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REPUBLIC OF LITHUANIA LAW ON NUCLEAR SAFETY

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Vilnius

CHAPTER ONE GENERAL PROVISIONS

Article 1. Purpose of the Law and Area of Regulation

1. This Law shall establish the legal framework for ensuring nuclear safety; the duties, rights and responsibility of persons engaged in nuclear power activities and dealing with nuclear and/or nuclear fuel cycle materials in ensuring nuclear safety, as well as the functions of the state institutions in the field of the national regulation of nuclear safety.

2. This Law shall establish the basic nuclear safety principles which are intended for ensuring the level of nuclear safety to the fullest extent possible and the maximum lowest risk for public, their property and environment as regards the activities of both nuclear installations and any other activities related to the use of nuclear and/or nuclear fuel cycle materials.

3. This Law shall apply in all stages of the lifecycle of a nuclear installation: site evaluation, design, construction, commissioning, operation, decommissioning as well as supervision of closed radioactive waste repository, in acquiring, possessing, using or shipping nuclear and/or nuclear fuel cycle materials.

4. The provisions of this Law have been harmonised with the EU legal acts listed in Annex 2 to this Law.

Article 2. Basic Definitions

1. **Nuclear material** – plutonium, uranium (natural, enriched with isotopes of Uranium-235 or Uranium-233 or depleted) and thorium found in the form of metal alloy, chemical compounds or concentrates or in a mixture with other materials.

2. **Nuclear safety** – the body of legal, organisational and technical measures as well as competences of an organisation operating a nuclear installation, or persons and/or their workers performing other activities involving nuclear and/or nuclear fuel cycle materials, aimed at ensuring adequate conditions for operating nuclear installations or performing relevant activity, prevention of nuclear and radiological accidents or mitigation of their impact, including relevant measures of radiation protection, in order to secure people and environmental protection against the harmful impact of ionising radiation.

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3. **Commissioning of a nuclear installation** – demonstration that the installed structures, systems and components of a nuclear installation are in line with the design and safety requirements, and that the technical standard documentation, organisational structure, number and competences of workers of the licence holder are adequate for safe operation of a nuclear installation.

4. **Safety analysis report of a nuclear installation** – a nuclear installation design document which contains complete results of nuclear installation safety evaluation and which justifies safety of the nuclear installation.

5. **Fissile material** – an isotope of a chemical element capable of forming a critical mass which might trigger off a spontaneous nuclear fission chain reaction.

6. **Unusual event** – any undesired occurrence (or several occurrences) taking place in the course of activities regulated by licences and permits, a malfunction of a nuclear installation, including nuclear and/or radiological accidents that are or might have an adverse effect to safety and which shall be reported in the manner prescribed by the legal acts.

7. **The first launch of a nuclear power plant unit or a research nuclear reactor** – a stage of admitting a nuclear power plant as fit for operation which includes preparation of its structures, systems and components, including management of radioactive waste systems, initial nuclear fuel loading to reactor, initial criticality tests, start of power production, increase of capacity up to the limit anticipated for industrial operation of the nuclear power plant; or a stage of admitting a research nuclear reactor as fit for operation which includes preparation of its structures, systems and components, including management of radioactive waste systems, initial nuclear fuel loading to reactor, initial criticality tests, increase of up to the limit anticipated for operation of this nuclear reactor.

8. **Structures, systems and components important to safety of a nuclear installation** – structures, systems and components of a nuclear installation aimed – among other things – at protection of population and environment against the harmful impact of ionising radiation.

9. Other definitions used herein shall carry the meanings prescribed to them in the Law on Nuclear Energy of the Republic of Lithuania (the **Nuclear Energy Law**), the Law on Radiation Protection of the Republic of Lithuania (the **Radiation Protection Law**) and the Law on the Management of Radioactive Waste of the Republic of Lithuania (the **Law on the Management of Radioactive Waste**).

Article 3. Basic Principles for Ensuring Nuclear Safety and Physical Security

1. The basic principles for ensuring nuclear safety shall be as follows:

1) the principle of responsibility for ensuring nuclear safety. The full responsibility for ensuring nuclear safety shall fall on the persons in charge of the nuclear installation or the activities posing a risk of exposure to ionising radiation;

2) the principle of state regulation of nuclear safety. Safety assurance shall require to develop and maintain an effective legal framework and the state management structure involving both an independent state regulation of the activity in the area of nuclear power, other activities dealing with nuclear and nuclear fuel cycle materials and the institution exercising control over the same;

3) the principle of nuclear safety priority in the management of nuclear safety organisations involved in nuclear power-related activities and other operations with nuclear and nuclear fuel cycle materials. Effective administration and management with the view to securing safety shall be created and maintained by all persons related to the activities of nuclear installations and the use of nuclear and nuclear fuel cycle materials as well as other operations. The highest priority in the management system of such persons shall be the priority of ensuring nuclear safety. Allotment of resources for ensuring safety shall be in proportion to the impact of the issue at hand on safety;

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4) the principle of justification and beneficial of activities. The economic, social and other benefits carried by a nuclear installation or other activities related to acquisition, possession, operation or shipment of nuclear and/or nuclear fuel cycle materials shall objectively exceed the possible operational risks;

5) the principle of nuclear safety optimisation. Employment of such measures for ensuring nuclear safety which would provide the highest level of nuclear safety that can reasonably be achieved, however there should be no requirements which could unreasonably prevent a nuclear installation from operation or from performance of other activities related to acquisition, possession, operation or shipment of nuclear and/or nuclear fuel cycle materials;

6) the principle of minimisation of risk to people. The nuclear safety measures shall secure the lowest possible risk of exposing ionising radiation to any human being and thereby suffering damage. The impact of exposure to ionising radiation shall be as low as possible and shall not exceed the dose limits set by the laws and legal acts of the Republic of Lithuania;

7) the principle of protection of present and future generations. The present and future population and environment shall be protected against the harmful impact of exposure to ionising radiation;

8) the principle of accident prevention. Application of all rationally practicable measures preventing nuclear and radiological accidents and mitigating their consequences, if any;

9) the principle of emergency preparedness and response. Measures that would secure preparedness and emergency response procedures in the event of nuclear and radiological accidents as well as in other situations posing radiation danger shall be applied;

10) the principle of protection against natural and man-made unregulated ionising radiation. The reasonable and optimised measures of protection against the impact of exposure to natural or man-made unregulated ionising radiation shall be applied.

2. In ensuring physical safety, the principles established in the amendment to the Convention on Physical Protection of Nuclear Materials (2005) shall be adhered to.

CHAPTER TWO AREAS OF NUCLEAR SAFETY REGULATION, DOCUMENTARY SYSTEM, ADMINISTRATIVE SOLUTIONS AND SANCTIONS

Article 4. Main Areas of Nuclear Safety Regulation

The main areas of nuclear safety regulation shall be as follows:

1) the evaluation of construction sites of nuclear installations, nuclear installation design, construction, commissioning, operation, decommissioning, supervision of closed radioactive waste repositories;

2) the physical protection of nuclear installations, nuclear fuel cycle materials, nuclear and fissile materials in quantities specified in Annex 1 hereto;

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3) the fire protection of structures, systems, and components important to safety of nuclear installations;

4) the preparedness for possible nuclear and radiological accidents, their prevention, emergency preparedness in nuclear installations and in shipping nuclear and/or nuclear fuel cycle materials;

5) the transportation of nuclear fuel cycle materials, nuclear and fissile materials in quantities specified in Annex 1 hereto;

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6) the acquisition, possession, and use of nuclear and fissile materials in quantities specified in Annex 1 hereto;

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7) the management of radioactive waste, including its classification, establishment of the clearance levels at which, if not exceeded, radioactive waste does not need to be controlled for the purposes of protection against the harmful impact of ionising radiation, and the release of radionuclides into the environment;

8) the radiation protection of the organisation operating a nuclear installation or persons and/or their workers that perform other activities with nuclear and fissile materials in quantities specified in Annex 1 hereto and/or with nuclear fuel cycle materials, as well as the activities in the area of nuclear energy involving sources of ionising radiation;

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9) the management systems of the persons engaged in the licensed activities and in other operations related to nuclear and/or nuclear fuel cycles materials, as well as in the evaluation of construction site of a nuclear installation.

Article 5. System of Nuclear Safety-Related Technical Standard Documentation

1. The system of nuclear safety-related technical standard documents is comprised of the following:

1) the nuclear safety requirements;

2) the nuclear safety rules;

3) the standards;

4) the normative technical documents of a licence or permit holder;

5) the normative technical documents of persons conducting the evaluation of the construction site of a nuclear installation.

2. The Head of the State Nuclear Power Safety Inspectorate shall approve the description of the procedure for drafting the nuclear safety requirements and the nuclear safety rules, as well as the nuclear safety requirements and the nuclear safety rules.

3. The nuclear safety requirements and the nuclear safety rules shall be mandatory to all persons.

4. The nuclear safety rules shall establish the ways and methods of implementation of the nuclear safety requirements, the procedure for organisation and performance of certain works or processes, the procedure for drafting documentation, the procedure for operations with structures, systems and components.

5. The standards shall be applicable in a voluntary manner, except for the cases where the mandatory legal acts establish a provision requiring a mandatory application of a relevant standard.

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6. Persons that have voluntarily opted for and declared in the manner set out by the legal acts that products, services or processes are in line with the standards, shall be required to adhere to the technical requirements of the declared standards.

7. The technical standard documents of a licence or permit holder shall be approved by the licence or permit holder itself. The technical standard documents of persons conducting the evaluation of the construction site of a nuclear installation shall be approved by those persons themselves.

Article 6. Administrative Decisions Issued During the Supervision, and Administrative Sanctions

1. When exercising the supervision of the activities regulated by the licences, permits and other documents issued by the State Nuclear Power Safety Inspectorate, the State Nuclear Power Safety Inspectorate shall approve the documents which must be approved by it under this Law, the Law on Nuclear Energy, the Law on Radioactive Waste Management and the implementing legal acts.

2. The State Nuclear Power Safety Inspectorate shall provide mandatory requirements to economic entities with activities subject to its supervision (holders of licences specified in paragraph 1 of Article 22 herein and holders of permits specified in paragraph 2 of Article 22 herein, persons specified in sub-paragraphs 2 and 3 of paragraph 1 of Article 20 and of paragraph 1 of Article 22 herein and other economic entities the activities of which are supervised under this Law) (hereinafter referred to as the economic entities) to eliminate established violations of meeting the requirements on nuclear safety, physical security and radiation protection of activities in the area of nuclear energy involving sources of ionising radiation, as well as on accounting for and control of nuclear materials and other requirements stemming from international nuclear non-proliferation commitments of the Republic of Lithuania (hereinafter referred to as the violation) within the time-limits set forth by the mandatory requirements of the State Nuclear Power Safety Inspectorate, in any of the below listed cases:

1) after the issuance of a licence or a permit it is established that the data provided in the application and/or other submitted documents was misleading;

2) the licence or permit holder no longer meets the requirements that were met at the time of issuance of the licence or permit;

3) the economic entity violates legal acts regulating the meeting of the requirements on nuclear safety, physical security and radiation protection of activities in the area of nuclear energy involving sources of ionising radiation, and/or on accounting for and control of nuclear materials and the requirements stemming from international nuclear non-proliferation commitments of the Republic of Lithuania;

3. The State Nuclear Power Safety Inspectorate shall provide economic entities with one or several mandatory requirements to suspend works related to the violation, to shut-down the nuclear reactor, as well as to decrease its capacity and/or to discontinue the operation of other equipment, in any of the below listed cases:

1) it is established that the equipment operation parameters of the nuclear installation are non-compliant with the permissible limit values specified in standard technical documents of the licence or permit holder, the nuclear installation designs or the operating documents;

2) it is established that the operation of the nuclear installation is non-compliant with the terms and conditions of safe operation specified in standard technical documents of the licence or permit holder, the nuclear installation designs or the operating documents;

3) it is established that the properties of safety-important structures, systems and components of a nuclear installation are or may be non-compliant with the ones provided for in the design documents of the nuclear installation;

4) acts or omissions of an economic entity are established out that cause or may cause damage to barriers for radionuclide containment and/or ionising radiation shielding;

5) acts or omissions of an economic entity are established that cause or may cause the activities of radionuclide emissions to exceed the limit values established in the plan of radionuclide emissions;

6) acts or omissions of an economic entity established out that cause or may cause the occupational exposures to exceed the limit values established by the Minister of Health;

7) a violation specified in sub-paragraph 3 of paragraph 2 of Article 6 is established that caused or may have caused the implementation of international sanctions as defined in the Law on the Implementation of Economic and Other International Sanctions of the Republic of Lithuania.

4. If, while at the premises or activity location of an economic entity, an employee of the State Nuclear Power Safety Inspectorate finds a violation that, if not eliminated, may cause damage due to the hazardous effect of ionising radiation on employees of the nuclear installation, the population or their property and/or the environment, such employee shall order representatives of the economic entity to eliminate the violation immediately, to prevent such damage.

5. The State Nuclear Power Safety Inspectorate shall provide the mandatory requirements specified in paragraphs 2 and 3 of Article 6 herein, and shall pass a decision on the extension or non-extension of the time-limit for eliminating violations, on whether the violation was eliminated in a proper manner, on the termination of the validity of the mandatory requirements observing the requirements established in this Law, the Law on Nuclear Energy, the Law on Radioactive Waste Management, the Law on Radiation Protection and the implementing legal acts, as well as observing nuclear safety requirements, nuclear safety rules and standards. The mandatory requirements of the State Nuclear Power Safety Inspectorate, their scope and their number shall be established on a case-by-case basis upon assessing the nature of the violation and the scope and magnitude of the damage caused. The mandatory requirements shall be established based on the principles of proportionality, fairness, reasonableness and good faith.

6. The mandatory requirements specified in paragraph 3 of Article 6 herein and provided by the State Nuclear Power Safety Inspectorate shall establish the following in it:

1) the time-limit during which works related to the violation shall be suspended, the nuclear reactor shall be shut-down, its capacity shall be decreased and/or the operation of other equipment shall be discontinued;

2) the time-limit during which violations that had caused the suspension of works related to the violation, shut-down of the nuclear reactor, the decrease of its capacity and/or discontinued operation of other equipment, shall be eliminated and documentary proof of the elimination of the violation shall be submitted.

7. The commencement of the mandatory requirements to suspend works related to the violation, to shut-down the nuclear reactor, to decrease its capacity and/or discontinue the operation of other equipment, and the mandatory requirements to eliminate violations, if provided in the cases specified in sub-paragraphs 5 and 6 of paragraph 3 of Article 6, shall start immediately upon receiving the mandatory requirements. The time-limit of meeting such mandatory requirements shall be established with respect to the technological process and the nature of works performed. The time-limit shall be no shorter than one hour from the moment of receiving the mandatory requirements. This time-limit established in the mandatory requirements may not be extended.

8. The established time-limit during which other requirements than the mandatory requirements specified in paragraph 7 of Article 6 herein must be met, shall be no less than 10 days from the date of receiving the mandatory requirements. This time-limit may be extended in accordance with the procedure specified in paragraph 9 of Article 6 herein.

9. The time-limit to eliminate the violations established by the State Nuclear Power Safety Inspectorate may be extended in case of objective circumstances due to which the economic entity provided with the mandatory requirements may not eliminate the violation within the established time-limit and submits a justified application to extend the elimination time-limit. The application to extend the elimination time-limit shall be submitted no later than within five days from the date of receiving the mandatory requirements, and if reasons for objective circumstances due to which the economic entity will not eliminate the violation within the established time-limit could not have been foreseen in advance (within five days from the date of receiving the mandatory requirements), the application shall be submitted immediately, but no later than within two days from finding out about such circumstances. The decision on the time-limit extension shall be passed and the economic entity shall be informed of it no later than within one day from the date of receiving the extension application. The State Nuclear Power Safety Inspectorate shall establish the form of the application on the extension of the time-limits to eliminate violations.

10. The mandatory requirements may be appealed in accordance with the procedure established by the Law on Administrative Proceedings of the Republic of Lithuania. The appeal against the mandatory requirements shall not suspend the implementation of the mandatory requirements.

11. Having eliminated the violations specified in the mandatory requirements within the time-limits prescribed by the State Nuclear Power Safety Inspectorate, the economic entity shall submit explanations to the State Nuclear Power Safety Inspectorate on the manner of eliminating the established violations and the documentary proof of the elimination. In case the mandatory requirements specified in paragraph 3 of Article 6 herein were provided, the validity of such mandatory requirements may be terminated only upon a decision of the State Nuclear Power Safety Inspectorate, passed after the assessment of documents provided by the economic entity.

12. Having analysed explanations and the documentary proof of the violation elimination provided by the economic entity as specified in paragraph 11 of Article 6 herein, the State Nuclear Power Safety Inspectorate shall, no later than within 20 days from the date of receiving the information and documents submitted by the economic entity, pass a decision on the proper elimination of the violations in the mandatory requirements specified in paragraph 2 of Article 6 herein, and/or on the termination of the validity of the mandatory requirements specified in paragraph 3 of Article 6 herein.

13. A decision concerning a temporary suspension of activities of a nuclear installation at any stage of its life may be also passed by an organisation operating the nuclear installation or by any other holder of the licences referred to in sub-paragraphs 1, 4 and 5 of paragraph 1 of Article 22 herein.

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Article 7. Publicity of Legal Acts

The draft legal acts regulating nuclear safety and the effective legal acts shall be public, except for the cases where other legal acts restrict their publicity.

CHAPTER THREE THE STATE REGULATORY SYSTEM OF NUCLEAR SAFETY

Article 8. State Regulation of Nuclear Safety

1. The state policy in the area of nuclear safety shall be shaped by the Seimas of the Republic of Lithuania.

2. The competence for state regulation of nuclear safety shall fall on:

- 1) the Government of the Republic of Lithuania;
- 2) the State Nuclear Power Safety Inspectorate.

3. This Law, other laws and other legal acts of the Republic of Lithuania may establish the competence, powers and duties of other institutions all in connection with the supervision over the nuclear installations and the activities pertaining to nuclear and/or nuclear fuel cycle materials.

