation and (or) storage facilities located within the sanitary protection zone may be changed on the basis of a proposal by the operator submitted for approval to corresponding state regulatory bodies carrying out government regulation of safety of activities related to nuclear energy use.

The necessity of establishment of a sanitary protection zone and a surveillance area, their size and boundaries are to be covered by the project of the nuclear installation and (or) storage facilities in accordance with safety requirements set forth by technical normative legal acts, and are to be coordinated with the authorised state regulatory bodies and organisations carrying out state sanitary and health supervision.

The size of a sanitary protection zone and a surveillance area around the site of the nuclear installation and (or) storage facilities is determined by the potential level of external irradiation, as well as the size and the area of the potential spread of radioactive emissions into the atmosphere and (or) surface and sub-surface waters. The order of coordination and establishment of the boundaries of the sanitary protection zone and surveillance area, as well as the requirements to its security and utilization are established by the Government of the Republic of Belarus.

Limitation upon activities and operations within the sanitary protection zone and surveillance area may be imposed by state bodies and organisations carrying out government sanitary supervision in accordance with the legislation.

Control and monitoring of environmental radioactivity level are to be conducted within the sanitary protection zone and surveillance area in accordance with this Law and other legal acts.

Chapter 5

COMMISSIONING AND DE-COMMISSIONING OF A NUCLEAR INSTALLATION AND (OR) STORAGE FACILITIES

Article 18. Acceptance and commissioning of a nuclear installation and (or) storage facilities

Acceptance of the nuclear installation and (or) storage facilities into service is to be conducted in the order set forth by the legislation covering construction, architecture and urban development, including technical normative legal acts.

Commissioning of a nuclear installation and (or) storage facilities is to be conducted in accordance with the commissioning program for the nuclear installation and (or) storage facilities developed by the operator in the basis of the projects of the objects. Commissioning program for nuclear installation and (or) storage facilities is to be coordinated with the state regulatory bodies carrying out government regulation of nuclear energy use and is to be approved by the body or the official responsible for making the decision on siting and construction of the nuclear installation and (or) storage facilities. The terms of development and certification of the commissioning program for the nuclear installation and (or) storage facilities are determined by technical normative legal acts.

Article 19. Extension of the operational lifespan of the nuclear installation and (or) storage facilities

The decision on the extension of the operational lifespan of the nuclear installation and (or) storage facilities upon conclusion of the project lifespan is to be made by the body or the official responsible for making the decision on siting and construction of these objects.

The proposal on extension of the operational lifespan of the nuclear installation and (or) storage facilities is submitted by the state regulatory body or other state organisation regulating the operation of the nuclear installation and (or) storage facilities with corresponding substantiation from the operator duly coordinated with state regulatory bodies carrying out government regulation of safety of activities related to nuclear energy use.

Article 20. De-commissioning or limitation of operational characteristics of the nuclear installation and (or) storage facilities

De-commissioning or limitation of operational characteristics of the nuclear installation and (or) storage facilities is to adhere to the requirements set forth by technical normative legal acts covering the field of nuclear energy use.

Five years prior to the conclusion of the projects operational lifespan of the nuclear installation and (or) storage facilities the operator is to develop a de-commissioning program covering de-installation, handling nuclear materials, spent nuclear materials and (or) operational radioactive waste, as

well as measures of further regulation and state supervision over these objects.

The de-commissioning program for the nuclear installation and (or) storage facilities is to be coordinated with state bodies regulating safe use of nuclear energy and submitted by the state regulatory body or other organisation responsible for government supervision over the nuclear installation and (or) storage facilities for approval to the body or the official responsible for making the decision on siting and construction of these objects.

In case of discovery of factors reducing the level of safety, endangering the environment or leading to other adverse effects in the course of the operation of the nuclear installation and (or) storage facilities based on the results of state or other inspections, the body or the official responsible for making the decision on siting and construction of these objects are to make a decision on premature de-commissioning or limitation of operational characteristics of the nuclear installation and (or) storage facilities.

