

LAW No. 03/ L-104

ON PROTECTION FROM NON-IONIZED, IONIZED RADIATION AND NUCLEAR SECURITY

Assembly of Republic of Kosovo,

In support of Article 65 (1), Chapter IV of the Constitution of the Republic of Kosovo;

With the purpose of legal regulation of non-ionized, ionized radiation and nuclear security,

Approves

LAW ON PROTECTION FROM NON-IONIZED, IONIZED RADIATION AND NUCLEAR SECURITY

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
The Purpose of the Law**

1. The purpose of this law is to:

1.1. assure the compliance with international norms and conventions in the field of non-ionized, ionized radiation and nuclear security;

1.2. ensure that the creation of such an healthy environment that withstand pollutions and expenditures concerning of Protection from Radiation and Nuclear security that is affordable and consistent with a sustainable economic development,

1.3. establish the specific authority and obligations of the public authorities responsible for gradually introducing and enforcing such standards, and

1.4. set out the rights and obligations of persons and establishments affected by such activities or interest in promoting a healthy environment in Kosovo.

**Article 2
The field of implementation**

With this Law, there are described the measures for life protection, for human health and environment from the noxious non- ionized and ionized influences and measures for nuclear security during all activities regarding nuclear activities and radioactive wastes and supervision during measurement implementation.

**Article 3
Definitions**

1. Terms used in this Law shall have the following meaning:

1.1. **Ionized radiation** - electro-magnetic radiation or radiation from the crumbs that can ionize the matter.

1.2. **Non- ionized radiation** - non-radiation ionizes are electromagnetic radiations that have photon energies smaller than 12, 4 electron-volt. These include ultraviolet radiation (with valor length 100-400 nm), visible radiation, (with valor length 400-780 nm), infra red radiation (with valor length 780nm-1 mm), radiation of radio frequencies (frequency 10KHz-300 GHz),

electromagnetic field with low frequencies (frequency 0-10kHz) and laser radiation. Non-ionized radiation is ultrasound with larger frequency of 20KHz.

1.3. **Protection of the environment-** a range of the measures with which it is prevented the harmless influences of non-ionized and ionized radiation and removing consequences of this radiation;

1.4. **APRK-** Agency for Protection from Radiations of Kosovo.

1.5. **Sources of the ionized radiation-** substances, equipments (aparatures) and objects that emit or may emit the ionized radiation;

1.6. **Radioactive matter** - the matter which contents one radionuclide or more of radionuclide where the general specifically activity is above LV;

1.7. **Radioactive wastes** - working products which content the radioactive substances, or in different industrial processes and in laboratories that treat the radioactive materials;

1.8. **Nuclear substances-** materials that radiates radioactive waves alpha, beta, gama, neutrons, etc;

1.9. **Nuclear object** - the research and nuclear reactors, nuclear power-plants, elaboration plants of the used nuclear burning matters and plants for treating the radioactive wastes;

1.10. **Nuclear security** - one range of the described organization, technical and technological measures that insure the optimal planning of the exhibition and optimal risk of the potential exhibition from the radiation, which is as consequences of the exercising the sources of the ionize radiation;

1.11. **Radioactive dangerous** - measure for displaying the risk or the possibility of injuring or harming which ones are as a consequence of potential ionized radiation and it is proportional with possibilities of presenting the certain harmful implicates and also for possibilities of displaying the such of effects;

1.12. **Extraordinary occurrences** - sudden event where may or has come until the irradiation of the population and persons that work with ionized radiation source above the foreseen dose;

1.13. **Absorbed dosage of ionized radiation** - the sum of energy that is deposited in ionized radiation per unit of body weight that is radiated;

1.14. **Equivalent dose of ionize radiation** - product of the absorbed dose in the tissue or organ and the respective radioactive factor heft with which is expressed the differences of the biological effects of the different types of ionized radiation;

1.15. **Effective dose of the ionized radiation** - the production amount of the equivalent dose in the tissue or organ and the respective radioactive factor heft of the tissue with which it is expressed the exclusive tissue or organ sensitivity with notice of the stochastic effects of the ionized radiation;

1.16. **Intervention** - the systematic measures which are preliminary planned and with which ones are lessen the existing level of explosive from the ionized radiation or irradiative possibility of ionized radiation that are the consequences of the extraordinary occurrences;

1.17. **Intervention level** - levels that responds to the expected level of radiation, which could be displayed as a consequence of the extraordinary occurrences or chronic expression of the permanent non- ionized and ionized radiation in the environment.