Article 9. Competence of the Government of the Republic of Lithuania in the Area of Nuclear Safety

The Government of the Republic of Lithuania (“the Government”) shall:

- 1) implement the national policy in the area of nuclear safety;
- 2) establish the procedure for organising an international expert-level evaluation of the national nuclear safety regulatory and supervisory system, including competent regulatory and supervisory institutions;
- 3) establish the procedure for organising regular thematic assessments of nuclear safety in nuclear installations and their collegiate peer reviews;
- 4) establish the procedure for organising an international expert-level evaluation in the event of a nuclear or radiological accident in nuclear installations in Lithuania;
- 5) establish the procedure for providing information to the State Nuclear Power Safety Inspectorate, issuing reports referred to in Article 5 of the Convention on Nuclear Safety and preparing other documents related to the Convention.

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Article 10. Targets and Tasks of the State Nuclear Power Safety Inspectorate in the Area of Nuclear Safety

1. The basic provisions for the formation of the State Nuclear Power Safety Inspectorate shall be established by the Law on Nuclear Energy.

2. The main target of the State Nuclear Power Safety Inspectorate in the area of nuclear safety shall be to exercise the state regulation of, and supervise over the nuclear installations and the activities related to nuclear and nuclear fuel cycle materials, in order to protect the society and the environment against the harmful impact of exposure to ionising radiation.

3. The main tasks of the State Nuclear Power Safety Inspectorate in the area of nuclear safety shall be the development and regular improvement of the nuclear safety regulatory system, evaluation of safety of nuclear installations and the activities related to nuclear and nuclear fuel cycle materials, issuance of licences, permits and certificates, monitoring of the compliance with this Law and other legal acts by conducting inspections, and if required – application of sanctions in the manner set forth by the laws of the Republic of Lithuania and other legal acts.

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Article 11. Competence of the State Nuclear Power Safety Inspectorate in the Area of Nuclear Safety

In performing the state regulatory and supervision functions of nuclear safety, the State Nuclear Power Safety Inspectorate shall:

1) create and improve the state regulatory and supervision system for nuclear safety, radiation safety, physical protection of nuclear installations, nuclear and nuclear fuel cycle materials, as well as accounting and control of nuclear materials, approve the legal acts regulating such areas, including the area of nuclear safety regulation as per Article 4 above;

2) apply sanctions in the manner set out by this Law and other legal acts, require that relevant persons implement corrective measures, eliminate the violations, and shall monitor the implementation of such requirements;

3) supervise the implementation of requirements arising out of the international obligations for non-proliferation of nuclear weapons assumed by the Republic of Lithuania;

4) supervise the implementation of safety and fire protection requirements concerning the structures, systems and components important to safety of nuclear installations,;

5) consider and provide other state or municipal institutions, local or international organisations and society with the information on the events that are significant in terms of nuclear safety;

6) initiate, coordinate and control nuclear safety-related scientific research and testing in order to improve nuclear safety;

7) supervise the licence holder's compliance with this Law, the Nuclear Energy Law, the Radiation Protection Law, the Law on the Management of Radioactive Waste and other legal acts regulating nuclear safety, and the technical standard documentation of nuclear safety in the course of designing, building, operating and otherwise using and managing the structures, systems and components important to safety;

8) maintain and ensure viability of the state regulatory system for accounting and controlling nuclear materials;

9) perform the functions of a regulatory body referred to in Article 8 Paragraph 1 of the Convention on Nuclear Safety, coordinate the implementation of the provisions of Chapter 2 of the Convention and issue reports referred to in Article 5 of the Convention as well as other documents related to the Convention, and submit reports and other documents for review meetings of the Contracting Parties in accordance with the procedures adopted under this Convention;

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10) carry out the functions prescribed to it by this Law and other legal acts, other statutes and regulations of the State Nuclear Power Safety Inspectorate.

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Article 12. The State Nuclear Power Safety Inspectorate's Rights in Implementing State Regulation and Control of Nuclear Safety

1. In implementing the entrusted functions of state regulation and control of nuclear safety, the State Nuclear Power Safety Inspectorate shall have the right:

1) to receive all information requisite for the review and evaluation of nuclear safety from persons, applicants and licence holders implementing the nuclear installation design, as well as from their service and

goods providers, contractors or persons carrying out other activities related to nuclear and/or nuclear fuel cycle materials;

2) in a manner prescribed by the laws and other legal acts receive all information and documents necessary for regulation and monitoring over the nuclear safety compliance with the requirements arising out of the obligations for non-proliferation of nuclear weapons and other international obligations assumed by the Republic of Lithuania from all the persons that possess such information;

3) to coordinate actions with other state regulatory and/or municipal institutions, if it is required for the performance of the functions of the nuclear safety regulation;

4) to employ the services provided by experts and consultants, scientific-technical support organisations, other independent suppliers that are not related to the applicants, licence holders or persons involved in other activities related to nuclear and/or nuclear fuel cycle materials.

2. The employees of the State Nuclear Power Safety Inspectorate, having produced a staff pass, a document evidencing their authority issued by the Head of the State Nuclear Power Safety Inspectorate and, if necessary, a valid permit allowing entrance to the nuclear installation, shall have the following rights:

1) for the purposes of supervision and inspection to visit the nuclear installation, the construction site or the place of the licensed activity at any time;

2) to receive all information required for the performance of authorisations in accordance with the conditions and procedures established by this Law and other legal acts;

3) to enter and inspect the premises, territory and vehicles of the applicant, licence, permit or certificate holder, or its providers of services or goods, contractors or an entity involved in activities with nuclear and/or nuclear fuel cycle materials, to review necessary documents and information kept in digital and other media, as well as receive copies and duplicates of such material;

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4) to obtain oral and written explanations from the persons related to the activities of persons subject to inspection, to request that such persons would appear before the office of the State Nuclear Power Safety Inspectorate and provide necessary explanations;

5) to temporarily seize documents and/or objects necessary for or to be used as evidence in the investigation of an violation, leaving a reasoned decision for the seizure and a list of documents and/or objects seized;

6) to involve specialists and experts for the evaluation of nuclear safety and for the performance of other related works;

7) to use technical means when investigating violations, including photo and filming equipment;

8) other rights established by the legal acts.

3. In performing their functions, the employees authorised by the Head of the State Nuclear Power Safety Inspectorate shall have the right to involve authorised officials of other state institutions. The State Nuclear Power Safety Inspectorate and other state institutions shall cooperate in the area of state regulation and control of nuclear safety in the manner set out in Article 13 below.

4. In implementing their rights, the employees authorised by the Head of the State Nuclear Power Safety Inspectorate shall record the detected violations in relevant documents whose form and filling-in manner shall be approved by the Head of the State Nuclear Power Safety Inspectorate.

5. The requirements set by the employees authorised by the Head of the State Nuclear Power Safety Inspectorate in the exercise of the state supervision over the nuclear safety shall be required for all persons involved in the nuclear power activities, other activities with nuclear and/or nuclear fuel cycle materials and for other related persons. Such persons must cooperate with the employees authorised by the Head of the State Nuclear Power Safety Inspectorate. Failure to observe the requirements shall be subject to sanctions referred to in this Law and in other legal acts.

6. The State Nuclear Power Safety Inspectorate shall, in performing its functions and implementing its rights and duties, be required to ensure, in the manner set out by the laws and legal acts, the protection of the information comprising commercial secret and/or other confidential information of the applicant, the licence, permit and/or certificate holder or another related person. Interested persons shall have the right to file applications to the State Nuclear Power Safety Inspectorate requesting the protection of the information comprising commercial secret and/or other confidential information; the requests shall not unreasonably interfere with the effective and timely implementation of the rights and duties of the State Nuclear Power Safety Inspectorate.

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7. The actions of the employees authorised by the Head of the State Nuclear Power Safety Inspectorate may be appealed against in the manner prescribed by the laws. The appeal shall not release from performing obligatory instructions prescribed by employees of the State Nuclear Power Safety Inspectorate.

Article 13. Cooperation of Institutions and/or Organisations of the Republic of Lithuania

1. The institutions and/or organisations of the Republic of Lithuania, which are involved in the assurance of nuclear safety or whose activities may have an effect on the level of nuclear safety, must cooperate among themselves.

2. The form and procedure of cooperation shall be selected according to the nature of the tasks to be solved, adhering to the terms and conditions acceptable to all cooperating institutions and/or organisations with prior focus on ensuring nuclear safety.

3. The procedure for and conditions of cooperation among the institutions and/or organisations of the Republic of Lithuania may be regulated by written agreements entered into by those institutions.

Article 14. International Cooperation

1. The institutions and/or organisations of the Republic of Lithuania, which are involved in the assurance of nuclear safety or whose activities may have an effect on the level of nuclear safety, shall cooperate and exchange information pertaining to nuclear safety with neighbouring countries and other interested states, intergovernmental and international organisations.

2. International cooperation may be exercised through the exchange of information on bilateral or multilateral basis, also through provision of assistance in the field of training of employees, organisation of regular meetings and in other forms whatsoever. Multilateral cooperation may be based on the regional principles, the analogy of problems in the technology or safety of operated nuclear installations in operation, as well as on other principles.

3. In terms of exchange of nuclear safety-related information the State Nuclear Power Safety Inspectorate shall be a contact institution with the international organisations and foreign institutions regulating nuclear safety.

4. The State Nuclear Power Safety Inspectorate shall cooperate with the state supervisory authorities for nuclear safety in the neighbouring European Union Member States, inter alia, via the exchange and/or sharing of information on the ensuring of nuclear safety in nuclear installation in the Republic of Lithuania and the neighbouring Member States.

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CHAPTER FOUR

BUILDER (CUSTOMER) OF NUCLEAR INSTALLATION, OPERATING ORGANISATION OF NUCLEAR INSTALLATION OR PERSONS INVOLVED IN OTHER ACTIVITIES RELATED TO NUCLEAR AND/OR NUCLEAR FUEL CYCLE MATERIALS

Article 15. Status of Builder (Customer) of Nuclear Installation, Operating Organisation of Nuclear Installation or Person Involved in Other Activities Related to Nuclear and/or Nuclear Fuel Cycle Materials

Rights of builder (customer) of a nuclear installation, an operating organisation of nuclear installation or an organisation involved in other activities related to nuclear and/or nuclear fuel cycle materials could have only persons meeting the requirements imposed by this Law and other legal acts and holding the licences and/or permits set by this Law.

Article 16. Responsibility for Nuclear Safety

Full responsibility for nuclear safety of a nuclear installation and for nuclear safety in carrying out other activities with nuclear, nuclear fuel cycle materials and/or fissile materials shall solely fall on persons that are engaged in such activities and hold relevant licences, permits and/or certificates.

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Article 17. General Requirements for Operating Organisations of Nuclear Installations and for Other Licences and/or Permits Holders

1. Operating Organisations of nuclear installations or other persons engaged in the activities referred to in paragraphs 1 and 2 of Article 22 below must hold a licence and/or permit issued by the State Nuclear Power Safety Inspectorate and must have the material, financial and human resources that are sufficient for involvement in the licensed activity or operations regulated by permits in compliance with the legal acts and technical standard documents of nuclear safety.

2. Organisations operating nuclear installations and other licence holders must:

1) maintain the levels of a safety culture guaranteeing the prevention of human-induced unusual events in nuclear installations and improve such levels on a regular basis;

2) ensure that the number of competent employees on staff in the organisation in the areas of nuclear safety, radiation protection, emergency preparedness, physical protection and fulfilment of international obligations of the non-proliferation of nuclear weapons is adequate to ensure operations of the organisation and its preparedness to respond to nuclear and radiological accidents and nuclear incidents pursuant to legislation in the field of nuclear safety, radiation and physical protection and international obligations of the non-proliferation of nuclear weapons as well as in accordance with normative technical documents of nuclear safety;

3) on a regular basis analyse the state of nuclear safety, radiation and physical protection, and improve it;

4) consider human factors (human capabilities and their limits) at all stages of a nuclear installation lifecycle;

5) maintain an integrated management system with priority on nuclear safety, radiation and physical protection;

6) implement procedures for the management of nuclear and radiological accidents and/or emergency preparedness and prepare the description of the procedures which should be followed when responding to nuclear and radiological accidents so that to prevent or mitigate the radiological consequences thereof;

7) ensure that persons supplying services, goods and works to licence holders, as well as persons who supply services, goods and works to those persons and whose activities may influence licence holder's activities in the area of nuclear safety, radiation and physical protection or the fulfilment of international obligations of the non-proliferation of nuclear weapons, would hold sufficient staff resources, including staff competence, to ensure the capability of fulfilling their obligations in compliance with legislation in the field of nuclear safety, radiation and physical protection and international obligations of the non-proliferation of nuclear weapons as well as with normative technical documents of nuclear safety;

8) when implementing the requirements for nuclear safety, radiation and physical protection, comply with occupational health and safety, fire, civil and environmental protection, and cybersecurity requirements not related to the dangers arising from ionising radiation, and seek the implementation of all of the requirements in a manner that the measures designed for their pursuit are mutually supportive;

9) in accordance with the procedure prescribed by the Government, provide information to the State Nuclear Power Safety Inspectorate required for reporting pursuant to Article 5 of the Convention on Nuclear Safety and preparing other documents related to the Convention.

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Article 18. Requirements for Operating Organisations of Nuclear Installation and for Other Licences and/or Permits Holders

An operating organisation of nuclear installation and other licences and/or permits holders shall develop an organisational structure which would ensure the fulfilment of nuclear safety policy formation, implementation and control functions.

Article 19. Requirements for Participants of Construction of Nuclear Installation

The rights and duties and requirements for the participants of a nuclear installation construction shall be established by the Law on Construction of the Republic of Lithuania.

Article 20. Performance of Requirements Arising out of International Obligations for Non-Proliferation of Nuclear Weapons Assumed by the Republic of Lithuania

1. The information on the activities related to acquisition, possession, use or shipment of nuclear and/or nuclear fuel cycle materials, and the information on scientific research and development related to nuclear fuel cycle shall be provided to the State Nuclear Power Safety Inspectorate by:

1) the holders of the licences referred to in paragraph 1 of Article 22 hereof;

2) the persons which have acquired, possess, use nuclear materials, excluding the persons holding the licences referred to in sub-paragraph 1 of this paragraph;

3) the persons carrying out scientific research and development related to nuclear fuel cycle.

2. The persons listed in sub-paragraphs 1 and 2 of paragraph 1 of this Article must handle the accounting of nuclear materials in accordance with the provisions for implementation of safeguards of the International Atomic Energy Agency (IAEA) and the European Atomic Energy Community (Euratom), and provide accounting reports to the State Nuclear Power Safety Inspectorate and the European Commission.

3. The procedure for accounting and control of nuclear materials and for informing about the scientific research and development shall be established by the Head of the State Nuclear Power Safety Inspectorate.

4. An applicant, which has submitted an application for the issuance of the licences mentioned in sub-paragraphs 1 and 3 of paragraph 1 of Article 22 of this Law, shall, in addition to other documents accompanying the application, provide for the State Nuclear Power Safety Inspectorate's review and evaluation the concept of accounting and control system of nuclear materials.

5. An applicant, which has submitted an application for the issuance of the licence mentioned in sub-paragraph 2 of paragraph 1 of Article 22 of this Law, or a holder of the licence mentioned in sub-paragraph 3 of paragraph 1 of Article 22 of this Law, having submitted an application for the issuance of the licences mentioned in sub-paragraphs 1 or 2 of paragraph 2 of Article 22 below, shall, in addition to other documents accompanying the application, provide for the State Nuclear Power Safety Inspectorate's review and evaluation the description of the accounting and control system of nuclear materials.

Article 21. Assurance of Physical Protection of Nuclear Installations and Nuclear and/or Nuclear Fuel Cycle Materials

1. The licence holder or other organisations involved in the activities with nuclear and/or nuclear fuel cycle materials must develop and maintain a physical protection system intended for prevention of unauthorised actions qualified as a designed threat.

2. The licence holder or other organisations involved in the activities with nuclear and/or nuclear fuel cycle materials must ensure the physical safety of a nuclear installation and nuclear materials based on the categories of nuclear materials.

3. The categories of nuclear materials, the requirements for physical protection of nuclear installations and nuclear and/or nuclear fuel cycle materials shall be established and monitored by the Head of the State Nuclear Power Safety Inspectorate.

4. An applicant, which has submitted an application for the issuance of the licences referred to in sub-paragraphs 1 and 3 of paragraph 1 of Article 22 below, shall, in addition to other documents accompanying the application, provide for the State Nuclear Power Safety Inspectorate's review and evaluation the plan for ensuring physical protection of the construction site of the nuclear installation and the initial plan of physical security of the nuclear installation..

5. An applicant, which has submitted an application for the issuance of the licence mentioned in sub-paragraph 2 of paragraph 1 of Article 22 of this Law, or a holder of the licence mentioned in sub-paragraph 3 of paragraph 1 of Article 22 of this Law, having submitted an application for the issuance of the licences mentioned in sub-paragraphs 1-3 of paragraph 2 of Article 22 below, shall, in addition to other documents accompanying the application, provide for the State Nuclear Power Safety Inspectorate's review and evaluation the updated plan of physical security of the nuclear installation.

6. An applicant, which has submitted an application for the issuance of the licences referred to in sub-paragraphs 4-7 of paragraph 1 of Article 22 below, shall, in addition to other documents accompanying the application, provide for the State Nuclear Power Safety Inspectorate's review and evaluation the physical security plan.

7. The physical security plan which is to be submitted alongside with other application documents and referred to in:

1) sub-paragraphs 1-5 of paragraph 1 of Article 22 of this Law, shall be drawn up taking due account of the designed threat, the analysis of division the nuclear installation into the protection zones prepared by the applicant or the licence holder and coordinated with the State Nuclear Power Safety Inspectorate and the categories of nuclear material;

2) sub-paragraphs 6 and 7 of paragraph 1 of Article 22 of this Law, shall be drawn up taking into consideration the designed threat and the categories of nuclear materials.

8. From time to time and not less frequently than every 3 years, as well as in case of change in the designed threat or in the organisational or technical measures of the physical security system the licence holder shall review and update the physical security plans as referred to in paragraphs 4, 5, 6 of this Article and

coordinate them with the State Nuclear Power Safety Inspectorate. The procedure for drafting, reviewing, updating and coordinating the physical security plan shall be established by the Head of the State Nuclear Power Safety Inspectorate.

9. Full liability for physical security of a nuclear installation and for physical security in carrying out other activities with nuclear and/or nuclear fuel cycle materials shall solely fall on persons that are engaged in such activities and hold relevant licences and permits.