The proposals on premature de-commissioning or limitation of operational characteristics of the nuclear installation and (or) storage facilities are to be submitted by state bodies, local authorities, public associations or citizens to the body or the official responsible for making the decision on siting and construction of these objects.

Premature de-commissioning of the nuclear installation and (or) storage facilities or limitation of their operational characteristics is to adhere to the program of premature de-commissioning or limitation of operational characteristics of the nuclear installation and (or) storage facilities developed by the operator. These programs are to be developed, coordinated and approved in the course of one year upon making a decision on premature de-commissioning of the nuclear installation and (or) storage facilities or limitation of their operational characteristics in the order set forth by part three of this article.

Article 21. Funds for de-commissioning the nuclear installation and (or) storage facilities

For the purposes of financing the de-commissioning, premature de-commissioning or limitation of operational characteristics of the nuclear installation and (or) storage facilities a fund for de-commissioning of the nuclear installation and (or) storage facilities is to be established by the operator.

The order of formation of the fund is established by the President of the Republic of Belarus.

The fund for de-commissioning the nuclear power plant or its units is

formed by finances acquired through selling electrical or thermal power or other services, as well as through means compliant with the legislation.

The fund for de-commissioning the nuclear installation and (or) storage facilities may only be utilized for financing measures provided by the program of de-commissioning, premature de-commissioning or limitation of operational characteristics of the nuclear installation and (or) storage facilities.

Chapter 6

PHYSICAL PROTECTION OF NUCLEAR FACILITIES

Article 22. Physical protection of nuclear facilities

The purpose of physical protection of nuclear facilities is to:

Prevent unauthorized access to the territory of the nuclear installation and (or) storage facilities, unauthorized access to nuclear materials, spent nuclear materials or operational radioactive waste, their damage or theft.

Discovery, prevention and containment of threats to the safety of the nuclear facilities, including threats of terrorist activity or sabotage.

Discovery and return of missing or stolen nuclear materials, spent nuclear materials and (or) operational radioactive waste.

Article 23. Assurance of physical security of the nuclear facilities

Measures of assurance of physical security of nuclear installation and (or) storage facilities are to be provided for all stages of design, construction, commissioning, operation, limitation of operational characteristics, operational lifespan extension, de-commissioning, as well as for handling nuclear materials, spent nuclear materials and (or) operational radioactive waste.

Physical security of the nuclear facilities is to be provided by the operator and state regulatory bodies within their authority.

State supervision over the assurance of physical security of nuclear facilities is to be conducted by the authorised state bodies regulating the safety of nuclear energy use in the order, established by the Government of the Republic of Belarus.

Operation of the nuclear installation and (or) storage facilities, as well as any activities involving handling nuclear materials, spent nuclear materials and (or) operational radioactive waste in any form at any stage without undertaking measures required to assure physical security are strictly forbidden.

Article 24. Limitation of the rights of individuals on the territory of the nuclear installation and (or) storage facility.

For the purposes of physical security of nuclear facilities and safety of the personnel of the operator the movement and actions of individuals, including members of the personnel, within the territory of the nuclear installation and (or) storage facilities, as well as within sanitary protection zones, may be restricted.

For the purposes of revealing substances, materials and items that may be used to unlawfully interfere with the operation of the nuclear installation and (or) storage facilities, inspections of belongings and (or) vehicles of personnel employed by the operator and visitors of said objects with the implementation of special tools, as well as other control procedures, are to be conducted. The order of inspections and other control procedures is established in accordance with the legislation covering security activities.

Public events are prohibited within the territory of the nuclear installation and (or) storage facilities and related sanitary protection zones.

Chapter 7

EMERGENCY PREPAREDNESS AND EMERGENCY RESPONSE

Article 25. Organisation of emergency preparedness and emergency response

The organisation of emergency preparedness and emergency response consists of development of measures of assurance of emergency preparedness and emergency response.

Measures of assurance of emergency preparedness and emergency response are to be developed in accordance with the requirements set forth by legal acts and are established by external and internal emergency plans.