1.18. **License** - written act which one is issued by the MESP to the license applicant as a prove of conditions fulfillment, that are foreseen for accomplishment of radioactive or nuclear activities, within limited time;

1.19. **Personnel** – the professional staff that has finished the specialization of radiology, radiotherapy, nuclear medicine and relevant specialist proficiencies for duties in zones with ionized and non-ionized rays with respective license.

1.20. **Permit** - written act issued by the MESP for special circulation of one or more ionized radiation sources, radioactive and nuclear materials;

1.21. **Decision** - written act issued by MESP to the legal and natural entity that fulfills the conditions for activity accomplishment for protection from ionized radiation in accordance with this law;

1.22. **Monitoring** - summary of radioactive measurements and other parameters with the aim of valuation and controlling the population and environmental expression;

1.23. **Management of radioactive wastes** - summary of administrative and operative activities during the uses, treatments, transporting and radioactive waste storage;

1.24. **Preliminary treatment** - collection, classification, chemical treatment, decontamination of the radioactive wastes for preparing it for treatment.

1.25. **Treatment of radioactive wastes** - volume decrease, adequate packing, radionuclide's removal from the similarly wastes.

1.26. **Storage** - the activity for long-term emplacement of the radioactive material.

1.27. **Decommission** - the summary of the technical and administrative activities, which the user of nuclear object undertakes after long-term interruption of the nuclear object activities, with the aim of decreasing of radioactivity scale in the allowed level for finalizing the monitoring the inspection needs of this location, which are exercising by KEPA.

1.28. **Prohibited transport of the nuclear and radioactive materials** - any illegal action (admission, supplying, circulation exercise or storage) with aim or without, of the nuclear or radioactive materials in Kosovo territory, or during the state border passing.

1.29. **The Ministry** - Ministry of Environment and Spatial Planning (MESP).

1.30. **Inspectorate**- Inspectorate or inspector of MESP.

1.31. **LV**- limited values

Article 4

The used terms on this law, that have to do with responsibilities of nuclear harms, have the determined conception by the Vienna Convention on Civil Liability for Nuclear Damage.

CHAPTER II ESSENTIAL PRINCIPLES

Article 5

1. Essential principles that are executed during the radioactive and nuclear activities are as following:

1.1. **Prohibition of displaying non-ionized and ionized radiation up of limited value.**

1.2. **Radioactive and nuclear security**

During the radioactive and nuclear activities, there should be executed all described measures of protection from ionized radiation and nuclear security, which insure their planning.

1.3. **Utilization reasoning**

All activities should be planned and implemented in that way that utilization of ionized radiation sources to give more benefits than general damages which includes also the radioactive harms.

1.4. Optimization of irradiative protection

Every activity should be developed in that ways that ionized radiation displays must be lower as objectively can be achieved, taking in consideration the economical and social factors.

1.5. Definition of the individual displays

Radioactive activities should be planned in that way that individual displays must be always in compliance with LV.

1.6. Sustainable development

Achievement of radioactive activities, nuclear activities and radioactive waste management is regulated by the law in accordance with current needs and needs of the forthcoming generations.

1.7. Primary responsibilities

The primary responsibility for protection from ionized radiation, security of ionized radiation sources and nuclear objects are beard by the license bearers.

1.8. Information

The nuclear and radioactive security data are published. State central bodies and authorized organizations are obligated that in time and objectively to inform population for the health and environmental protecting conditions from the ionized radiation and nuclear security, whereas, in the event of radiological emergency, affected population to be notice without delay for emergency facts, steps to be undertaken and measurement for medical protection of these population.

1.9. Harmonization of legal regulations

Law and sub-legal acts which will be issued for implementation of this law should be adopted by international standards and recommendations of this field and EU directions.