CHAPTER FIVE ISSUANCE OF LICENCES, PERMITS AND CERTIFICATES IN THE AREA OF NUCLEAR SAFETY

Amended by No. XIII-288, 2017-04-20

Article 22. Licences and Permits

1. The types of licences shall be as follows:

- 1) for construction (to a builder (customer) of a nuclear installation (installations));
- 2) for operation of a nuclear installation (installations);
- 3) for construction (to a builder (customer) and operation of a nuclear installation (installations));
- 4) for decommissioning of a nuclear installation (installations);
- 5) for supervision of a closed radioactive waste repository (repositories);
- 6) for shipment of nuclear fuel cycle materials, and nuclear materials and fissile materials indicated in Annex 1 to this Law in established quantities;
- 7) for acquisition, possession and usage of specified nuclear materials and fissile materials in quantities established in Annex 1 to this Law.

2. The types of permits shall be as follows:

- 1) for first delivery of nuclear fuel to the site of a nuclear power plant, a nuclear power plant unit, a research nuclear reactor for the first time;
- 2) for delivery of nuclear and/or nuclear fuel cycle materials to the site of a nuclear installation, with the exception of a nuclear power plant unit and a research nuclear reactor, and/or for the first test while using nuclear and/or nuclear fuel cycle materials in such nuclear installations;
- 3) for the first start-up of a nuclear power plant unit and a research nuclear reactor;
- 4) for industrial operation of a nuclear installation;
- 5) for start-up a nuclear reactor after its shut-down;
- 6) for shipment (import, export and transit transportation) of radioactive waste generated during the nuclear fuel cycle;
- 7) for shipment (import, export and transit transportation) of spent nuclear fuel.

3. A single licence of the same type may be issued with respect to several nuclear installations, if those installations are envisaged in one general design. At the applicant's request, separate licences may be issued for separate nuclear power plant units. Where operations of a nuclear installation for which a licence has been issued are related through co-technological processes to (an)other nuclear installation(s), a single licence of the same type may also be granted and/or the issued licence(s) may be replaced with respect to such nuclear installations.

Amended by No. XIII-655, 2017-09-28

3¹. The licence referred to in Article 22 Paragraph 1 Subparagraph 6 shall not be required, if nuclear fuel cycle materials are shipped in uncontrolled packages, specified in international agreements regulating carriage of dangerous goods to which the Republic of Lithuania is a party.

Supplemented by No. XIII-655, 2017-09-28

3². The licence referred to in Article 22 Paragraph 1 Subparagraph 6 shall not be required for licence holders specified in Article 22 Paragraph 1 Subparagraphs 2, 3 and 4, if the shipment of nuclear fuel cycle materials, nuclear materials and fissile materials in quantities established in Annex 1 to this Law is carried out in conjunction with the activity referred to in Article 22 Paragraph 1 Subparagraphs 2, 3 and 4 on the sites of nuclear installations and on the roads owned by this economic entity or on the roads connecting the nuclear installations owned by this economic entity. In this case, the shipment of the materials must be envisaged in the designs of the nuclear installations and its safety must be demonstrated in the safety substantiation documents that are submitted to obtain licences specified in Article 22 Paragraph 1 Subparagraphs 2, 3 and 4

and permits specified in Article 22 Paragraph 2 Subparagraphs 1 or 2 when the applicant is the holder of the licence specified in Article 22 Paragraph 1 Subparagraph 3.

Supplemented by No. XIII-655, 2017-09-28

3³. The licence referred to in Article 22 Paragraph 1 Subparagraph 6 shall not be required for licence holders specified in Article 22 Paragraph 1 Subparagraph 7, if the shipment of nuclear fuel cycle materials, nuclear materials and fissile materials in quantities established in Annex 1 to this Law is carried out in conjunction with the activity referred to in Article 22 Paragraph 1 Subparagraph 7 on the territory of this economic entity or on the roads owned by and connecting the territories of this economic entity. In this case, the shipment of the materials must be envisaged and its safety must be demonstrated in the safety substantiation documents that are submitted to obtain the licence specified in Article 22 Paragraph 1 Subparagraph 7.

Supplemented by No. XIII-655, 2017-09-28

4. The performance of activities referred to in Article 22 Paragraph 1 Subparagraphs 1 to 7, except for the cases specified in Article 22 Paragraphs 3¹ to 3³, without a licence and the performance of activities referred to in Article 22 Paragraph 2 Subparagraphs 1 to 7 without a permit shall be prohibited.

Amended by No. XIII-655, 2017-09-28

5. The licences and permits referred to in paragraphs 1 and 2 of this Article above shall be issued by the State Nuclear Power Safety Inspectorate.

6. The procedure for issuance of the licences and permits referred to in Article 22 Paragraphs 1 and 2 shall be established by the Government or its authorised institution. Applications by applicants or licence holders to issue a single licence of the same type and/or to replace the issued licence(s) shall be examined in accordance with the procedure determined by the Government.

Amended by No. XIII-655, 2017-09-28

Article 22¹. Certificates

1. In performing the supervision of transportation of nuclear fuel cycle materials, nuclear and fissile materials in the quantities specified in Annex 1 hereto, the State Nuclear Power Safety Inspectorate shall issue the following certificates:

- 1) certificate of approval of radioactive material transportation;
- 2) certificate of approval of radioactive material design;
- 3) certificate of approval of package design;
- 4) certificate of approval of a certificate of approval of radioactive material transportation and/or certificate of approval of the package design, issued by a competent authority of another state.

2. As requested by the applicant, a single certificate of approval of package design and radioactive material transportation may be issued for the approval of the package design and radioactive material transportation.

3. Requirements established for transportation of nuclear fuel cycle materials, nuclear and fissile materials in the quantities specified in Annex 1 hereto, including transportation of such materials under a special arrangement, and for the design of such materials and the package design shall be set forth in the technical Annexes A and B to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), in the International Maritime Dangerous Goods (IMDG) code (IMDG code), in the Appendix C on Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) to the Convention concerning International Carriage by Rail (COTIF), and in the Annex 2 entitled “Provisions for the Carriage of Dangerous Goods” to the Agreement on International Goods Transport by Rail (SMGS) (hereinafter – international transportation agreements).

4. If the consignor (the holder) of radioactive materials aims to transport radioactive materials and if this transportation will not comply with the requirements of the international transportation agreements without adding alternative and/or additional safety measures to the safety measures specified in the international agreements, such transportation may only be carried out if the State Nuclear Power Safety Inspectorate issues the certificate specified in sub-paragraph 1 of paragraph 1 of Article 22¹ or paragraph 2 of Article 22¹ herein, establishing alternative and/or additional safety measures in the certificate (transportation by special arrangement).

5. A certificate specified in sub-paragraph 1 of paragraph 1 of Article 22¹ herein shall be required to:

1) export out of or transport within the territory of the Republic of Lithuania nuclear fuel cycle materials, nuclear and fissile materials in the quantities specified in Annex 1 hereto (as defined in international transportation agreements, when such transportation requires certificates of approval of transportation under these agreements);

2) export out of or transport within the territory of the Republic of Lithuania nuclear fuel cycle materials, nuclear and fissile materials in the specified quantities in Annex 1 hereto by special arrangement, when international transportation agreements establish that such transportation requires certificates of approval of transportation.

6. Certificates specified in sub-paragraph 1 of paragraph 1 and paragraph 2 of Article 22¹ herein required in cases set forth in international transportation agreements shall be issued to the consignor (holder) of nuclear fuel cycle materials, nuclear and fissile materials in the quantities specified in Annex 1 hereto.

7. Certificates specified in sub-paragraph 2 of paragraph 1 of Article 22¹ herein shall be required to approve the following designs of nuclear fuel cycle materials, nuclear and fissile materials in the quantities specified in Annex 1 hereto:

1) designs for low dispersible radioactive material (as defined in international transportation agreements);

2) designs for special form radioactive material (as defined in international transportation agreements).

8. Certificates specified in sub-paragraph 2 of paragraph 1 of Article 22¹ herein shall be issued to designers and/or manufacturers of radioactive material designs, if the Republic of Lithuania is the country of the design origin.

9. Certificates specified in sub-paragraph 3 of paragraph 1 of Article 22¹ herein shall be required to approve the following package designs:

1) package designs for fissile material;

2) package designs for packages containing 0.1 kg or more of uranium hexafluoride;

3) package designs for B(U) type package;

4) package designs for B(M) type package;

5) package designs for C type package.

10. Certificates specified in sub-paragraph 3 of paragraph 1 of Article 22¹ herein shall be issued to designers and/or manufacturers of designs, if the Republic of Lithuania is the country of the design origin.

11. Certificates specified in sub-paragraph 4 of paragraph 1 of Article 22¹ herein shall be issued to holders of certificates issued by competent institutions of other countries in cases when international transportation agreements require a multilateral approval of the transportation of nuclear fuel cycle materials, nuclear and fissile materials in the quantities specified in Annex 1 hereto, or a multilateral approval of the package design for the import into or transit through the territory of the Republic of Lithuania of nuclear fuel cycle materials, nuclear and fissile materials in the quantities specified in Annex 1 hereto (as defined in international transportation agreements).

12. Certificates specified in sub-paragraphs 1, 2, 3 of paragraph 1 of Article 22¹ and paragraph 3 of 8 herein shall be issued for the period of five years.

13. Certificates specified in sub-paragraph 4 of paragraph 1 of Article 22¹ herein shall be issued for the period indicated in the certificate of approval of transportation of radioactive material and/or approval of package design, issued by a competent institution of another state, if the certificate approval is requested by its holder filing an application.

Supplemented by No. XIII-288, 2017-04-20

Article 23. Restrictions on the Right to Carry Out the Activities that are Subject to the Licence or Permit Mentioned in Article 22 of this Law

1. The licences and permits shall be issued to persons having sufficient capacities of technological and financial resources, management system, human resources, emergency preparedness, physical protection, safe storage and transportation of nuclear materials, accounting and control of such materials, compliant with the provisions on implementation of the IAEA and Euratom safeguards, and allowing to properly comply with the terms of the licence or permit and to ensure nuclear safety. Such capacities and their assessment procedure shall be established by the Head of the State Nuclear Power Safety Inspectorate.

Amended by No. XIII-288, 2017-04-20

2. In case the nuclear installation is a nuclear power plant, a nuclear power plant unit or a research nuclear reactor, the licences referred to in sub-paragraphs 1, 2 and 3 of paragraph 1 of Article 22 above shall

be issued only to a legal entity established in the manner laid down by a law on the construction of a relevant nuclear installation. Relevant licences for other nuclear installations shall be issued to legal entities established in the Republic of Lithuania in the manner laid down by the laws and other legal acts.

3. In case the nuclear installation is a nuclear power plant, a nuclear power plant unit or a research nuclear reactor, the licence referred to in sub-paragraph 4 of paragraph 1 of Article 22 above shall be issued to a legal entity specified in a law on decommissioning of a relevant nuclear installation or, if such entity is not specified in a law on decommissioning of a relevant nuclear installation, the licence shall be issued to a legal entity established in the Republic of Lithuania in the manner set forth by the laws and other legal acts. A relevant licence for other nuclear installations shall be issued to legal entities established in the Republic of Lithuania in the manner laid down by the laws and other legal acts.

4. The licence referred to in sub-paragraph 5 of paragraph 1 of Article 22 above shall be issued to a radioactive waste manager whose status and business fundamentals shall be established by the Law on the Management of Radioactive Waste.

5. The licence referred to in sub-paragraph 6 of paragraph 1 of Article 22 above shall be issued to a carrier acting solely as a legal entity.

6. The licence referred to in sub-paragraph 7 of paragraph 1 of Article 22 above shall be issued solely to legal entities.

7. In case the nuclear installation is a nuclear power plant, a nuclear power plant unit, a research nuclear reactor the permits referred to in sub-paragraphs 1, 3 and 5 of paragraph 2 of Article 22 above shall be issued respectively to the licence holders indicated in sub-paragraphs 2 and 3 of paragraph 1 of Article 22 above.

8. The permit referred to in sub-paragraph 4 of paragraph 2 of Article 22 above shall be issued to the licence holders indicated in sub-paragraphs 2 and 3 of paragraph 2 of Article 22 above.

9. Except for the cases where the nuclear installation is a nuclear power plant, a nuclear power plant unit, a research nuclear reactor, the permits referred to in sub-paragraph 2 of paragraph 2 of Article 22 above shall be issued to the licence holders indicated in sub-paragraphs 2 and/or 3 of paragraph 1 of Article 22 above,

10. The permits referred to in sub-paragraph 2 of paragraph 2 of Article 22 above may be also issued to persons which prior to the effective date of this Law had been issued and maintained a licence which awarded the right to construct a nuclear installation.

11. The permits referred to in sub-paragraphs 6 and 7 of paragraph 2 of Article 22 above shall be issued to:

1) a consignor (holder) of radioactive waste that was generated during the nuclear fuel cycle or a consignor (holder) of spent nuclear fuel (the consignor (holder) might be a natural person or legal entity), for exporting radioactive waste that was generated during the nuclear fuel cycle, or spent nuclear fuel from the Republic of Lithuania to any other EU Member State;

2) a consignee of radioactive waste that generated during the nuclear fuel cycle or a consignee of spent nuclear fuel (the consignee might be a natural person or legal entity), for importing (by reshipment) radioactive waste that was generated during the nuclear fuel cycle, or spent nuclear fuel to the Republic of Lithuania from any third country;

3) a natural person or legal entity in charge of the shipment within the Republic of Lithuania, for transit shipment from a third country to a third country through the EU Member States, where the Republic of Lithuania is the first EU Member State of transit;

4) a consignor (holder) of radioactive waste that was generated during the nuclear fuel cycle, or a consignor (holder) of spent nuclear fuel (the consignor (holder) might be a natural person or legal entity), for exporting from the Republic of Lithuania to a third country.

12. Permits specified in sub-paragraphs 6 and 7 of paragraph 2 of Article 22 herein may not be issued to a person having no valid certificate specified in sub-paragraph 1 of paragraph 1 of Article 22¹ herein, when such certificate is required in accordance with this Law.

Supplemented by No. XIII-288, 2017-04-20

13. When applying for the cancellation of licences in the cases listed in paragraph 2 of Article 29 below, the licence referred to in sub-paragraph 1 of paragraph 1 of Article 22 above cannot be cancelled until the issuance of the licence mentioned in sub-paragraph 2 of paragraph 1 of Article 22 above, however both of the licences issued to one nuclear installation cannot be valid at the same time.

Amended by No. XIII-288, 2017-04-20

14. Licence holders shall carry out licensed activities, and permit holders shall carry out permitted activities in accordance with the nuclear installation designs (except licences specified in sub-paragraphs 6 and 7 of paragraph 1 of Article 22 herein and permits specified in Articles sub-paragraphs 6 and 7 of paragraph 2 of Article 22 herein), as well as in accordance with other documents submitted together with an application for licences and permits (except permits specified in sub-paragraphs 6 and 7 of paragraph 2 of Article 22 herein). If the documents submitted together with the application for licences or permits are amended after the licence or permit is issued, their amendments shall be approved by the State Nuclear Power Safety Inspectorate, or the latter shall be notified in cases and according to the procedure specified by the Rules of Licensing and Permitting Activities in the Nuclear Energy Area.

Supplemented by No. XIII-288, 2017-04-20

Article 24. Application for Issuance of a Licence and Permit

1. An applicant shall provide the State Nuclear Power Safety Inspectorate with both an application for issuance of the licences referred to in paragraph 1 of Article 22 above and a schedule for submission of the documents evidencing compliance with the licence issuance provisions. The requirements for documents to be submitted alongside with the application for licences shall be established in this Law and in rules for issuance of licences and permits. The applicant shall submit its documents in accordance with the document submission schedule. The document submission schedule and its changes shall be coordinated with the State Nuclear Power Safety Inspectorate. A decision of the Head of the State Nuclear Power Safety Inspectorate concerning the coordination of the document submission schedule and its changes shall be passed within 30 calendar days after the receipt of the document submission schedule. This term may be extended once for a period not exceeding 30 calendar days. The State Nuclear Power Safety Inspectorate shall send a notice of the decision on the extension of the time-limit for the submission of the applicant's documents not later than 5 business days prior to the expiry of such time-limit and specify the reasons for such extension.

2. The applicant shall provide the State Nuclear Power Safety Inspectorate with both a fixed-form application for the issuance of permits referred to in sub-paragraphs 1-5 of paragraph 2 of Article 22 above and documents required under this Law and/or other legal acts.

3. A fixed-form application for issuance of permits referred to in sub-paragraphs 6 and 7 of paragraph 2 of Article 22 above, and documents required under this Law as well as under the legal act approved by the Head of the State Nuclear Power Safety Inspectorate together with the Minister of Health which regulates radioactive material, radioactive waste and spent nuclear fuel import, export, transit shipment and shipment within the Republic of Lithuania and the procedure for issuance of permits for such activities, and/or the documents required under other legal acts, shall be submitted by the applicant to the State Nuclear Power Safety Inspectorate.

4. The applicant shall pay the stamp duty for the issuance of licences or permits.

5. The applicant shall be held liable for the correctness of information and other data supplied in the documents listed in this Article.

Article 24¹. Certificate Application

1. Documents and requirements for receiving documents and for submitted certificates specified in paragraphs 1 and 2 of Article 22¹ herein, shall be established by the Rules of Issuing Certificates for Transportation of Nuclear Fuel Cycle Materials, Nuclear and Fissile Materials (hereinafter – Certification Rules) approved by the Head of the State Nuclear Power Safety Inspectorate.

2. The application for the certificate specified in sub-paragraph 4 of paragraph 1 of Article 22¹ shall be submitted together with a certificate of approval for radioactive material transportation and/or a certificate of approval for package design issued by a competent institution of another state, and a translation of this certificate and all the attached documents into the Lithuanian language signed by a qualified translator and notarised or sealed by the translating agency.

3. The applicant shall be responsible for the correctness of information provided in the application and the supporting documents submitted together with it.

Supplemented by No. XIII-288, 2017-04-20

Article 25. Deciding on an Issue of a Licence

1. The State Nuclear Power Safety Inspectorate shall refuse to consider an application for issuance of a licence, if there are no relevant decisions passed in accordance with sub-paragraph 2 of Article 6, sub-paragraph 3 of paragraph 1 of Article 7 of the Nuclear Energy Law or paragraph 1 of Article 21 of the Law on the Management of Radioactive Waste.