Article 26. External emergency plan

The external emergency plan determines zones of emergency response and actions of state regulatory bodies, local authorities, state or other organisations and citizens aimed at protection of life and health of citizens, protection of environment and property in the course of activities related to nuclear energy use, including on the nuclear installation and (or) storage facilities located outside of the Republic of Belarus closer within a hundred kilometers from the state border lines.

Development of the external emergency plan and carrying out measures to implement it is the task of state bodies regulating safe use of nuclear

energy and local authorities.

The external emergency plan is subject to approval by the President of the Republic of Belarus. The activities established by the external emergency plan are mandatory. The operator uses its own assets and other sources of financing compliant with the legislation to uphold a necessary level of provision of the external emergency plan with material, technical and human resources.

Article 27. Internal emergency plan

The internal emergency plan establishes the activities of the operator aimed at containing and minimizing the hazardous impact of radioactive accidents that may occur in the course of activities related to nuclear energy use in accordance with the external emergency plan.

The internal emergency plan is to be developed by and certified by the operator upon approval on the part of state bodies regulating safe use of nuclear energy.

The internal emergency plan may be approved in the course of no less than six months prior to the date of commissioning of the nuclear installation and (or) storage facilities.

Development and implementation of the internal emergency plan is to be financed solely by the operator.

The internal emergency plan is to undergo practical testing before commissioning and in the course of operation of the nuclear installation and (or) storage facilities with regulatory established by the state bodies regulating safe use of nuclear energy.

Article 28. Conditions and order of development of emergency plans

Conditions and order of development of emergency plans, measures of containing or minimizing the consequences of radioactive accidents that may in the course of activities related to nuclear energy use, means of informing citizens and means of assessment of emergency preparedness are established by the Government of the Republic of Belarus based on proposals submitted by state bodies regulating safe use of nuclear energy.

Article 29. Obligations of the operator concerning assurance of emergency preparedness and emergency response

The operator is to familiarize its personnel with emergency plans and implement a training program for the personnel in order to guaranty their preparation to undertake necessary measures in accordance with the plans.

In case of occurrence of a radioactive accident in the course of activities related to nuclear energy use leading to release of radioactive substances into the environment surpassing established limits, the operator is to:

Immediately inform the public, state bodies regulating safe use of nuclear energy, local authorities and other state bodies;

Undertake measures to contain or minimize the consequences of the accident;

Monitor the extent of irradiation of individuals participating in containing or minimizing the consequences of radioactive accidents, and undertake measures to prevent the exceeding of established irradiation dosages of these individuals;

Ensure constant monitoring of the release of radioactive substances into the environment;

Provide corresponding state bodies, other organisations, citizens within the surveillance area with updates on the situation in accordance with emergency plans;

Undertake other measures in accordance with external and internal emergency plans and provisions of this Law.

In the course of containing or minimizing the effects of radioactive accidents occurred in the course of activities related to nuclear energy use, irradiation of personnel employed by the operator may exceed established limits (but not exceed the effective dose of potentially harmful radiation established by normative legal acts) only if it is impossible to undertake other measures to provide public safety, prevent mass irradiation or extensive radioactive contamination of the environment. The operator is to inform in advance the personnel participating in these activities of potential risk of irradiation exceeding established limits and receive their written consent to participate in these activities.

Chapter 8

OPERATOR AND ORGANISATIONS CARRYING OUT WORKS AND (OR) SERVICES RELATED TO THE USE OF NUCLEAR ENERGY

Article 30. Special aspects of activities performed by the operator in the field of nuclear energy use

The operator and the Ministry of Energy of the Republic of Belarus cooperate on the matters of determination of modes of operation of the nuclear power plant and its units and modes of operation of generators and other equipment used at the nuclear power plant.

Any interference into the activities of the operator which may adversely

impact the level of nuclear safety, excluding cases set forth by legal acts and technical normative legal acts, is strictly prohibited.