CHAPTER III AGENCY FOR PROTECTION FROM RADIATIONS OF KOSOVO – APRK

Article 6

1. Within the Ministry of Environment and Spatial Planning there is established the Agency for Protection from Radiations of Kosovo –APRK, as a central competent authority that supervises and assures the implementation of the provisions of this Law and other legal and sub-legal acts in the field of protection from the radiations.
2. APRK is headed by the head chief who is appointed by the Prime Minister with a four (4) year mandate.
3. The ministry approves the structure of APRK as well as provides the financial and human necessary sources for the implementation of legal obligations.

Article 7

1. Duties of APRK:

- 1.1. drafts regulations and instructions and acts of practices of protection from ionized radiations, security and nuclear security, that are obligatory for the implementation from all natural and legal persons;
- 1.2. supervises the implementation of legal and sub-legal acts for protection from radiation;
- 1.3. issues the license to the entities that carry out activities foreseen in this Law, which is provided by the Minister;

- 1.4. manages technically all the national and local authorities for the immediate implementation of necessary measures for extenuation of effects of radiological and nuclear accidents;
- 1.5. gives recommendations and proposals for the improvement of applicable legislation in the area of protection from radiations;
- 1.6. approves security standards, security and protection from radiations;
- 1.7. cooperates with national and international organisms for the problems of protection from radiations;
- 1.8. accompanies the work with the institutions specialized in the country or abroad, for the calibration of equipments of ionized radiation, personal dosimetry, supervision of environment, for medical check-up of employees exposed professionally, training of staff, as well as with other institutions, as necessary, based on the agreements of understanding for solution of national problems in the field of protection from radiation;
- 1.9. cooperates with State Inspectorate of Labour and Inspectorate of Environment;
- 1.10. keeps the national inventory of sources of ionized, non-ionized radiation, nuclear materials and staff engaged with these sources;
- 1.11. gathers information and carries out the measure and basic analysis for the supervision of protection from radiations, security and safety;
- 1.12. carries out the inspection of radiate installations.

Article 8

Sub-legal acts for protection from ionized, non-ionized radiation and nuclear security as well as for security of sources of ionized radiation, with proposal of APRK, shall be approved by the Government of Kosovo.

CHAPTER IV PROTECTION FROM NONIONIZED AND IONIZED RADIATION

Article 9

1. The system of protection measures against the ionized radiation is based on:
 - 1.1. reasoning of using the ionized radiation sources;
 - 1.2. protection optimization against the harm influence of ionized radiation;
 - 1.3. Limit of ad- equation and effectiveness dose;
 - 1.4. Using the certain ionized radiation it's considered like its reasoning if gives the benefit- net positive.

Article 10

Government on the proposal of MESP shall approve the allowed determinative standards of non-ionized and ionized radiation in environment.

Article 11

1. During the execution of protection from ionized radiation, there must be undertaken the measures as following:

- 1.1. discovering the presence and determination of the level of exposing the ionized and non ionized radiation;
- 1.2. defining conditions of the production, circulation, and exercising the non ionized and ionized radiation sources;
- 1.3. securing and utilizing the equipments and measures for ionized radiation protection, and efficient control of this protection;
- 1.4. restraint or stopping production, circulation, and utilization of this productions, and initial matters of production, that are contaminated with e radionuclide above the foreseen valuations;
- 1.5. keeping evidences for the ionized and non-ionized radiation sources;
- 1.6. keeping evidences of the materials and raw materials which in the technical and technological actions increase the level of nature radionuclide concentration above the certain dose;
- 1.7. defining the working conditions, controlling and following health state of the persons that work with ionized and non-ionized radiation sources, and implementing the foreseen protection measures in the work from the harm influences of ionized and non-ionized radiation;
- 1.8. creating and professional perfection of the staff in the field of protection from non-ionized and ionized radiation;
- 1.9 personal and collective protection of the human beings from the non-ionized and ionized radiation;
- 1.10. implementation and application of measures from the action plan during the extraordinary occurrences ;
- 1.11. collection and temporary protection of the radioactive wastes;
- 1.12. insurance of material conditions, technical conditions and others, for implementing the systematic studies of the nuclide constrains in the environment (monitoring) and plan implementation in case of extraordinary occurrence;
- 1.13. implementation of the security measurement program and controlling the protection measures quality of the ionized and non-ionized radiation;
- 1.14. control of the radioactive goods during import, export and transit;
- 1.15. obstruction of the illegal circulation of radioactive materials, radioactive and nuclear wastes;
- 1.16. decontamination of the environment.