2. A notice of the refusal to consider an application on the basis mentioned in paragraph 1 of this Article shall be communicated to the applicant within 5 business days as from the date of receipt of the application specifying the reason for rejection of an application.

3. *Repealed by No. XIII-288, 2017-04-20*

4. If the applicant provides an incomplete set of documents or improperly executed documents referred to in paragraph 1 of Article 24 above, not later than within 5 business days since receipt of the documents referred to in paragraph 1 of Article 24 above the State Nuclear Power Safety Inspectorate shall inform the applicant writing about the necessity to provide the missing documents or to remedy the insufficiencies of the execution of the documents and notify that the time-limit for adopting a decision concerning the issuance of the licence will be calculated after the receipt of all the documents referred to in paragraph 1 of Article 24 above.

5. If the applicant submits the documents according to the schedule but the State Nuclear Power Safety Inspectorate discovers insufficiencies in the documents or information provided therein, the State Nuclear Power Safety Inspectorate shall notify the applicant of the insufficiencies discovered. Until the date of submission of the last document listed in the document submission schedule, the applicant shall have a right to re-submit such documents, subject to the information given by the State Nuclear Power Safety Inspectorate and having remedied relevant insufficiencies in the documents.

6. The Head of the State Nuclear Power Safety Inspectorate shall pass a decision on issuance of licences referred to in paragraph 1 of Article 22 above only if the State Nuclear Power Safety Inspectorate is convinced that the applicant is able to and capable of performing licensed activities under the provisions of this Law and other legal acts and the terms and conditions of the licensed activities, as well as of ensuring nuclear safety and of assuming full liability in connection therewith, and verifies whether the data and information submitted by the applicant meet the requirements set by this Law and other legal acts, and in case of need - verifies the same at the registered office of the applicant or at the nuclear installation, or the place of activities performed with the nuclear or nuclear fuel cycle materials.

7. The Head of the State Nuclear Power Safety Inspectorate decides to issue the licences referred to in sub-paragraphs 1 and 3 of paragraph 1 of Article 22 above after the State Nuclear Power Safety Inspectorate is convinced that the construction site of a nuclear installation, the designing data and design of a nuclear installation are in line with the requirements of legal acts and the normative technical documents of nuclear safety.

8. The licences referred to in sub-paragraphs 2, 4, 5 of paragraph 1 of Article 22 above shall be issued only subject to an affirmative opinion of the European Commission about such activities or, in case the European Commission fails to provide its opinion, after the period of more than 6 months from the information submission to the European Commission. The information to be submitted to the European Commission in order to receive its opinion and the procedure for such information submission shall be determined by the Government.

9. The Head of the State Nuclear Power Safety Inspectorate shall pass a decision not to issue the licence, if:

1) a nuclear installation or activities which require licence do not meet the requirements established by this Law and/or other legal acts;

2) not all of the documents required for issuance of a licence have been submitted, the submitted documents do not meet the requirements of the legal acts, the information submitted is incomplete, inaccurate or incorrect and the requirement imposed by the State Nuclear Power Safety Inspectorate to remedy the drawbacks of an application has not been fulfilled;

3) the applicant does not meet the requirements set in paragraphs 10, 11 and 12 of this Article;

4) the applicant does not meet other requirements established by this Law.

10. The licences for the activities referred to in sub-paragraphs 1 and 3 of paragraph 1 of Article 22 above shall be issued only if the State Nuclear Power Safety Inspectorate is convinced that the applicant has been issued a valid permit by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment allowing the construction of a nuclear installation building structures. The State Territorial Planning and Construction Inspectorate under the Ministry of Environment not later than within 3 business days after the adoption of a relevant decision shall inform the State Nuclear Power Safety Inspectorate about the issuance of a permit for the construction of a nuclear installation, its suspension, warning about its suspension, revoked suspension, warning about its annulment, or its annulment.

11. The licences for the activities referred to in sub-paragraphs 2, 4 and 5 of paragraph 1 of Article 22 above shall be issued by the State Nuclear Power Safety Inspectorate after it verifies that the applicant has been issued a valid permit for integrated pollution prevention and control by the Ministry of Environment of the Republic of Lithuania (the **Ministry of Environment**) or its authorised institution; or it is specified that such permit is not required. The Ministry of Environment or its authorised institution, after having issued such permit or passed a decision that such permit is not required, not later than within 3 business days following the adoption of such decision shall inform the State Nuclear Power Safety Inspectorate about the issuance of such permit, its amendment, its suspension, warning about its suspension, revoked suspension, warning about its annulment, or its annulment, and if the State Nuclear Power Safety Inspectorate requests shall provide information whether a relevant permit is required.

12. The licences for the activities referred to in Article 22 Paragraph 1 Subparagraphs 2, 4 and 5 and the permits for the activities referred to in Article 22 Paragraph 2 Subparagraphs 2 and 3 above shall be issued only after the State Nuclear Power Safety Inspectorate verifies that the radiological environmental monitoring programme has been, in the manner set out by the Minister for the Environment, coordinated with the Ministry of the Environment or its authorised institution and the radiological monitoring programme for foodstuffs, their raw materials and drinking water has been, in the manner set out by the Minister for Health, coordinated with the Ministry of Health or its authorised institution. The Ministry of the Environment or its authorised institution and the Ministry of Health or its authorised institution shall notify the State Nuclear Power Safety Inspectorate of the decisions on the coordination of the programmes and/or coordination of an update (amendment) thereof not later than within 3 business days after the issuance of such decisions.

Amended by No. XIII-655, 2017-09-28

13. If the applicant does not receive a reply regarding the issuance of a licence within the set deadlines, the licence shall not be considered as having been issued.

14. The licence shall be amended at the request of the licence holder, upon a change in the company details of the licence holder, upon a change in the name of the nuclear installation, and in case of licences specified in sub-paragraphs 6 and 7 of paragraph 1 of Article 22 herein - when activities involving certain nuclear, nuclear fuel cycle or fissile materials are terminated, or when the activity scope is being modified, when a part of activities undertaken under the issued general licence as provided for in paragraph 3 of Article 22 herein is finished, and/or a new licence is issued for that part of activities. The application of the licence holder for a licence amendment shall be considered in the manner established by the Government. The decision on the licence amendment shall be passed within 30 calendar days from receipt of the application.

Amended by No. XIII-288, 2017-04-20

15. The licences shall be of indefinite duration. The issuance of the licences shall be subject to a fixed rate stamp duty.

16. A decision on issuance of the licences referred to in sub-paragraphs 1-4 of paragraph 1 of Article 22 above shall be passed not later than within 24 months after the receipt of all the duly executed documents.

17. A decision on issuance of the licences referred to in sub-paragraphs 5, 6, 7 of paragraph 1 of Article 22 above shall be passed not later than within 12 months after the receipt of all the duly executed documents.

17¹. A decision on the issuance of a single licence and/or replacement of an issued licence in order to hold a single licence for nuclear installations in respect of which a licence covering the same activity has been granted shall be passed within 30 calendar days after the receipt of the application. In case of applications to issue a single licence and replace (an)other licence(s) for nuclear installations, when a licence of the same type has not been granted in respect of at least one of them, a decision on the issuance and replacement of the licences shall be passed within the timeframes laid down in Article 25 Paragraph 16 and 17 above.

Supplemented by No. XIII-655, 2017-09-28

18. The time-limits set in paragraphs 16 and 17 of this Article may be extended only once for a period not exceeding 30 days. The State Nuclear Power Safety Inspectorate shall send a notice of the decisions on the extension of the time-limit to the applicant not later than 5 business days prior to the expiry of the time-limit set in paragraphs 16 and 17 of this Article and specify the reasons for such extension.

19. As soon as the State Nuclear Power Safety Inspectorate receives all the documents referred to in Article 24 Paragraph 1 above and all the documents listed in the document submission schedule, including their revisions made on the basis of public comments, information, analyses and opinions provided pursuant to Article 39¹ Paragraph 3 Subparagraph 4 of this Law, it shall be considered that all the documents necessary for the adoption of the decision on the issuance of the licence have been duly received.

Amended by No. XIII-655, 2017-09-28

20. The licence holder shall have no right to transfer the right to perform the licensed activities.

Supplemented by No. XIII-288, 2017-04-20

Article 26. Issuance of Permits

1. A permit shall be issued when the State Nuclear Power Safety Inspectorate verifies that the activities meet the requirements established by the legal acts. Permits shall be amended at the request of a permit holder, upon a change in the company details of the permit holder, and upon a change in the name of the nuclear installation. The application of the permit holder for a permit amendment shall be considered in the manner established by the Government. The decision on the permit amendment shall be passed within 30 calendar days from receipt of the application.

Amended by No. XIII-288, 2017-04-20

2. Repealed by No. XIII-288, 2017-04-20

3. Repealed by No. XIII-288, 2017-04-20

4. The Head of the State Nuclear Power Safety Inspectorate shall pass a decision not to issue the permit, if:

1) the activities which require a permit do not meet the requirements established by this Law and/or other legal acts;

2) not all of the documents required for issuance of a permit have been submitted, the submitted documents do not meet the requirements of the legal acts, the information submitted is incomplete, inaccurate or incorrect and the requirement imposed by the Head of the State Nuclear Power Safety Inspectorate to remedy the drawbacks of an application has not been fulfilled;

3) the applicant does not meet other requirements established by this Law.

5. An applicant seeking to obtain a licence referred to in sub-paragraph 2 of paragraph 1 of Article 22 above, (with the exception of the cases where the nuclear installation is a nuclear power plant, a nuclear power plant unit, a research nuclear reactor) in the manner set out by the legal acts shall submit the documents regarding the delivery of nuclear and/or nuclear fuel cycle materials to a nuclear installation for the first time and regarding the testing to be conducted for the first time in such nuclear installations using the nuclear and/or nuclear fuel cycle materials, together with the documents for issuance of the licence referred to in sub-paragraph 2 of paragraph 1 of Article 22 above, and no separate permits shall be issued for such actions.

6. The permits referred to in sub-paragraphs 1 and 2 of paragraph 2 of Article 22 above shall be issued as soon as the State Nuclear Power Safety Inspectorate verifies and is convinced that the permit referred to in paragraph 11 of Article 25 above has been issued.

7. A decision on the issuance of the permits referred to in Article 22 Paragraph 2 Subparagraphs 1, 2 and 5 above shall be passed within 30 days after the receipt of all the duly executed documents, except for decisions on the issuance of the permits referred to in Article 22 Paragraph 2 Subparagraphs 1 and 2 applied for by the holder of the licence specified in Article 22 Paragraph 1 Subparagraph 3 which shall be passed within four months after the receipt of all the duly executed documents.

Amended by No. XIII-655, 2017-09-28

8. A decision on the issuance of the permits referred to in Article 22 Paragraph 2 Subparagraph 3 above shall be passed within 90 days after the receipt of all the duly executed documents.

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9. A decision on the issuance of the permits referred to in Article 22 Paragraph 2 Subparagraph 4 above shall be passed within 60 days after the receipt of all the duly executed documents.

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10. The time-limits set in paragraphs 7, 8, 9 of this Article may be extended only once for a period not exceeding 30 days; the applicant shall be notified in writing about the extension not less than 5 business days prior to the expiry of the set time-limits and also provided the reasons for such extension.

11. A decision on issuance of permits referred to in sub-paragraphs 6 and 7 of paragraph 2 of Article 22 above shall be passed within the time-limits specified in the legal act approved by the Head of the State Nuclear Power Safety Inspectorate together with the Minister of Health which regulates radioactive material, radioactive waste and spent nuclear fuel import, export, transit shipment and shipment within the Republic of Lithuania and the procedure for issuance of permits for such activities, and/or within the time limits specified under other legal acts, however in any event within a period that does not exceed 5 months, including probable extension of the time-limit.

12. If the applicant does not receive a reply regarding the issuance of a permit within the set deadlines, the permit shall not be considered as having been issued.

13. As soon as the State Nuclear Power Safety Inspectorate receives all the documents referred to in Article 24 Paragraphs 2 and 3 above, including revisions pursuant to Article 39¹ Paragraph 3 Subparagraph 4 of this Law in case of documents submitted by the holders of the licences referred to in Article 22 Paragraph 1 Subparagraph 3 for the issuance of the permits referred to in Article 22 Paragraph 2 Subparagraphs 1 or 2, it shall be considered that all the documents necessary for the adoption of the decision on the issuance of the permit have been duly received.

Amended by No. XIII-655, 2017-09-28

14. The permits shall be of indefinite duration, except for the permits referred to in sub-paragraphs 6 and 7 of paragraph 2 of Article 22, which shall be issued for a maximum period of 3 years.

15. The permits referred to in sub-paragraphs 6 and 7 of paragraph 2 of Article 22 above shall not be issued, unless the relevant institutions of countries indicated in the legal act approved by the Head of the State Nuclear Power Safety Inspectorate together with the Minister of Health which regulates radioactive material, radioactive waste and spent nuclear fuel import, export, transit shipment and shipment within the Republic of Lithuania and the procedure for issuance of permits for such activities, issue a consent allowing the shipment of radioactive waste and/or nuclear fuel.

16. The permits referred to in sub-paragraphs 1 and 2 of paragraph 2 of Article 22 above shall be issued to the holder of the licence referred to in sub-paragraph 3 of paragraph 1 of Article 22 above only subject to an affirmative opinion of the European Commission about such activities or, in case the European Commission fails to provide its opinion, after a period of more than 6 months as from the information submission to the European Commission. The information that is to be submitted to the European Commission in order to receive its opinion and the procedure for such information submission shall be determined by the Government.

16¹. The permit holder shall have no right to transfer the right to perform the activities subject to the permits.

Supplemented by No. XIII-288, 2017-04-20

17. The issuance of permits shall be subject to a fixed rate stamp duty.

Article 26¹. Issuance of Certificates, Suspension Notification, Suspension, Revocation of Suspension, Revocation

1. A certificate shall be issued only when the State Nuclear Power Safety Inspectorate verifies that the design and/or activities requiring the certificate meet the requirements of international transportation agreements.

2. The State Nuclear Power Safety Inspectorate shall pass a decision not to issue the certificates specified in sub-paragraphs 1, 2, and 3 of paragraph 1 of Article 22¹ and paragraph 2 of Article 22¹ herein, if:

1) the design and/or activities requiring the certificate do not meet the requirements of international transportation agreements;

2) not all the documents specified in the Certification Rules and required for issuance of a certificate have been submitted, the submitted documents do not meet the requirements of the Certification Rules, the information submitted is incomplete or inaccurate and/or the insufficiencies were not eliminated after the applicant had been notified in accordance with the procedure specified in paragraph 12 of Article 26¹ herein.

3. The State Nuclear Power Safety Inspectorate shall pass a decision not to issue the certificates specified in sub-paragraph 4 of paragraph 1 of Article 22¹ herein, if:

1) not all the documents specified in the Certification Rules and required for issuance of a certificate have been submitted, the submitted documents do not meet the requirements of the Certification Rules, the information submitted is incomplete or inaccurate and/or the insufficiencies were not eliminated after the applicant had been notified in accordance with the procedure specified in paragraph 12 of Article 26¹ herein;

2) certificate of approval for radioactive material transportation and/or package design issued by a competent institution of another state is invalid, and this insufficiency was not eliminated after the applicant was notified in accordance with the procedure specified in paragraph 12 of Article 26¹ herein.

4. A decision on issuance of the certificates specified in sub-paragraphs 1 and 2 of paragraph 1 of Article 22¹ herein shall be passed and the certificate shall be issued within 60 calendar days from the date of receiving all the duly executed documents.

5. A decision on issuance of the certificate specified in sub-paragraph 3 of paragraph 1 of Article 22¹ herein shall be passed and the certificate or a justified refusal to issue the certificate shall be issued within 90 calendar days from the date of receiving all the duly executed documents.

6. A decision on issuance of the certificate specified in sub-paragraph 4 of paragraph 1 of Article 22¹ herein shall be passed and the certificate or a justified refusal to issue the certificate shall be issued within 30 calendar days from the date of receiving all the duly executed documents.

7. A decision on issuance of the certificate specified in paragraph 2 of Article 22¹ herein shall be passed and the certificate or a justified refusal to issue the certificate shall be issued within 90 calendar days from the date of receiving all the duly executed documents.

8. The time-limits set in paragraphs 4-7 of Article 26 may be extended once and no later than five business days prior to their expiry for a period not exceeding 30 days, if other institutions of the Republic of Lithuania or other states must be contacted for information. The applicant shall be notified on the extension of the time-limit in writing, specifying the reasons for such extension.

9. If the applicant does not receive a reply regarding the issuance of a certificate within the set time-limit, the certificate shall not be considered as having been issued.

10. The issuance of the certificates shall be subject to a stamp duty.

11. The State Nuclear Power Safety Inspectorate shall notify the certificate holder on the suspension of the certificate after having established the following:

1) the application and/or other submitted documents contained misleading data;

2) requirements referred to in paragraph 3 of Article 22¹ or alternative and/or additional safety measures referred to in paragraph 4 of Article 22¹ were violated.

12. The notification on the suspension of the certificate shall indicate the insufficiencies specified in paragraph 11 of Article 26 herein, the date of suspension of the certificate and a reasonable time-limit for eliminating the indicated insufficiencies, which shall be not shorter than three months. After having eliminated the notified insufficiencies, the certificate holder shall provide documentary proof of such elimination to the State Nuclear Power Safety Inspectorate.

13. The State Nuclear Power Safety Inspectorate shall suspend the certificate if insufficiencies are not eliminated within the time-limit referred to in paragraph 12 of Article 26 herein. The decision on the certificate suspension shall specify the established insufficiencies, the date of suspension of the certificate and a reasonable time-limit for eliminating the indicated insufficiencies, which shall be not shorter than 90 days.

14. Having eliminated the insufficiencies which gave rise to the certificate suspension, the certificate holder shall provide documentary proof of such elimination to the State Nuclear Power Safety Inspectorate. The State Nuclear Power Safety Inspectorate shall pass a decision to revoke the suspension of a certificate only after ensuring that the insufficiencies had been eliminated. The State Nuclear Power Safety Inspectorate shall pass a decision to revoke the suspension of a certificate no later than within 10 business days after the from the date of receiving the application.