Article 31. Funds for financing maintenance and improvement of safety of the nuclear installation and (or) storage facilities

For the purposes of financing research and development, testing and construction or other works aimed at maintaining and improving the level of safety of the nuclear installation and (or) storage facilities the operator is to establish a fund for financing maintenance and improvement of safety of the nuclear installation and (or) storage facilities, which is to be established before commissioning of the nuclear installation and (or) storage facilities.

The order of formation and usage of the fund is determined by the President of the Republic of Belarus

Article 32. Obligations and responsibilities of the operator with respect to assurance of safety of the nuclear installation and (or) storage facilities

The operator develops and implements measures of maintaining and improving the level of safety of the nuclear installation and (or) storage facilities, established necessary services with control over safety, informs state bodies regulating safe use of nuclear energy of the safety status of said objects within time frames established by these bodies.

The operator ensures:

That the nuclear installation and (or) storage facilities are used for their intended purpose;

Organisation and carrying out of works to the extent and with quality adhering to the requirements set forth by the normative legal acts for all stages of siting, designing, construction, commissioning, operation, limitation of operational characteristics, extension of the operational lifespan and decommissioning of the nuclear installation and (or) storage facilities;

Development and implementation of measures of prevention of radioactive accidents in the course of activities related to nuclear energy use and of mitigation of their impact on personnel, citizens and the environment;

Safe handling of nuclear materials, spent nuclear materials and (or) operational radioactive waste posing no threat to the personnel and citizens;

Formation and use for intended purposes of the fund for decommissioning of the nuclear installation and (or) nuclear facilities and fund for financing maintenance and improvement of safety of the nuclear installation and (or) storage facilities;

Implementation of the right of personnel to social securities;

Accounting of individual irradiation dosages of the members of the

personnel;

Development and implementation of measures of protection of personnel and citizens within the surveillance area in case of occurrence of a radioactive accident in the course of activities related to nuclear energy use;

Accounting and control over nuclear materials, spent nuclear materials, operational radioactive waste and other sources of ionizing radiation;

Implementation of physical protection of nuclear facilities;

Development and implementation of measures of fire safety assurance at the site of the nuclear installation and (or) storage facilities;

Control and monitoring of radioactivity within the sanitary protection zone and surveillance area;

Recruitment, training, development and improvement of qualification of the personnel, as well as maintaining necessary human resources;

That citizens within the surveillance area are informed of the radioactivity status;

Carrying out other obligations on accordance with the legislation.

The operator bears responsibility for violation of requirements to assurance of safety of the nuclear installation and (or) storage facilities.

In case a decision to suspend or revoke the license to operate the nuclear installation and (or) storage facilities is made in the established order, the state regulatory body or other state organisation executing government control over said objects is to ensure their safety. If such special license may not be reinstated, the corresponding state regulatory body or other state organisation executing government control over said objects are to undertake measures to establish a new operator.

Article 33. Organisations performing works and (or) services in the course of activities related to nuclear energy use

Organisations performing project development and procurement, research and development, testing, constructional and technological activities, construction and manufacturing of equipment for the nuclear installation and (or) storage facilities, scientific support, other works and (or) services in the course of activities related to nuclear energy use, are to provide the extent and quality of works and (or) services compliant with the requirements of technical normative legal acts, and bear responsibility for the quality of delivered works and (or) services in the course of the normative operational lifespan determined by the project of the nuclear installation and (or) storage facilities.

With respect to organisations specified in part one of this article performing works and (or) services directly at the site of the nuclear installation and (or) storage facilities, or working directly with nuclear

materials, spent nuclear materials and (or) operational radioactive waste, the requirements set forth by this Law to the operator with respect to compliance with requirements to nuclear and radiation safety assurance are applicable.

Article 34. Special aspects of the legal status of the personnel employed by the operator

Services performed by the personnel employed by the operator falls under the category of special labour. Labour relations and discipline for the personnel employed by the operator are regulated by the legislation covering labour and requirements of the corresponding disciplinary charter ratified by the President of the Republic of Belarus.