15. The State Nuclear Power Safety Inspectorate shall revoke the certificate before the certificate expiry, if:

1) insufficiencies specified in paragraph 13 of Article 26 are not eliminated within the specified time-limit;

2) the holder of the suspended certificate continues the certified activity and/or uses the radioactive material design or the package design;

3) the certificate holder applies for a revocation of the certificate.

16. In case a certificate was suspended or revoked, the certified activities may not be continued, and the radioactive material design or the package design may not be used.

Supplemented by No. XIII-288, 2017-04-20

Article 27. Suspension of Licences and Permits and Revocation of Suspension of and Permits

1. The validity of a licence or a permit shall be suspended and the suspension of them shall be revoked by a decision of the Head of the State Nuclear Power Safety Inspectorate. The decision on the suspension of a licence or a permit shall indicate the violations (insufficiencies), the date of suspension of a licence or a permit and, subject to the means indispensable for implementation and nuclear safety requirements, shall specify a reasonable time-limit for eliminating the indicated violations (insufficiencies), which shall be not shorter than 3 months.

2. Should the licence or permit holder fail to meet or improperly meet the mandatory requirements defined in paragraphs 2 and 3 of Article 6 herein within the specified time-limit or within the time-limit extended in accordance with the procedure of eliminating violations specified in paragraph 9 of Article 6 herein, the licence or permit holder shall be warned in writing on the potential suspension of a licence or a permit. Having eliminated the indicated violations (insufficiencies), the licence or permit holder, who was warned on potential suspension of a licence or a permit, shall provide explanations how the violations (insufficiencies) were eliminated and documentary proof of such elimination. Within 10 business days from the date of receiving the relevant documents or information, the State Nuclear Power Safety Inspectorate shall pass a decision on whether the violations were eliminated in accordance with this Law, the Law on Nuclear Energy the Law on Radioactive Waste Management, the Law on Radiation Protection and/or their implementing legal acts, as well as approved documents and shall notify the economic entity on it.

Amended by No. XIII-288, 2017-04-20

3. A licence or a permit shall be suspended if its holder fails to eliminate the established violations (insufficiencies) within the time period set by the notification on a potential suspension of a licence or a permit. The licence or the permit may be suspended without a notification if, due to the failure to perform the mandatory requirements specified in paragraphs 2 and 3 of Article 6, the activity of radionuclide emissions exceeds the limit values specified in the Plan on Radionuclide Emissions and/or if the occupational exposure exceeds the limit values specified by the Minister of Health.

Amended by No. XIII-288, 2017-04-20

3¹. In addition to the case referred to in Article 27 Paragraph 3 above, a licence shall be suspended in the case referred to in Article 32 Paragraph 7⁵ of this Law.

Supplemented by No. XIII-655, 2017-09-28

4. In case a licence or a permit was suspended, all licensed activities shall be suspended in the prescribed manner not later than within the deadline set by the Head of the State Nuclear Power Safety Inspectorate.

5. The suspension of a licence or a permit shall not release the licence or permit holder from liability for ensuring nuclear safety. The licence or permit holder must carry out all actions necessary to ensure nuclear safety.

6. Having eliminated the violations (insufficiencies) which gave rise to suspension of the licence or permit, the licence or permit holder shall submit an application to the State Nuclear Power Safety Inspectorate to revoke the suspension of the licence or permit. The licence or permit holder shall provide explanations how established violations (insufficiencies) were eliminated, and documentary proof of such elimination. The licence or permit holder shall have the right to apply to the State Nuclear Power Safety Inspectorate requesting a motivated extension of a time-limit for eliminating the violations (insufficiencies).

Amended by No. XIII-288, 2017-04-20

7. After the State Nuclear Power Safety Inspectorate has considered the submitted documents, related data and information provided by the licence or permit holder and not later than within 10 business days after the receipt of the request, the Head of the State Nuclear Power Safety Inspectorate shall pass a decision to revoke the suspension of a licence or a permit, or to extend such suspension, and in the manner set out in this Article shall define an additional time-limit for eliminating the violations (insufficiencies).

8. The State Nuclear Power Safety Inspectorate shall pass a decision on the elimination of the violations (insufficiencies) no later than within 10 business days from the date of receiving the application.

Amended by No. XIII-288, 2017-04-20

9. The Head of the State Nuclear Power Safety Inspectorate shall revoke the suspension of a licence or a permit only if he/she has verified and is convinced that the former violations (insufficiencies) have been remedied and the licensed or permitted activities may be performed in a safe manner.

10. If after the suspension of a licence or permit the licence or permit holder has failed to eliminate the violations (insufficiencies) within the prescribed time-limits, the Head of the State Nuclear Power Safety Inspectorate shall terminate the validity of a licence or a permit.

11. The decision of the Head of the State Nuclear Power Safety Inspectorate regarding the suspension of a licence or a permit may be appealed to court in the manner established by laws.

Article 28. Supervision of Activities that are Subject to Licence or Permit as per Article 22 of this Law and Activities that are Subject to Certification as per Paragraphs 1 and 2 of Article 22¹ of this Law

Amended by No. XIII-288, 2017-04-20

1. The State Nuclear Power Safety Inspectorate shall supervise the performance of licensed, permitted or certified activities, and shall evaluate safety of nuclear installations as well as safety of activities involving nuclear and/or nuclear fuel cycle materials by:

- 1) conducting inspections;
- 2) examining the documents and other information submitted by the licence, permit and certificate holders, and by performing safety reviews and evaluations in the manner set out by this Law and other legal acts.

Amended by No. XIII-288, 2017-04-20

1¹. In addition to the principles laid down in the Law on Public Administration of the Republic of Lithuania (“the Law on Public Administration”), the State Nuclear Power Safety Inspectorate may carry out unplanned inspections in the following cases:

- 1) occurrence of an unusual event;
- 2) receipt of information on experiences of an economic entity or other persons operating in the sector of nuclear power, if such information creates a reasonable suspicion that an unusual event may occur in performance of the economic entity;
- 3) when inspection is carried out taking into account the operational timetable set by an economic entity but, in the light of the timetable, there is no possibility to inform the economic entity on the inspection within the time-limits specified in the Law on Public Administration for notifying economic entities on a planned inspection.

Supplemented by No. XIII-655, 2017-09-28

1². Where the purpose of unplanned inspection requires that an economic entity is prepared for the inspection in advance, the State Nuclear Power Safety Inspectorate shall inform the economic entity on the unplanned inspection of its activities within the time-limits specified in the rules for unplanned inspections approved by the State Nuclear Power Safety Inspectorate which may not be longer than 10 business days and shorter than one hour.

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2. The Head of the State Nuclear Power Safety Inspectorate shall have a right to appoint permanent authorised employees who in the manner set out by the Head of the State Nuclear Power Safety Inspectorate, shall regularly supervise all stages of a nuclear installation lifecycle at its construction site. Subject to the monitoring principles of business entities specified by the Law on Public Administration of the Republic of Lithuania, the Head of the State Nuclear Power Safety Inspectorate shall have a right to establish a special procedure for such monitoring, inter alia, by ensuring proper performance of the requirement laid down in paragraph 6 of Article 12 hereof.

3. Within its competence, the State Nuclear Power Safety Inspectorate shall provide consultations to the persons engaged in licensed, permitted or certified activities on various issues relevant to their licensed, permitted or certified activities and operations.

Amended by No. XIII-288, 2017-04-20

4. For the violations of licensed or permitted activities the Head of the State Nuclear Power Safety Inspectorate shall issue sanctions in the manner and following the conditions laid down in this Law.

Article 29. Termination of the validity a Licence or a Permit

1. The validity of licences and permits shall be terminated by a decision of the Head of the State Nuclear Power Safety Inspectorate, if:

1) the licence or permit holder, whose licence or permit has been suspended, fails to eliminate the indicated violations (insufficiencies) within the prescribed time-limits;

2) the holder of a licence referred to in sub-paragraph 1 of paragraph 1 of Article 22 above has been issued a licence referred to in sub-paragraph 2 of paragraph 1 of Article 22 hereof;

3) the holder of a licence referred to in sub-paragraphs 2 and 3 of paragraph 1 of Article 22 above has been issued a licence referred to in sub-paragraph 4 of paragraph 1 of Article 22 hereof;

4) the restrictions on the use of the construction site of a nuclear installation have been revoked in the manner prescribed by the legal acts, and there is no further need to control the nuclear safety of licensed activities;

5) after the suspension of a licence or a permit, the holder of suspended licence or permit continues engaging in the licensed or permitted activities;

6) the licence or permit holder has requested to terminate the validity of its licence or permit;

7) the licence or permit holder was liquidated;

8) the licence or permit holder was reorganised by way of division or parcel out and rights and obligations under the same licence or permit are transferred to different legal entities that assume rights and obligations of the divided or parcelled out entity.

2. In liquidating or reorganising the licence holders referred to in sub-paragraphs 1-5 of paragraph 1 of Article 22 herein as per sub-paragraphs 7 and 8 of paragraph 1 of Article 29 herein, the licence holders shall provide the State Nuclear Power Safety Inspectorate with information of the basis for terminating the licensed activities and shall specify the persons who shall assume liability (rights and obligations) for ensuring the nuclear safety of nuclear installations. Such successors of rights and obligations must apply to the State Nuclear Power Safety Inspectorate for issuance of relevant licences and permits. In liquidating or reorganising the holders of licences referred to in sub-paragraphs 6 and 7 of paragraph 1 of Article 22 herein as per sub-paragraphs 7 and 8 of paragraph 1 of Article 29 herein, the licence holders shall provide the State Nuclear Power Safety Inspectorate with the information of the basis for terminating the licensed activities. The licence held by a person under liquidation or reorganisation shall be revoked with the effect from the moment of its liquidation or reorganisation as it is established by the legal acts, or from the moment of the transfer of liability (rights and obligations) in accordance with the procedure established in this paragraph.

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3. The licences referred to in sub-paragraphs 2 and 3 of paragraph 1 of Article 22 hereof, where the nuclear installation is a nuclear power plant, a nuclear power plant unit, or a research nuclear reactor, cannot be terminated and the licence referred to in sub-paragraph 4 of paragraph 1 of Article 22 above shall not be issued earlier than all nuclear fuel (including spent fuel) has been removed from a nuclear power plant, a nuclear power plant unit, or a research nuclear reactor.

4. After the suspension or termination of the validity of a licence or a permit, the activities which are subject to the issued licence shall be suspended or terminated in the manner prescribed by the legal acts within the reasonable time-limit given by the Head of the State Nuclear Power Safety Inspectorate, subject to means indispensable for implementation of suspension or termination and nuclear safety requirements.

5. The suspension or revocation of a licence or a permit shall not make the licence holder free from the liability to secure nuclear safety for as long as the nuclear installation or activities remain hazardous in terms of nuclear safety, i.e. they pose a risk to human beings, their property and environment; or for as long as a relevant licence has been issued to another person. After the liquidation or reorganisation of the licence

holder, the liability for ensuring nuclear safety shall be transferred to the person that assumes rights and obligations of the licence holder.

Amended by No. XIII-288, 2017-04-20

6. The decision of the Head of the State Nuclear Power Safety Inspectorate regarding the termination of the validity of a licence or a permit may be appealed to court in the manner established by laws.

CHAPTER SIX ASSESSMENT OF NUCLEAR SAFETY

Article 30. Concept of Assessment of Nuclear Safety, Persons Evaluating Nuclear Safety and Stages of Nuclear Safety Evaluation

1. The assessment of nuclear safety shall be a systematic process intended for verifying whether the operation of a nuclear installation and its decommissioning are safe – i.e. meet safety requirements established by the legal acts, standards or normative technical documents of the licence or permit holder. The assessment of nuclear safety shall be conducted in the prescribed manner at all the stages of a lifecycle of a nuclear installation. The assessment of nuclear safety shall get sufficient attention and shall be assigned sufficient resources. The amount of resources shall be adequate to a possible issue's impact on nuclear safety.

2. The assessment of nuclear safety shall be comprised of two main stages:

- 1) the analysis and justification of nuclear safety;
- 2) the review and evaluation of nuclear safety.

3. The analysis and substantiation of nuclear safety in the area of nuclear power activities as well as other activities involving nuclear and/or nuclear fuel cycle materials shall be carried out by the applicant or the licence holder. The analysis and substantiation of nuclear safety during the evaluation of the construction site of a nuclear power plant shall be carried out by the persons implementing a nuclear installation design. The results of the analysis and substantiation of nuclear safety shall be recorded in the nuclear safety assessment documents the requirements for which shall be established by the State Nuclear Power Safety Inspectorate following the principle that the scope and level of detail of the safety analysis and substantiation should be commensurate with the potential magnitude, nature and likelihood of occurrence of the hazard relevant for the specific nuclear installation or activities involving nuclear and/or nuclear fuel cycle materials, and should be also commensurate with the potential magnitude, nature and likelihood of occurrence of the hazard relevant for the construction site of the nuclear installation. The results of the analysis and substantiation of nuclear safety shall be independently verified in the manner set out by the State Nuclear Power Safety Inspectorate. The applicant or the licence holder shall be responsible for the performance of such independent verification, whereas in case of the evaluation of the construction site of a nuclear power plant, the responsibility for the performance of the independent verification shall fall on the persons implementing the nuclear installation design.

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4. The review and evaluation of nuclear safety shall be conducted by the State Nuclear Power Safety Inspectorate. The results of the review and evaluation of nuclear safety shall be executed in the documents which shall be established by this Law and other legal acts.

5. The applicant or the licence holder, whereas in case of evaluation of the construction site of a nuclear power plant – the persons implementing a nuclear installation project, shall have a right to involve scientific-technical support organisations and external experts, specialists, and consultants for carrying out the analysis and justification of nuclear safety and for preparing other related documents as well as for performing an independent verification of such documents, however, liability for the results of such activities shall fall either on the applicant or on the licence holder.

Article 31. Review and Assessment of Nuclear Safety

Nuclear safety shall be reviewed and assessed considering safety justifying documents prescribed by this Law and legal acts implementing this Law, all provided by the applicant, the licence, permit or certificate holder.

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Article 32. Documents of Safety Analysis and Justification of the Activities of Nuclear Installation and other Activities Related to Nuclear and/or Nuclear Fuel Cycle Materials

1. Safety analysis and justification of a construction site of a nuclear installation shall be performed prior to starting preparing the design of a nuclear installation that shall be fitted for a particular construction site. The results of such analysis and justification shall be reflected in a report on evaluation of the construction site of a nuclear installation, which (report) shall be coordinated with the State Nuclear Power Safety Inspectorate. All factors related to the construction site or its surroundings, that might have an impact on the nuclear safety of a nuclear installation, including physical protection and planning of emergency preparedness, shall be established when drafting such analysis and justification, as well as measures for compensating the drawbacks of the construction site of a nuclear power plant, if there are any, shall be suggested. The State Nuclear Power Safety Inspectorate shall coordinate a report on the evaluation of the construction site only after verifying that the results of the analysis and justification of the construction site are in line with requirements of the legal acts and after having received favourable opinion on the report of the evaluation of the construction site of a nuclear installation from the Lithuanian Hydrometeorological Service under the Ministry of Environment, the Ministry of Health, Lithuanian transport safety administration, the Lithuanian Geological Survey under the Ministry of Environment and the Fire and Rescue Department under the Ministry of the Interior. The procedure for the review of the report on the evaluation of the construction site of a nuclear installation shall be established by the Government.

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2. The applicant shall provide the State Nuclear Power Safety Inspectorate with an preliminary safety analysis report alongside with other documents accompanying the application for issuance of licences referred to in sub-paragraphs 1 and 3 of paragraph 1 of Article 22 hereof. Each nuclear power plant unit shall be subject to a separate preliminary safety analysis report. The requirements for preparation of a safety analysis report shall be established by the Head of the State Nuclear Power Safety Inspectorate.

3. The applicant, in addition to other documents accompanying the application for issuance of a licence referred to in sub-paragraph 2 of paragraph 1 of Article 22 hereof, or the licence holder, in addition to documents accompanying the application for issuance of permits referred to in sub-paragraphs 1 and 2 of paragraph 2 of Article 22 hereof, shall provide the State Nuclear Power Safety Inspectorate with a safety analysis report which has been updated according to design modifications that were introduced during the construction and according to the testing results of structures, systems and components which was performed as a part of a commissioning programme that has been coordinated with the State Nuclear Power Safety Inspectorate. Each nuclear power plant unit shall be subject to a separate updated safety analysis report.

4. In addition to other documents accompanying the application for issuance of a permit referred to in sub-paragraph 4 of paragraph 2 of Article 22 hereof, the licence holder shall provide a final safety analysis report prepared in accordance with the results of series of testing using nuclear and/or nuclear fuel cycle materials that was performed as part of a commissioning programme that has been coordinated with the State Nuclear Power Safety Inspectorate. Each nuclear power plant unit shall be subject to a separate final safety analysis report.

5. Upon introduction of modifications to a nuclear installation, or after discovering the circumstances which were not evaluated when designing, constructing and operating a nuclear installation or in other specified cases, the licence holder shall be required to update a safety analysis report of a nuclear installation in the manner established by the Head of the State Nuclear Power Safety Inspectorate. The amendments to a safety analysis report of a nuclear installation may be made only if they are coordinated with the State Nuclear Power Safety Inspectorate.

6. In case of implementation of separate modifications to a nuclear installation, testing that was not foreseen in the design, or other divergences from a nuclear installation design and other cases defined in the legal acts or the nuclear installation design shall be subject to a separate safety analysis and justification which shall be executed in the safety justification documenting. The procedure for drafting such documents shall be established by the Head of the State Nuclear Power Safety Inspectorate. After the State Nuclear Power Safety Inspectorate reviews and evaluates the submitted safety justification documents, the Head of the State Nuclear Power Safety Inspectorate shall pass a decision on the coordination of such documents.

7. Licence holders operating nuclear installations must, at the intervals stated in Article 32 Paragraph 7¹ below, make a periodic safety analysis and substantiation and prepare a periodic safety evaluation report.

The periodic safety analysis and substantiation and the periodic safety evaluation report must meet the following provisions:

1) during the periodic safety analysis and substantiation it shall be established whether, considering the changes in the site of a nuclear installation and/or its surroundings, ageing of structures, systems and components, and other factors that might have any impact on safety, it is ensured that the nuclear installation complies with its design and legal acts regulating nuclear safety, radiation and physical protection and emergency preparedness of nuclear installations and the normative technical documents of nuclear safety, and will continue to comply with the same until the next periodic safety analysis and substantiation. If during the periodic safety analysis and substantiation process cases of existing non-compliance with the design and legal acts regulating, at the moment of the periodic safety analysis and substantiation, nuclear safety, radiation and physical protection and emergency preparedness of nuclear installations and requirements of the normative technical documents of nuclear safety are detected, or cases of non-compliance of this type are detected that may occur until the next periodic safety analysis and substantiation, the licence holder must define corrective actions to eliminate the cases of non-compliance. The actions and time-limits to implement them must be indicated in the periodic safety evaluation report;

2) during the periodic safety analysis and substantiation the licence holder shall analyse most recent research results and developments in international nuclear safety standards as well as best international practices, and shall also assess the results of operational experience of the licence holder and other operators in the sector of nuclear power. If the results of the analysis and assessment identify areas where improvements of nuclear safety, radiation and physical protection and emergency preparedness may be implemented, the licence holder shall define safety improvement measures. The safety improvement measures and time-limits to implement them must be indicated in the periodic safety evaluation report and be in line with proven engineering practices;

3) during the periodic safety analysis and substantiation it shall be established whether discharged radionuclides, their activity, pathways, media or points of discharge are in compliance with a plan for discharge of radionuclides into the environment. If cases of non-compliance are identified, the updated plan for discharge of radionuclides into the environment shall be enclosed to the periodic safety evaluation report;

4) pursuant to Article 32 Paragraph 7¹, the safety evaluation report shall specify the deadline for the next periodic safety analysis and substantiation.

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7¹. Periodic safety analysis and substantiation shall be carried out and a periodic safety evaluation report shall be submitted for coordination to the State Nuclear Power Safety Inspectorate:

1) not less frequently than every 10 years after the issuance of the permit referred to in Article 22 Paragraph 2 Subparagraph 4 hereof, except for the cases referred to in Article 22 Paragraph 2 Subparagraph 2 and 3;

2) not less frequently than every 10 years after the coordination of the first periodic safety evaluation report of a nuclear installation with the State Nuclear Power Safety Inspectorate, where a licence to operate the nuclear installation at issue was granted before 1 October 2011;

3) by 29 December 2020 and not less frequently than every 10 years thereafter, where the first periodic safety evaluation report of a nuclear installation has not been lodged for coordination to the State Nuclear Power Safety Inspectorate by 15 August 2017.

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7². The requirements for the nuclear safety, radiation and physical protection and emergency preparedness of nuclear installations applicable in the process of the periodic safety analysis and substantiation shall be established by the State Nuclear Power Safety Inspectorate to the extent that they are not regulated by Article 32 Paragraph 7.

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7³. Where the periodic safety evaluation report of a nuclear installation has not been submitted for coordination to the State Nuclear Power Safety Inspectorate within the time-limits stated in Article 32 Paragraph 7¹, in the earlier periodic safety evaluation report pursuant to Article 32 Paragraph 7 Subparagraph 4 or in Article 32 Paragraph 7⁸, the Head of the State Nuclear Power Safety Inspectorate shall:

1) warn the licence holder about the possible suspension of the licence for failure to submit the periodic safety evaluation report;

2) order to submit the periodic safety evaluation report for coordination and set a period of one year

from the receipt of such a decision for the submission of the periodic safety evaluation report for coordination by the licence holder;

3) order to suspend the operation of the nuclear installation for which no periodic safety evaluation report has been submitted and define the period of suspension.

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7⁴. The decisions referred to in Article 32 Paragraph 7³ Subparagraphs 1, 2 and 3 shall be adopted by the Head of the State Nuclear Power Safety Inspectorate and notified to the licence holder in writing within 5 business days after the expiry of the time-limit for the submission of the periodic safety evaluation report referred to in Article 32 Paragraph 7¹, in the earlier periodic safety evaluation report pursuant to Article 32 Paragraph 7 Subparagraph 4 or in Article 32 Paragraph 7⁸.

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7⁵. A licence shall be suspended in case of failure to submit the periodic safety evaluation report for coordination to the State Nuclear Power Safety Inspectorate within the time-limits stated in Article 32 Paragraph 7³ Subparagraph 2. The Head of the State Nuclear Power Safety Inspectorate shall take a decision to revoke the suspension of the licence and the suspension of the operation of the nuclear installation after the periodic safety evaluation report has been coordinated with the State Nuclear Power Safety Inspectorate.

Supplemented by No. XIII-655, 2017-09-28

7⁶. The Head of the State Nuclear Power Safety Inspectorate shall take a decision to refuse coordination of the periodic safety evaluation report where the provisions of this Law, the Nuclear Energy Law, the Radiation Protection Law, the Law on the Management of Radioactive Waste and normative technical documents of nuclear safety are not satisfied and/or information provided in the report is factually incorrect. The decision on the coordination of the periodic safety evaluation report shall be documented by an order of the Head of the State Nuclear Power Safety Inspectorate.

Supplemented by No. XIII-655, 2017-09-28

7⁷. When deciding to refuse coordination of the periodic safety evaluation report, the Head of the State Nuclear Power Safety Inspectorate shall order the suspension of the operation of the nuclear installations under assessment in the report or the suspension of individual technological processes in the nuclear installation and set the period of suspension of the operation or technological processes if this is necessary to prevent adverse effects of ionising radiation on the employees of the nuclear installation, residents, their property and/or the environment. The Head of the State Nuclear Power Safety Inspectorate shall repeal this decision after the periodic safety evaluation report has been coordinated.

Supplemented by No. XIII-655, 2017-09-28

7⁸. If the Head of the State Nuclear Power Safety Inspectorate refuses the coordination of the periodic safety evaluation report, the licence holder shall, subject to the motives of the non-coordination, repeat the periodic safety analysis and substantiation and submit the new periodic safety evaluation report for coordination to the State Nuclear Power Safety Inspectorate within one year after the receipt of the decision refusing the coordination of the periodic safety evaluation report.

Supplemented by No. XIII-655, 2017-09-28

7⁹. In case of failure to implement corrective actions indicated in the periodic safety evaluation report in accordance with Article 32 Paragraph 7 Subparagraph 1 above by the time-limits stated in the report, administrative sanctions shall apply in the procedure laid down in Article 6 of this Law.

Supplemented by No. XIII-655, 2017-09-28

8. In addition to the safety analysis report, the State Nuclear Power Safety Inspectorate shall be provided with all design documents of a nuclear installation design, which are required for the evaluation of the safety analysis report. The nuclear installation design documentation shall establish and classify all the structures, systems and components of a nuclear installation according to their functions and importance to safety, and shall contain a comprehensive description of all the structures, systems and components and technological processes that are important to safety.

9. In addition to other documents accompanying the application for the issuance of a licence referred to in sub-paragraph 4 of paragraph 1 of Article 22 hereof, the applicant shall provide for the State Nuclear

Power Safety Inspectorate's coordination a report on safety analysis of decommissioning of a nuclear installation.

10. In addition to documents accompanying the application for the issuance of a licence referred to in sub-paragraphs 1 or 3 of paragraph 1 of Article 22 hereof, the applicant shall submit to the State Nuclear Power Safety Inspectorate an preliminary plan for decommissioning of a nuclear installation. In addition to documents accompanying the application for the issuance of a licence referred to in sub-paragraph 2 of paragraph 1 of Article 22 hereof or permits referred to in sub-paragraphs 2 or 3 of paragraph 2 of Article 22 hereof, the applicant shall submit to the State Nuclear Power Safety Inspectorate an updated plan for decommissioning of a nuclear installation. The plans for decommissioning of a nuclear installation that are submitted to the State Nuclear Power Safety Inspectorate shall be coordinated with the Ministry of Energy and approved by the applicant.

11. *Repealed by No. XIII-655, 2017-09-28*

12. The licence holder shall investigate, identify the cause and provide an investigation report to the State Nuclear Power Safety Inspectorate regarding all unusual events that have occurred in nuclear installations or during activities with nuclear and/or nuclear fuel cycle materials. The procedure for preparation and submission of the unusual event investigation reports shall be established by the Head of the State Nuclear Power Safety Inspectorate.

13. In addition to documents accompanying the application for the issuance of licences referred to in sub-paragraphs 2 and 4 of paragraph 1 of Article 22 hereof and permits referred to in sub-paragraphs 2 and 3 of paragraph 2 of Article 22 hereof, there shall be also submitted a plan for radioactive discharges into environment that is coordinated with the Ministry of Health. A plan for radioactive discharges into environment shall be prepared and updated in accordance with the procedure established by the Head of the State Nuclear Power Safety Inspectorate.

14. A plan for radioactive discharges into environment shall be updated and submitted to the State Nuclear Power Safety Inspectorate and the Ministry of Health for coordination in the following cases:

1) in case, according to the decision of the Government, next to an already existing nuclear installation it is intended to start designing a new nuclear installation (which may impact the same critical group of the population, the meaning of which (group) is defined by the legal acts regulating radiological monitoring);

2) in case there are found a new discharged radionuclides, or their pathways, media or points of discharge;

3) in case it was found out that radionuclides that were not identified in a plan for radioactive discharges into environment had been discharged into environment (unplanned release);

4) in case exposure dose of the members of critical groups of population exceeds or might exceed the dose constraint;

5) in other cases established by this Law.

15. A decision of the Head of the State Nuclear Power Safety Inspectorate on coordination of the documents referred to in paragraph 1 of this Article shall be adopted not later than within 12 months after the receipt of all the duly executed documents.

16. A decision of the Head of the State Nuclear Power Safety Inspectorate on coordination of the documents referred to in paragraphs 5 and 6 of this Article shall be adopted not later than within 6 months after the receipt of all the duly executed documents.

17. A decision of the Head of the State Nuclear Power Safety Inspectorate on coordination of the documents referred to in paragraph 7 of this Article shall be adopted not later than within 18 months after the receipt of all the duly executed documents.

18. The time-limits set out in paragraphs 15, 16 and 17 of this Article may be extended on one occasion for a period that does not exceed 30 days. After having passed a decision on the extension of the time-limit, the State Nuclear Power Safety Inspectorate shall notify the applicant in writing of the extension not less than 5 business days prior to the expiry of the time-limit set out in paragraphs 15-17 of this Article and also provide the reasons for such extension.

Article 33. Evaluation of Safety of Nuclear and/or Nuclear Fuel Cycle Materials and Closed Radioactive Waste Disposal Facilities

In addition to documents accompanying the application for the issuance of licences referred to in sub-paragraphs 5, 6 and 7 of paragraph 1 of Article 22 hereof, the applicant shall submit to the State Nuclear Power Safety Inspectorate a report on substantiation of safety of operations. The requirements for the report on

substantiation of safety of operations shall be established by the Head of the State Nuclear Power Safety Inspectorate.

Article 34. Procedure for Preparation, Review and Evaluation of Safety Analysis Reports and Other Technical Documentation Related to Nuclear Safety

1. The contents, form, and comprehensiveness of the documents referred to in paragraphs 32 and 33 of this Law shall be in line with the requirements established by the Head of the State Nuclear Power Safety Inspectorate, and the information contained therein shall be complete and provide an objective perception of the level of nuclear safety.

2. Safety analysis reports and other documents related to the evaluation of nuclear safety shall be reviewed and evaluated by the State Nuclear Power Safety Inspectorate. Safety analysis reports and other documents related to the evaluation of nuclear safety, except for documents accompanying the application for the issuance of licences or permits referred to in paragraphs 1 and 2 of Article 22 above and other documents which are to be evaluated within the time-limits indicated in other Articles of this Law, shall be reviewed and evaluated by the State Nuclear Power Safety Inspectorate which shall pass a relevant decision regarding the evaluation not later than within 3 months from the receipt of all the required and duly executed documents or other information that was requested by the State Nuclear Power Safety Inspectorate and from the eliminating of the indicated insufficiencies. In case the scope and nature of the submitted documents requires to convene a commission, or a meeting, or consult with other institutions or undertake any other preparatory measures due to which the response time might exceed the period of 3 months, the response time may be extended for a maximum additional period of 3 months by a decision of the Head of the State Nuclear Power Safety Inspectorate which shall be adopted not less than 1 month prior to the expiry of the set time-limit and the applicant shall be notified about such extension in writing.

3. After the State Nuclear Power Safety Inspectorate examines the safety analysis reports and other documents evidencing nuclear safety on the basis of the results of testing conducted in accordance with the procedure and conditions set out in this Law and other legal acts, the Head of the State Nuclear Power Safety Inspectorate shall pass a decision on compliance with nuclear safety requirements of the nuclear installation or its activities.

CHAPTER SEVEN

PREVENTION AND MANAGEMENT OF AND EMERGENCY PREPAREDNESS TO NUCLEAR AND RADIOLOGICAL ACCIDENTS, NUCLEAR INCIDENTS AND OTHER UNUSUAL EVENTS *Amended by No. XIII-655, 2017-09-28*

Article 34¹. Limitation of the Consequences of Nuclear and Radiological Accidents

1. A licence holder shall ensure the prevention of nuclear and radiological accidents in the nuclear installation resulting in such discharges of radionuclides into the environment that would:

1) prevent the timely application of the preventive actions set out in legal acts approved by the Minister for Health;

2) lead to the application of the preventive actions for the population set out in legal acts approved by the Minister for Health in large areas and/or for very long periods.

2. When approving legal acts governing the evaluation of construction sites of nuclear installations, construction and/or design, commissioning, operation and decommissioning of nuclear installations, the State Nuclear Power Safety Inspectorate shall define implementation criteria for the objective referred to in Article 34¹ Paragraph 1 and technical specifications of the means of pursuing the objective. When approving the aforementioned legal acts, the State Nuclear Power Safety Inspectorate shall take account of the publications made by the European Nuclear Safety Regulators Group and the Western European Nuclear Regulators Association as well as the safety requirements set out by the International Atomic Energy Agency.

3. The objective referred to in Article 34¹ Paragraph 1 above shall be implemented in:

1) nuclear installations other than radioactive waste disposal facilities, for which the licence referred to in Article 22 Paragraph 1 Subparagraph 1 or Article 22 Paragraph 1 Subparagraph 2 of the Law has been granted after 14 August 2014;

2) radioactive waste disposal facilities, for which application to issue the licence referred to in Article 22 Paragraph 1 Subparagraph 1 or Article 22 Paragraph 1 Subparagraph 2 of the Law has been filed after 14 August 2017.

4. The objective referred to in Article 34¹ Paragraph 1 shall apply to nuclear installations other than those referred to in Article 34¹ Paragraph 3 in the context of analysis and improvement of the state of nuclear safety, radiation and physical protection as well as periodic safety analysis and substantiation.

Supplemented by No. XIII-655, 2017-09-28

Article 35. Prevention and Management of Nuclear and Radiological Accidents and Nuclear Incidents and Mitigation of Their Consequences

1. With a view to preventing nuclear and radiological accidents and nuclear incidents mitigating their consequences, the design, commissioning and operation of a nuclear installation shall incorporate the defence-in-depth principle, meaning the implementation of multiple physical barriers to prevent the spread of radionuclides and/or to suppress ionising radiation and the provision of technical and/or organisational measures to ensure the integrity of the barriers as well as technical and/or organisational measures to mitigate the detrimental effects of ionising radiation that would apply in case the barriers collapse or their effectiveness is reduced. Requirements for the application of the defence-in-depth principle shall be set out by the State Nuclear Power Safety Inspectorate.

2. The technologies incorporated in the design and construction of a nuclear installation must be in line with proven engineering practices, i.e. based on experience or qualified by testing or analysis. Requirements for the application of proven engineering practices shall be set out by the State Nuclear Power Safety Inspectorate.

3. At the stage of siting, design, construction, commissioning, operation and decommissioning of a nuclear installation, it is necessary to ensure that prevention of nuclear and/or radiological accidents and nuclear incidents in the nuclear installation is sought through the use of design solutions, technical and organisational measures. Requirements for the design, construction, commissioning, operation and decommissioning of nuclear installations in the area of prevention of nuclear and radiological accidents and nuclear incidents as well as nuclear safety assessment criteria shall be set out by the State Nuclear Power Safety Inspectorate.

4. Nuclear installations must have in place technical and organisational measures for managing nuclear and radiological accidents in the nuclear installations and limiting the consequences of such accidents. Requirements for the technical and organisational measures aimed at managing nuclear and radiological accidents in the nuclear installations and limiting the consequences of such accidents shall be set out by the State Nuclear Power Safety Inspectorate.

5. In order to prevent nuclear and/or radiological accidents, nuclear incidents and other unusual events as well as to avoid their reoccurrence and to secure and further improve safety in the area of nuclear power, the licence holder shall, at all stages of the lifecycle of the nuclear installation or in the course of relevant activities, be required to regularly analyse its own experience or experience of other persons operating in the sector of nuclear power, exchange such experience and take necessary preventive and/or corrective measures that would ensure the proper implementation of nuclear safety requirements in the manner prescribed by the State Nuclear Power Safety Inspectorate.

Amended by No. XIII-655, 2017-09-28

Article 36. Notification of Nuclear and Radiological Accidents, Nuclear Incidents and Other Unusual Events

1. The State Nuclear Power Safety Inspectorate is an institution authorised by the State to communicate and obtain information according to the 1986 Convention of Early Notification of a Nuclear Accident, according to 87/600/Euratom Council Decision of 14 December 1987 on Community Arrangements for the Early Exchange of Information in the Event of a Radiological Emergency (OL special edition, 2004, Chapter 15, volume 1, p. 337) and according to the intergovernmental bilateral treaties.

2. The holders of licences and permits must promptly notify the State Nuclear Power Safety Inspectorate of the occurring nuclear and radiological accidents, nuclear incidents and other unusual events. The procedure for communicating notifications shall be established by the State Nuclear Power Safety Inspectorate.

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Article 37. Investigation and Classification of Unusual Events

1. The unusual events in nuclear installations and in activities involving the use of nuclear and/or nuclear fuel cycle materials shall be classified by the licence holder in accordance with the IAEA International Nuclear and Radiological Event Scale (INES).

2. Independently from the licence holder the State Nuclear Power Safety Inspectorate shall analyse the unusual events and based on the conducted analysis shall finalise the approval of their classification.

3. Based on the results and findings of the unusual events analysis, the licence holders shall prepare and implement measures for the prevention of such or similar events.