It is mandatory for the personnel employed by the operator to be insured against industrial accidents and occupational health risks, including ones caused by ionizing radiation, in accordance with the legislation covering insurance.

With respect to personnel specified in part one of article 33 of this Law, that is, personnel working directly at the nuclear installation and (or) storage facilities, or with nuclear materials, spent nuclear materials and (or) operational radioactive waste, the requirements set forth by part one and two of this article, as well as of article 41 of this Law are applicable.

Special aspects of social-welfare services of certain categories of personnel employed by the operator is established by the legislation.

Chapter 9
RESPONSIBILITY FOR HARM CAUSED BY HAZARDOUS
IMPACT
OF RADIOACTIVE ACCIDENTS HAVING OCCURED IN THE
COURSE OF ACTIVITIES
RELATED TO NUCLEAR ENERGY USE.
RESPONSIBILITY FOR VIOLATION OF PROVISIONS OF
LEGISLATION
IN THE FIELD OF NUCLEAR ENERGY USE

Article 35. Compensation of harm caused by hazardous impact of radioactive accidents having occurred in the course of activities related to nuclear energy use

Harm to organisations and citizens caused by hazardous impact of radioactive accidents having occurred in the course of activities related to nuclear energy use, or its in combination with toxic, explosive or other hazardous impact, is to be compensated by the operator in accordance with

this Law and other legal acts.

Article 36. Limits of responsibility for harm caused by hazardous impact of radioactive accidents having occurred in the course of activities related to nuclear energy use

Limits of responsibility for harm caused by hazardous impact of radioactive accidents having occurred in the course of activities related to nuclear energy use are established by the President of the Republic of Belarus or by the Government of the Republic of Belarus at their behest for the purposes of providing compensation.

The limit of responsibility for harm caused by hazardous impact of radioactive accidents having occurred in the course of activities related to nuclear energy use may not be less than the minimal amount established by international agreements of the Republic of Belarus.

For compensation of harm caused by hazardous impact of radioactive accidents having occurred in the course of activities related to nuclear energy use the operator is to be financially provided from the sources and in the amount established by the Government of the Republic of Belarus in cooperation with the President of the Republic of Belarus taking into account provision of international agreements of the Republic of Belarus.

Article 37. Compensation of harm to the environment caused by hazardous impact of radioactive accidents having occurred in the course of activities related to nuclear energy use

The operator is, in accordance with the legislation, liable for compensation of any harm to the environment caused by radioactive accidents that may occur in the course of activities related to nuclear energy use.

In case of full or partial refusal on the part of the operator to compensate any harm to the environment caused by radioactive accidents that may occur in the course of activities related to nuclear energy use, claims for compensation of damages are submitted by the state body executing government regulation in the field of environmental protection within its authority or by a prosecutor.

Article 38. Responsibility for violating provisions of legislation in the field of nuclear energy use

The officials of state bodies, including state regulatory bodies carrying out government regulation in the field of nuclear energy use, state regulatory

bodies carrying out government regulation of the safety of nuclear energy use, local authorities, as well as personnel employed by the operator and by organisations performing works and (or) services in the field of nuclear energy use, as well as other individuals bear disciplinary, administrative, criminal and (or) other responsibilities for violating provisions of legislation in the field of nuclear energy use.

Chapter 10

GURANTEES OF RIGHTS OF CITIZENS AND ORGANISATIONS IN THE FIELD OF NUCLEAR ENERGY USE

Article 39. Rights of citizens and organisations to information concerning the field of nuclear energy use

Citizens, public associations and other organisations may request from state bodies and organisations and receive information concerning safety of nuclear installation and (or) storage facilities at the stages of their siting, design, construction and operation in the order established by the legislation, excluding confidential or restricted information. Information on radioactive accidents occurred in the course of activities related to nuclear energy use may not constitute confidential or restricted information.

Citizens, public associations and other organisations may receive updates on the radioactivities status free of charge.

Citizens having been affected by ionizing radiation have the right to receive documents confirming the dosage of their irradiation. The order of issuing such documents and its form are established by the Government of the Republic of Belarus, unless other provisions are established by legal acts.