Article 38. Emergency Preparedness

1. Based on the Law on Civil Protection of the Republic of Lithuania, a national plan for the protection of population in the event of a nuclear or radiological accident shall be prepared and reviewed on a regular basis. Such plan shall foresee measures for the protection of the population of the Republic of Lithuania, their property and the environment against nuclear or radiological accidents in nuclear installations and their consequential radiological hazards, irrespective of whether the source of radiological hazard is within or outside the territory of the Republic of Lithuania.

Amended by No. XIII-655, 2017-09-28

2. Ministries and/or their authorised institutions, municipal institutions which, within the competences assigned to them, are to perform the functions of civil protection in preparations for response to and during impending or actual nuclear or radiological accident in a nuclear installation, as well as the holders of the licence referred to in Article 22 Paragraph 1 Subparagraphs 1 to 5 of this Law, shall take part in the development of the plan mentioned in Article 38 Paragraph 1 above.

Amended by No. XIII-655, 2017-09-28

3. An assessment of the dangers arising from nuclear installations for the Republic of Lithuania in the event of nuclear or radiological accidents, which is required for the development of the national plan for the protection of population in the event of a nuclear or radiological accident, shall be carried out by the State Nuclear Power Safety Inspectorate on the basis of analyses of consequences of nuclear and radiological accidents in nuclear installations within the territory of the Republic of Lithuania, as carried out by the licence holders in accordance with the Law on Nuclear Energy of the Republic of Lithuania, and of data on nuclear installations in the neighbouring countries.

Supplemented by No. XIII-655, 2017-09-28

4. In case of a nuclear or radiological accident, the holder of the licence referred to in Article 22 Paragraph 1 Subparagraphs 2 to 5 of this Law shall take part in the implementation of the national plan for the protection of population in the event of a nuclear or radiological accident and shall provide relevant information to the institutions specified in the plan.

Amended by No. XIII-655, 2017-09-28

5. Emergency preparedness plans shall be developed in all nuclear installations and shall remain effective (as amended) until the full decommissioning of such installations, with the exception of radioactive waste disposal facilities the emergency preparedness plans of which shall remain effective until the end of post-closure surveillance of radioactive waste disposal facilities (repositories). The emergency preparedness plans shall be tested at least once per year by organising training and exercises. The State Nuclear Power Safety Inspectorate shall establish special requirements for emergency preparedness and shall coordinate the emergency preparedness plans. The emergency preparedness plans of nuclear installations shall be approved by the licence holder.

Amended by No. XIII-655, 2017-09-28

6. In addition to other documents accompanying the application for the issuance of licences referred to in sub-paragraphs 1 and 3 of paragraph 1 of Article 22 hereof, the applicant shall submit to the State Nuclear Power Safety Inspectorate a preliminary emergency preparedness plan.

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7. In addition to other documents accompanying the application for the issuance of licences referred to in sub-paragraph 2 of paragraph 1 of Article 22 hereof, or permits referred to in sub-paragraphs 2 and 3 of

paragraph 2 of Article 22 hereof, the applicant shall submit to the State Nuclear Power Safety Inspectorate a final emergency preparedness plan.

Amended by No. XIII-655, 2017-09-28

8. The applicant seeking to obtain a licence referred to in Article 22 Paragraph 1 Subparagraph 2 hereof, and the licence holder seeking to obtain permits referred to in Article 22 Paragraph 2 Subparagraphs 2 and 3 hereof, shall provide information showing that the emergency preparedness plans have been duly tested. The procedure for such testing shall be established by the State Nuclear Power Safety Inspectorate.

Amended by No. XIII-655, 2017-09-28

9. The holders of the licences referred to in Article 22 Paragraph 1 Subparagraphs 2, 3 and 4 of this Law which have developed or revised the final emergency preparedness plan of the nuclear installation and the holders of the licence referred to in Article 22 Paragraph 1 Subparagraph 5) hereof which have developed or revised the emergency preparedness plan shall, within 30 days after the development or revision of the plan, inform economic entities operating in the sanitary protection area of the nuclear installation of the measures provided for in the emergency preparedness plan of the nuclear installation that may have effects on the usual conditions of their activities.

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CHAPTER EIGHT SUBMISSION OF INFORMATION

Article 39. Obligation to Inform the Public and Other Persons Concerned

1. The State Nuclear Power Safety Inspectorate and the holders of licences referred to in Article 22 Paragraph 1 hereof shall provide persons concerned, whether at the request of the persons concerned or on the initiative of the licence holders, with available information related to nuclear safety, radiation and physical protection and international obligations of the non-proliferation of nuclear weapons, unless such information is qualified as unauthorised in accordance with Article 39¹ Paragraph 10 below or on other statutory grounds. Information requested by the person concerned shall be provided within 20 business days after the receipt of the request, except for cases specified in Article 39 Paragraphs 4 and 6. Where the requested information is abundant or complex, this term may be extended by another 20 business days, by giving notice to that effect to the requesting person no later than on the next business day and explaining the reasons for such extension. Where the person concerned asks to clarify or supplement the request, the time-limit for the provision of information is reckoned from the date of receipt of the clarified or supplemented request.

2. The State Nuclear Power Safety Inspectorate and the holders of licences referred to in Article 22 Paragraph 1 hereof are obliged to inform state and municipal institutions and agencies, the general public and other persons whose business activities are directly related to the licensed activities of the licence holders about the state of nuclear safety, radiation and physical protection at least once a year in the mass media and/or by publishing information about their activities on their websites. The State Nuclear Power Safety Inspectorate shall also organise, at least once every three years, meetings with municipal institutions, agencies, the general public and other stakeholders in the vicinity of a nuclear installation to inform them on the state of nuclear safety, radiation and physical protection of the nuclear installation. The State Nuclear Power Safety Inspectorate shall, at least once a year, deliver public announcements on the results of supervision of the activities of economic entities, which are supervised by the State Nuclear Power Safety Inspectorate pursuant to this and other laws, in the mass media and/or on its website.

3. The holders of a licence referred to in Article 22 Paragraph 1 Subparagraph 2 and the holders of permits referred to in Article 22 Paragraph 2 Subparagraphs 1, 2 and 4 hereof shall provide their workers and other persons authorised to access the site of a nuclear installation with the following information about operating conditions of the nuclear installation and the compliance of the existing operating conditions with the normal operating conditions of the nuclear installation:

1) information regarding the on-site radiological conditions of the nuclear installation and the radiological conditions in premises where the aforementioned people are expected to work or which they are expected to visit and/or regarding the compliance thereof with the requirements for nuclear safety laid down in the legal acts and normative technical documents regulating radiation protection in nuclear installations;

2) information about any existing deviations from the normal operating conditions when such deviations may affect the health of those people;

4. The information referred to in Article 39 Paragraph 3 above shall be provided to the persons mentioned in Article 39 Paragraph 3 or those persons must be provided access to such information before each access to the site of the nuclear installation.

5. The holders of the licence referred to in Article 22 Paragraph 1 Subparagraph 2 and the holders of the permits referred to in Article 22 Paragraph 2 Subparagraphs 1, 2 and 4 hereof shall provide the general public with the following information about operating conditions of a nuclear installation and the compliance of the existing operating conditions with the normal operating conditions of the nuclear installation:

1) radiological conditions on-site and within the nuclear installation and/or compliance of the radiological conditions with the requirements for nuclear safety laid down in the legal acts and normative technical documents regulating radiation protection in nuclear installations;

2) discharge of radionuclides into the environment from the nuclear installation and/or compliance of the discharge with the requirements laid down in the legal acts and nuclear safety normative technical documents regulating authorised limits for radioactive discharges from nuclear installations;

3) any existing deviations from the normal operating conditions when such deviations may affect the health and safety of people, their property and the environment.

6. The information referred to in Article 39 Paragraph 5 above shall be published in the mass media and/or on the website of the holder of the licence or permit referred to in Article 39 Paragraph 5. When such information is requested by the person concerned, it must be provided no later than one business day after the receipt of the request for such information.

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Article 39¹. Public Participation in Decision-Making in the Area of Nuclear Power

1. The general public, which is understood in this Article as one or more natural and/or legal persons, their associations, organisations or groups, shall be entitled to participate in making the following decisions in the area of nuclear power in accordance with the procedure laid down in this Article below:

1) decisions on the coordination of a nuclear installation site evaluation report;

2) decisions on the issuance of licences referred in Article 22 Paragraph 1 Subparagraphs 1 to 5 of the Law;

3) decisions on the issuance of permits referred in Article 22 Paragraph 2 Subparagraph 1 of the Law to the holder of licences referred to in Article 22 Paragraph 1 Subparagraph 3 hereof;

4) decisions on the issuance of permits referred in Article 22 Paragraph 2 Subparagraph 2 of the Law to the holder of licences referred to in Article 22 Paragraph 1 Subparagraph 3 hereof.

2. In case of other decisions of the State Nuclear Power Safety Inspectorate and other authorities or bodies adopted pursuant to this Law, the Law on Nuclear Energy and the Law on the Management of Radioactive Waste, the general public shall be entitled to receive information in accordance with other legal acts regulating the provision of information by public authorities. However, the restrictions referred to in Article 39¹ Paragraphs 10 and 11 shall *mutatis mutandis* apply to the provision of information regarding such decisions.

3. The process of public participation in decision-making in the area of nuclear power consists of the following:

1) provision of information to the general public on the initiation of the processes referred to in Article 39¹ Paragraph 1 above;

2) public access to the documents necessary for passing the decisions referred in Article 39¹ Paragraph 1 above;

3) public access to draft decisions referred to in Article 39¹ Paragraph 1 above;

4) submission of public comments, information, analyses and opinions (“proposals”) regarding the documents and draft decisions specified in Article 39¹ Paragraphs 2 and 3 of the Law, respectively;

(5) public deliberation of the documents necessary for passing the decisions referred in Article 39¹ Paragraph 1 above or final drafts of the decisions referred to Article 39¹ Paragraph 1 above.

4. The general public shall have the right of access to the documents required for the purposes of the decisions referred to in Article 39¹ Paragraph 1 of the Law, except for documents and information contained therein the disclosure of which is prohibited under law, and shall submit proposals to the economic entity within one month after the provision of information on the initiation of the processes referred to in Article 39¹ Paragraph 1 of the Law. In cases where the documents required for making the decisions referred to in Article 39¹ Paragraph 1 are submitted later than the beginning of the processes referred to in Article 39¹ Paragraph 1, proposals in relation to such documents shall be provided to the economic entity within one month after the announcement of the submission of the documents to the State Nuclear Power Safety Inspectorate. This access

shall be organised by the economic entity in accordance with Article 39¹ Paragraph 9. The body of the municipality within territory of which activities related to the decisions referred to in Article 39¹ Paragraph 1 are to be undertaken shall make available to the economic entity, upon its request, free of charge the premises necessary for the entity to comply with the obligation of public access to the documents referred to herein.

5. The State Nuclear Power Safety Inspectorate shall inform the public that a draft decision referred to in Article 39¹ Paragraph 1 has been prepared and shall provide access to the draft decision and documents submitted for the decision, and allow written proposals in relation thereto, no later than:

1) three months of the deadline set in Article 32 Paragraph 15 of the Law for the adoption of the decisions referred in Article 39¹ Paragraph 1 Subparagraph 1 hereof;

2) five months of the deadline set in Article 25 Paragraph 16 of the Law for the adoption of the decisions regarding the issuance of the licences referred in Article 22 Paragraph 1 Subparagraphs 1, 2, 3 and 4 hereof;

3) five months of the deadline set in Article 25 Paragraph 17 of the Law for the adoption of the decision regarding the issuance of the licence referred in Article 22 Paragraph 1 Subparagraph 5 hereof;

4) two months of the deadline set in Article 26 Paragraph 7 of the Law for the adoption of the decisions referred in Article 39¹ Paragraph 1 Subparagraphs 3 and 4 applied for by the holder of the licence described in Article 22 Paragraph 1 Subparagraph 3 hereof.

6. The general public shall have the right of access to the draft decisions and may submit written proposals to the State Nuclear Power Safety Inspectorate:

1) regarding the draft decisions referred to in Article 39¹ Paragraph 1 Subparagraphs 1 and 2 - within two months of the information under Article 39¹ Paragraph 5;

2) regarding the draft decisions referred to in Article 39¹ Paragraph 1 Subparagraphs 3 and 4 - within one month of the information under Article 39¹ Paragraph 5.

7. All proposals made by the public must be evaluated. The economic entity shall provide written information on how the proposals have been evaluated, together with the reasons for not taking the proposals into account, if any, to the public representatives, who submitted the proposals to the economic entity. The State Nuclear Power Safety Inspectorate shall publish such information together with the final decision.

8. Public deliberation of the documents required for the decisions referred to in Article 39¹ Paragraph 1 and of the final draft decisions referred to in Article 39¹ Paragraph 1 shall not be mandatory. Public deliberation may be organised on the initiative of the economic entity (for the documents required to make the decisions referred to in Article 39¹ Paragraph 1) or the State Nuclear Power Safety Inspectorate (regarding the final draft decisions referred to in Article 39¹ Paragraph 1) when there are numerous proposals, in order to provide a quicker and more effective public access to the information relevant to the decisions referred to in Article 39¹ Paragraph 1. During the public deliberation, the content of the documents referred to in this paragraph shall be presented, proposals received shall be discussed, explanations shall be provided as to why and which proposals will be disregarded, and additional proposals shall be heard. The public deliberation shall be organised at the expense of the entity which initiated it.

9. The procedure for organising the process of public participation in decision-making in the area of nuclear power shall be defined by the State Nuclear Power Safety Inspectorate.

10. Information not subject to the provisions of the Law of the Republic of Lithuania on the Right to Obtain Information from State and Municipal Institutions and Agencies shall not be made available for the general public in the process of public participation in decision-making in the area of nuclear power, except for:

1) information constituting commercially confidential information, if it is related to the discharge of radionuclides into the environment important for environmental protection;

2) personal forename, surname and position where the application documents contain this information with indication of the person who has signed, endorsed or approved the document to be submitted and where the forename, surname and position are specified in the information of appointment to carry out the functions when such appointment requires notification to the State Nuclear Power Inspectorate in accordance with its legislation.

11. The request for information shall not be considered in the process of public participation in decision-making in the area of nuclear power and the person requesting for information shall be informed of the reasons thereof in the cases specified in the Law on Public Administration when:

1) the State Nuclear Power Inspectorate or other institutions and agencies involved in making the decisions referred to in Article 39¹ Paragraph 1 above are not in possession of the information requested;

2) the request is related to information which is under preparation (provisional information), except for the information referred to in Article 39¹ Paragraph 3 Subparagraph 3 of the Law.

Article 40. Provision of Data to the State Register of Sources of Ionising Radiation and Exposure of Workers

The holder of a licence referred to in sub-paragraphs 1-4 of paragraph 1 of Article 22 hereof must provide the data on the sources of ionising radiation in a nuclear installation and the workers working with the sources of ionising radiation to the State Register of Sources of Ionising Radiation and Exposure of Workers in the manner prescribed by the legal acts.

Article 41. Urgent Information

1. Upon the occurrence of a nuclear or radiological accident or nuclear incident in a nuclear installation as well as in case of a nuclear accident, radiological accident or nuclear incident related to the use of nuclear and/or nuclear fuel cycle materials, the holder of a relevant licence must promptly provide information regarding such occurrence in the manner established by the plans for emergency preparedness.

2. In accordance with the procedure established by the Republic of Lithuania, international legislation, international treaties and/or agreements between the State Nuclear Power Safety Inspectorate and foreign authorities, the State Nuclear Power Safety Inspectorate shall provide urgent information to nuclear safety supervisory authorities and other authorities concerned in the neighbouring European Union Member States, other European Union Member States, other states and international organisations about the fact of a nuclear and/or radiological accident in a nuclear installation, a radiological accident occurring in the course of activities involving ionising radiation sources in the area of nuclear power or the fact of a nuclear incidents as well as the technical circumstances, process of liquidation and consequences of such unusual events, and the forecasted or established class of the nuclear or radiological accident or nuclear incident according to the INES scale and the recommended actions for the protection of the population.

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Article 42. Reports

1. The State Nuclear Power Safety Inspectorate shall regularly and publicly announce the information about the level of nuclear safety in the Republic of Lithuania.

2. Not less frequently than once per year the holder of a licence referred to in sub-paragraphs 1-5 of paragraph 1 of Article 22 hereof shall be required to publicly announce the information about the nuclear safety condition of a relevant installation.

3. Not less frequently than once per year the holder of a licence referred to in Article 22 Paragraph 1 Subparagraphs 1 to 5 hereof shall report to the State Nuclear Power Safety Inspectorate on the ensuring of nuclear safety, radiation and physical protection in performance of licensed or permitted activities. The content of the report and the procedure of reporting shall be set out by the State Nuclear Power Safety Inspectorate.

Supplemented by No. XIII-655, 2017-09-28

**CHAPTER NINE
SCIENTIFIC TECHNICAL SUPPORT OF NUCLEAR SAFETY**

Article 43. Purpose of Scientific Technical Support of Nuclear Safety

The purpose of the system of scientific technical support of nuclear safety shall be to assist the State Nuclear Power Safety Inspectorate in performing its regulation and supervision functions and assist the licence holders in ensuring and improving nuclear safety. The said support may be provided in the form of consultations during the design, construction, performing scientific or expert investigations and other works, which require high scientific technical qualification, competence, special knowledge and skills.

Article 44. System of Scientific Technical Support of Nuclear Safety

The system of scientific technical support of nuclear safety shall comprise the following:

1) the Lithuanian and foreign institutions engaged in studies, scientific research, design and construction and in other activities as well as the other legal entities – the scientific technical support

organisations (the STSO), having required scientific technical qualifications, competence, special knowledge and skills in the area of assurance, regulation and monitoring of nuclear safety;

2) experts and consultants having requisite scientific technical qualification, competence, special knowledge and skills in the area of assurance, improvement, regulation and monitoring of nuclear safety.

Article 45. Business Principles of the System of Scientific Technical Support of Nuclear Safety

In selecting specific contractors, the principle of impartiality of the contractors shall be applied. The STSO or experts and consultants which have already participated in preparing the documents on a nuclear installation design or the documents required for the evaluation of nuclear safety that were submitted when obtaining a licence or participated in the preparation of such documents under request of the licence holder, shall not participate in performing the review and evaluation of the same documents. The STSO and the experts and consultants shall declare compliance with this requirement and their impartiality in the course of their selection carried out in the manner set out by the legal acts.