Article 40. Rights of citizens and organisations to participate in policy forming in the field of nuclear energy use

Citizens, public associations and other organisations may participate in discussions on normative legal acts and state programs in the field of nuclear energy use.

Public associations and other organisations may send their elected representatives to participate in state or other inspections of the nuclear installation and (or) storage facilities at the stages of siting, design, construction, operation, de-commissioning or limitation of their operational characteristics.

Public associations or other organisations may conduct independent inspections in cases and in the order established by the legislation.

Article 41. The rights of personnel employed by the operator to social securities

Personnel employed by the operator bears the right to social securities for harmful impact of ionizing radiation on their health and for additional risk factors, which are to be provided at the expense of the operator in accordance with the legislation establishing amounts and order of provision of such securities, as well as sources of their financing.

Chapter 11

INTERNATIONAL COOPERATION IN THE FIELD OF NUCLEAR ENERGY USE

Article 42. International agreements of the Republic of Belarus in the field of nuclear energy use

If any provisions of international agreements of the Republic of Belarus contradict the provisions of the Law, the provisions of international agreements supersede the provisions of this Law.

Article 43. Information exchange with foreign states, International Atomic Energy Agency and other international organisations in the field of nuclear energy use

Information exchange with foreign states, International Atomic Energy Agency and other international organisations in the field of nuclear energy use is to adhere to international agreements of the Republic of Belarus.

Article 44. Import and export of nuclear installations, equipment, technologies, nuclear materials, spent nuclear materials, operational radioactive waste, works and services in the field of nuclear energy use

Import and export of nuclear installations, equipment, technologies, nuclear materials, spent nuclear materials, operational radioactive waste, works and services in the field of nuclear energy use, including their transfer for the purposes of being presented at expositions, carrying out joint works or for other non-commercial purposes, is to be carried out in accordance with the acts passed by the President of the Republic of Belarus, international obligations of the Republic of Belarus on non-proliferation of nuclear weapons and international agreements of the Republic of Belarus in the field of nuclear energy use.

Import of spent nuclear materials and (or) operational radioactive waste into the Republic of Belarus for the purposes of their storage or disposal is only allowable for spent nuclear materials and operational radioactive waste produced within the territory of the Republic of Belarus.

Article 45. Informing foreign states of radioactive accidents having occurred in the course of activities related to nuclear energy use

Informing foreign states of radioactive accidents having occurred in the course of activities related to nuclear energy use which may lead to spread of radioactive waste across the borders of the Republic of Belarus is carried out by the authorised state bodies in accordance with international agreements of the Republic of Belarus.

Article 46. International aid in case of radioactive accidents having occurred in the course of activities related to nuclear energy use

International aid in case of radioactive accidents having occurred in the course of activities related to nuclear energy use in order to minimize their impact and protect life and health of citizens, environment and property from the impact of ionizing radiation is to be provided in accordance with international agreements of the Republic of Belarus.

Chapter 12

CONCLUSIVE PROVISIONS

Article 47. Aligning the provisions of normative legal acts with this Law

In the course of a year, the Council of Ministers is to:

Develop and in a duly order submit to the House of Representatives of the National assembly of the Republic of Belarus proposals on aligning the provisions of normative legal acts with this Law;

Develop and in a duly order submit projects of legal acts establishing social securities, their extent and amounts, covering hazardous impact of ionizing radiation on the health of personnel employed by the operator and additional risk factors, as well as sources of their financing;

Align the decisions of the Government of the Republic of Belarus with this Law;

Ensure alignment of normative legal acts issued by state regulatory bodies subordinate to the Government of the Republic of Belarus with this Law;

Take other measures necessary to implement the provisions of this Law.

Article 48. The effectiveness of the Law

This Law enters into force ten days after its official publication.

Before being aligned with the provisions of this Law, other legal acts are applicable to the extent not conflicting with this Law, if other provisions are not made by the Constitution of the Republic of Belarus

The President of the Republic of
Belarus

A. Lukashenko