CHAPTER TEN LIABILITY FOR VIOLATIONS OF THIS LAW

Article 46. Legal Grounds of Liability

The persons that do not comply, disobey or violate the provisions of this Law or other legal acts regulating nuclear safety shall be liable in the manner established by this Law and other legal acts.

Article 47. Fines

1. If a legal entity fails to act in line with the requirements established by this Law and other legal acts that regulate nuclear safety and radiation protection in carrying out activities related to nuclear energy and involving sources of ionising radiation, as well as physical protection requirements, and due to which the safety barriers containing radionuclides and/or shielding ionising radiation are or might be breached, and/or as a result of which the activity of radionuclides discharged into environment exceeds the allowed limit and/or exposure of workers exceed the allowed limits, and which fails to comply with the requirements stemming from the international obligations on non-proliferation of nuclear weapons assumed by the Republic of Lithuania, and this is related to significant quantities of nuclear materials defined by the IAEA, the Head of the State Nuclear Power Safety Inspectorate shall have the right to impose a fine on such legal entity starting from 0.75 percent up to three percent of its gross annual income received from relevant licensed activities. If three percent of the legal entity's gross annual income received from the licensed activities constitute less than EUR 144,810 (one hundred forty-four thousand eight hundred ten) or the assessment of the extent of such activities is too complicated or impossible, the Head of the State Nuclear Power Safety Inspectorate shall have the right to impose a fine starting from EUR 36,202 (thirty-six thousand two hundred two) up to EUR 144 810 (one hundred forty-four thousand eight hundred ten).

2. The Head of the State Nuclear Power Safety Inspectorate shall have the right to subject a legal entity, which has committed a repeated violation specified in paragraph 1 of Article 47 herein, to a fine of 1.25 percent to five percent of gross annual income received from the relevant licensed activities. If five percent of the legal entity's gross annual income received from the licensed activities constitute less than EUR 289,620 (two hundred eighty-nine thousand six hundred twenty) or the assessment of the extent of such activities is too complicated or impossible, the Head of the State Nuclear Power Safety Inspectorate shall have the right to impose a fine starting from EUR 72,405 (seventy-two thousand four hundred five) up to EUR 289,620 (two hundred eighty-nine thousand six hundred twenty). A violation of the same legal norm committed within one year from the imposition of the fine shall be considered a repeated violation.

3. When a violation meets the criteria specified in paragraphs 2 and 3 of Article 6 herein, in addition to the fines mentioned in paragraphs 1 and 2 of Article 47 herein, the Head of the State Nuclear Power Safety Inspectorate shall have the right to subject a legal entity to mandatory requirements referred to in paragraphs 2 and 3 of Article 6 herein.

Amended by:

No. XII-1175, 2014-09-25

No. XIII-288, 2017-04-20

Article 48. Procedure for Investigation of Violations, Imposition and Execution of Fines

1. The imposition of the fines specified in paragraphs 1 and 2 of Article 47 herein shall be initiated by an employee of the State Nuclear Power Safety Inspectorate having detected an activity containing violation

features, who shall issue an official report to the Head of the State Nuclear Power Safety Inspectorate on the activity containing violation features and a proposal to start investigation of the potential violation. No later than within three business days from the date of receiving the official report, the Head of the State Nuclear Power Safety Inspectorate, taking into account the circumstances of the potential violation specified in the official reports and other objective circumstances related to it, shall pass a decision on starting an investigation of the potential violation, or shall reject the proposal to start the investigation of the potential violation. No later than the next business day after the decision to start an investigation of the potential violation, a copy of this decision shall be sent to the legal entity.

2. The investigation of the potential violation shall be completed within no more than 30 business days from the date of passing the decision to start an investigation of the potential violation.

3. When conducting the investigation of the potential violation, the authorised employees of the State Nuclear Power Safety Inspectorate shall have the rights specified in paragraph 2 of Article 12 herein.

4. Before performing acts of investigation of the potential violation, the authorised employees of the State Nuclear Power Safety Inspectorate shall provide the legal entity with a document issued by the Head of the State Nuclear Power Safety Inspectorate certifying their authorisations and the goals and time-limits of the investigation.

5. The authorised employees of the State Nuclear Power Safety Inspectorate shall record the acts of the investigation of the potential violation in writing. The form of such documents and their filling in procedure shall be established by the Head of the State Nuclear Power Safety Inspectorate.

6. After completing the investigation of the potential violation no later than by the expiry of the time-limit specified in paragraph 2 of Article 48 herein, the authorised employees of the State Nuclear Power Safety Inspectorate who performed this investigation shall draft an official report to the Head of the State Nuclear Power Safety Inspectorate and attach related documents and other collected proof.

7. The Head of the State Nuclear Power Safety Inspectorate shall pass a decision on starting a hearing of the case of the potential violation and shall form a commission for this purpose. The Head of the State Nuclear Power Safety Inspectorate shall pass a decision on terminating the investigation if during the investigation it is revealed that there is no legal violation. The decisions specified in this paragraph shall be passed no later than within three business days from the date of receiving the documents indicated in paragraph 6 of Article 48 herein.

8. A commission meeting on the hearing of the case of the potential violation shall be held no earlier than within 20 business days and no later than within 30 business days from the date of the decision to form the commission.

9. No later than on the next business day after the decision to form the commission, an invitation to attend the commission hearing shall be sent to the legal entity. The invitation shall inform of the potential violation referred to in paragraphs 1 and 2 of Article 47 herein, specify the nature of the potential violation, include the provision of the potentially violated law or any other legal act, specify information on the commission hearing (the date, time and place) and proof collected during the investigation of the State Nuclear Power Safety Inspectorate serving as the basis of the potential violation, as well as any other collected material the legal entity may familiarise itself with according to the procedure specified in paragraph 12 of Article 48 herein. No later than on the next business day after the decision to form the commission, an invitation to attend the commission hearing shall be sent to the responsible state institution which is monitoring the prescribed area of activity and/or any other entity which has provided the information (if any) in writing about the potential violation. The invitation shall inform of the potential violation referred to in paragraphs 1 and 2 of Article 47 herein, specify the nature of it, include the provision of the potentially violated law or any other legal act, and specify information on the commission hearing (the date, time and place).

10. At any time of the investigation or hearing of the potential violation, the legal entity on which a fine is to be imposed may produce any available proof related to the established potential violation that could prove the absence of the violation, and proof of any mitigating circumstances, or provide any other relevant proof and explanations in its favour and submit requests.

11. The legal entity on which the fine is to be or was imposed, as well as other interested parties, shall have the right to familiarise themselves with the material collected by the State Nuclear Power Safety Inspectorate, with the exception of the material qualified as state, official or commercial secret, at any time from the beginning of the investigation of the potential violation until the effective date of the decision on imposition or non-imposition of a fine. The legal entity shall be considered to have familiarised itself with the material collected by the State Nuclear Power Safety Inspectorate after the material is presented to the legal entity.

12. The representatives of the legal entity on which fine is to be imposed and other interested parties, as well as persons whose participation is necessary for the proper consideration of the issue on the imposition of a fine (witnesses, experts, specialists and other persons) may attend the commission hearing on the imposition of a fine and provide their explanations on the matter. If witnesses, experts, specialists and other persons are questioned during the hearing, the legal entity shall have the right to question them and propose its own witnesses, experts, specialists and other persons and provide other proof. If the representatives of the legal entity or other persons do not attend the hearing, the case on the potential violation may be heard only if the legal entity had been duly notified on the hearing date, time and place and if it has submitted no documents justifying absence before the commission hearing (a vacation, business trip, other types of activities and other similar cases shall not be considered an important reason for justifying the excused absence; usually, non-arrival due to an illness and the fact that the representative of the proceedings party is occupied with other cases are not considered an important reason either). The due notification shall be considered a writ of summons dispatched by a registered letter to the address of the headquarters specified in the Register of Legal Entities except the cases when the legal entity specified another correspondence address by a written notification or application, or a writ of summons emailed to the address for electronic correspondence specified in the Register of Legal Entities. Absence of other persons shall not be an important reason preventing the violation hearing. The hearing shall be public, except for the cases where the commission initiates or, based on the request of the proceedings parties, passes a justified decision to have a closed hearing on the imposition of a fine, seeking to protect state, official or commercial secrets.

13. Due to objective reasons, during the hearing the commission shall have the right to decide to postpone the hearing by scheduling a new hearing time. Once the decision to postpone the hearing is passed, the parties attending the hearing shall be informed of it. If the representatives of the legal entity on which the fine is to be imposed and/or other persons invited to the hearing (or who were decided to be invited to the hearing) or their representatives do not attend the hearing, they shall be notified of the date, time and place of the next hearing, too.

14. During the hearing of the case on imposing a fine, the commission shall have the right to instruct employees of the State Nuclear Power Safety Inspectorate to add more information to the collected material. Fourteen business days shall be given to collect the additional material. The time-limit to collect the additional material shall not be included into the time-limit specified in paragraph 19 of Article 48 herein. The legal entity shall be granted the right to familiarise itself with the collected material and new material submitted by other parties to the proceedings no later than within three business days since the collection and/or written statement of the material, after the legal entity is notified on the collected or stated material. The legal entity shall be considered to have familiarised itself with the newly collected material after the material is presented to the legal entity. The legal entity shall have the right to provide its explanations on such material within five business days since the familiarisation with it.

15. The procedure of the hearing of the case on the potential violation shall be considered completed when the commission submits the findings to the Head of the State Nuclear Power Safety Inspectorate.

16. Taking into consideration the circumstances of the potential violation and other objective circumstances related to the potential violation and established by the commission, specified in the commission findings, as well as sufficiency and reasonableness of the information, the Head of the State Nuclear Power Safety Inspectorate shall pass a decision (an order) to impose a fine, to refer the commission findings back to the commission for further addition of information or clarification, or to not impose a fine. If the decision to refer the commission findings back to the commission for further addition of information or clarification is passed, the commission shall start a new fine imposition procedure. The fine imposition procedure shall be considered completed once a decision on imposing or not imposing a fine is passed.

17. The decision proposed in the commission findings shall not be mandatory to the Head of the State Nuclear Power Safety Inspectorate.

18. A copy of the order of the Head of the State Nuclear Power Safety Inspectorate on the decision to impose or not to impose the fine, together with a copy of the commission findings, and, in case the decision is made to refer the commission findings back to the commission for supplementing or clarifying, a notification shall be sent to the legal entity no later than within one business day from the date of passing the relevant decision.

19. The decision on the imposition or non-imposition of the fine shall be passed no later than within 90 business days from the date when the violation was officially reported. Once the commission passes a decision to collect additional material, this time-limit calculation shall be suspended for the time-limit of collecting the additional material, and shall continue after the expiry of the latter one.

20. When imposing a fine the following shall be taken into consideration:

- 1) nature of the violation;
- 2) gravity of the violation;
- 3) duration of the violation;
- 4) magnitude and scope of damage caused by the violation;
- 5) circumstances that may mitigate or aggravate liability.

21. Mitigating circumstances shall include actions initiated and taken by the legal entity in order to prevent the consequences of the violation, as well as its assistance during the investigation of the violation, promptly taking measures to eliminate the violation, compensation of losses or elimination of the damage caused.

22. Aggravating circumstances shall include actions taken by the legal entity which impeded the investigation procedure, concealed the violation, or if the legal entity continued the violation despite the instructions of the State Nuclear Power Safety Inspectorate to discontinue the illegal actions, as well as if the legal entity committed a repeated violation for which it was fined as provided for in this Law, or ignored the instructions of the state institutions supervising the prescribed area regarding the elimination of the violations.

23. The amount of the fine to be imposed, without exceeding the limits set in paragraphs 1 and 2 of Article 47 herein, shall be established upon the assessment of the circumstances indicated in sub- paragraphs 1-4 of paragraph 20 of Article 48 herein and in accordance with the principles of justice, reasonableness and good faith. The established amount of the fine shall be reduced subject to the mitigating circumstances or increased subject to the aggravating ones. Subject to the mitigating or aggravating circumstances, the amount of a monetary fine shall be established taking into account the number and the significance of such circumstances.

24. Only one fine may be issued for the same violation. The imposition of a fine shall not make the legal entity concerned free from the liability to perform the obligation failure of which was subject to the fine, under the procedure and terms set out by the legal acts.

25. The fine for violations shall be imposed no later than within three years from the date of the violation, and, in case of a continuous violation, within three years from the date of finding it.

26. The fine imposed by the Head of the State Nuclear Power Safety Inspectorate shall be paid to the state budget within three months after the effective date of the decision on the imposition of the fine adopted by the Head of the State Nuclear Power Safety Inspectorate. The decision of the Head of the State Nuclear Power Safety Inspectorate regarding the imposition of the fine shall take effect after 30 days since its passing date, unless it was appealed against to court during that period in the manner prescribed by law. In cases when the decision of the Head of the State Nuclear Power Safety Inspectorate is appealed to court, the fine shall be paid no later than within three months from the date of the entry into force of the court decision, except cases when the court passes the decision to revoke the decision on the fine imposition by the Head of the State Nuclear Power Safety Inspectorate.

27. The decision of the State Nuclear Power Safety Inspectorate may be appealed to court in the manner established by the Law on Administrative Proceedings of the Republic of Lithuania. The court shall have the right to maintain the decision of the Head of the State Nuclear Power Safety Inspectorate, or, taking into consideration the mitigating and other circumstances, due to which the fine imposed on the legal entity is obviously excessive because it is disproportionate to the committed legal offence, its gravity, duration and consequences caused, thus unjust, to reduce the monetary fine imposed by the decision of the Head of the State Nuclear Power Safety Inspectorate, including the reduction below the minimum fines specified in paragraphs 1 and 2 of Article 47 herein, or to revoke the decision of the Head of the State Nuclear Power Safety Inspectorate.

28. The decision of the Head of the State Nuclear Power Safety Inspectorate regarding the imposition of a fine shall be an enforceable document. If this decision remains outstanding (i.e., not enforced), it shall be enforced in the manner prescribed by the Code of Civil Procedure of the Republic of Lithuania.

Amended by No. XIII-288, 2017-04-20

CHAPTER ELEVEN FINAL PROVISIONS

Article 49. Coming into Effect and Application of this Law

1. This Law, except for Article 51 below, shall come into effect on 1 October 2011.
2. Paragraph 1 of Article 32 hereof shall apply to the designs of the radioactive waste management facilities whose implementation starts after the effective date of this Law.

3. Within one year after the effective date of this Law, the State Nuclear Power Safety Inspectorate shall review the valid licences or permits issued prior to the effective date of this Law, and, in case this Law establishes any other types of licences or permits or terms and conditions for the activities for which a licence or permit was issued, the Head of the State Nuclear Power Safety Inspectorate shall terminate such licences or permits; if pursuant to this Law the activities for which a licence or a permit was issued do not require any licence or permit, the Head of the State Nuclear Power Safety Inspectorate shall change the issued licences or permits or shall notify the licence or permit holder in writing that the licence or permit will not be changed. In order to make changes, the State Nuclear Power Safety Inspectorate may request the necessary documents from the licence or permit holder. Such documents must be provided by the licence or permit holder not later than within the period determined by the State Nuclear Power Safety Inspectorate, which (period) shall not be shorter than 3 months. The submitted documents shall be considered and the terms and conditions of the licences shall be changed according the procedure established by this Law and the legal acts implementing this Law. Until the adoption of a relevant decision by the Head of the State Nuclear Power Safety Inspectorate, the licence or permit holder may continue its activities under the conditions of the licensed or permitted activities in accordance with the valid licence or permit.

Article 50. Submission of Reports to the European Commission

The State Nuclear Power Safety Inspectorate shall submit a report to the European Commission on the implementation of Council Directive 2009/71/EURATOM of 25 June 2009 Establishing a Community Framework for the Nuclear Safety of Nuclear Installations for the first time by 22 July 2014, and then by 22 July 2020.

Amended by No. XIII-655, 2017-09-28

Article 51. Implementation of the Law

Until the effective date of this Law the Government and other institutions named herein within the limits of their competence shall prepare and approve the legal acts implementing this Law.

I promulgate this Law passed by the Seimas of the Republic of Lithuania

PRESIDENT OF THE REPUBLIC

DALIA GRYBAUSKAITĖ

Annex 1
to the Law on Nuclear Safety
of the Republic of Lithuania

NUCLEAR AND FISSILE MATERIALS, AND THEIR AMOUNTS, WHOSE ACQUISITION, POSSESSION AND USE REQUIRE A LICENCE TO BE ISSUED BY THE STATE NUCLEAR POWER SAFETY INSPECTORATE

No	Nuclear or fissile material	Form	Amount
1.	Plutonium ^{a)}	Unirradiated ^{b)}	5 g or more
2.	Uranium-235	Unirradiated ^{b)} Uranium enriched with the isotope of Uranium-235 more than natural uranium	5 g or more
3.	Uranium-233	Unirradiated ^{b)}	5 g or more
4.	Spent nuclear fuel	Depleted or natural Uranium, Thorium or fuel enriched with fissile isotopes	any amount
5.	Neptunium 237, Americium-241, Americium-242m, Americium-243, Curium-243, Curium-244, Curium-245, Curium-247, Californium-249, Californium-251	Form separated from other isotopes	5 g or more

Note:

- a) all plutonium except that with isotopic concentration exceeding 80 % in plutonium-238;
b) material not irradiated in a nuclear reactor or material irradiated in a nuclear reactor but with a radiation level equal to or less than 1 Gy/hr at one meter unshielded.

Annex 2
to the Law on Nuclear Safety
of the Republic of Lithuania

THE IMPLEMENTED LEGAL ACTS OF THE EUROPEAN UNION

1. Council Directive 2006/117/Euratom of 20 November 2006 on the Supervision and Control of Shipments of Radioactive Waste and Spent Fuel (OL 2006 L 337, p. 21).

2. Council Directive 2009/71/EURATOM of 25 June 2009 Establishing a Community Framework for the Nuclear Safety of Nuclear Installations (OJ L 172, 2009, p. 18), as last amendment by Council Directive 2014/87/EURATOM of 8 July 2014 amending Directive 2009/71/Euratom Establishing a Community Framework for the Nuclear Safety of Nuclear Installations (OJ L 219, 2014, p. 42).

Amended by No. XIII-655, 2017-09-28