Article 12

Systematic investigation of the radionuclides in the environment

Presence reveal, dangerous definition, information and undertaking the measures for protection from ionized radiation, should be done by the foreseen conditions and manners, systematic investigation of radionuclides' structure in the air, in the land, rivers, lakes, in the solid falls, and liquids, in the vegetative and animal beings, in construction material, in the stuffs of general consumptions, in the drinking water, in human foodstuffs, and in animal foodstuffs, and that in normal conditions, in case of doubts of the extraordinary occurrences and also during extraordinary occurrences.

Article 13

1. For forehanded investigation of the extraordinary occurrences, which cause the damages or could harm the Kosovo territory, should be arranged the forehanded warning system of this occurrence,

according to the foreseen conditions and manners, insures the incessant measurements of the strength intensity of the ionized radiation.

2. The Ministry of Environment and Spatial Planning defines conditions that should be fulfilled by the legal entities, which perform the defined measurements from the paragraph 1 of this Article.

Article 14

The Ministry shall publicize the yearly report of radionuclide consists in the environment.

Article 15

Determination of the protection measures from the non-ionized and ionized radiation

1. For protection from exhibition with ionized and non-ionized radiation of professional persons, patients, citizens, and environment, the exploiters of ionized and non-ionized radiation sources should insure and implement the designed measures for protection from ionized and non-ionized radiation.

2. Government by a special sub-legal act determines the limitation of dosages, time of exhibition and office hours of the staff and patients on protection from ionized radiation.

3. The Ministry defines condition that should be fulfilled by the legal entities, that performs designs measures for ionize radiation protection.

Article 16

Valuation of exhibition level of the ionized radiation

1. For doing the valuation of the ionized radiation exhibition level of the professional persons, patients, citizens, the exploiters of ionized radiation sources is obligated depending from type of the work, to do one or more measurements , and that:

1.1. dissymmetric measurements and controlling the working place;

1.2. measurements of outside individual exploration level of the exhibited professional persons (personal dissymmetric control);

1.3. valuation of the inert exhibition level of the professional persons;

1.4. bio-dissymmetric measurements of the individual exhibitions with ionized radiation.

Article 17

Operation Conditions of non-ionized and ionized radiation sources

1. Operator could exercise the ionized radiation sources, if fulfills the conditions as following:

1.1. that for these ionized radiation sources, to have the Environmental Impact Assessment in accordance with Law;

1.2. radiation level should be in accordance with LV.

2. Provisions from point 1 paragraph 1, of this Article serve for frequency values of 10khz-300GHz.

Article 18

1. Legal entities and employers can product, can make the circulation and exploration of the ionized radiation sources, if they fulfill those conditions as following:

1.1. that objects and spaces in which ones are producing and storage the ionized radiation should be in accordance with foreseen technical conditions, health insurance, and other, that insures human and environmental protection from ionized radiation;

1.2. that employed persons who are working with ionized radiation sources to be supplied with adequacy equipments for protection from ionized radiation, and with equipments for radiation measurements;

1.3. to insure that with ionized radiation sources to work only persons with foreseen professional preparation and to fulfill the foreseen health conditions before the work and during the work with ionized radiation sources;

1.4. to undertake all foreseen measures with which will be prevented that waste of radioactive material not to cause the contamination of the vital environment above the LV;

1.5. to inform workers, apprentices or students for:

1.5.1. the health risks involved in their work;

1.5.2. the general radiation protection procedures and precautions to be taken;

1.5.3. the importance of complying with the technical, medical and administrative requirements, in the case of women, the need for early declaration of pregnancy in view of the risks of exposure for the child with radioactive contamination.

1.6. to arrange relevant training in the field of radiation protection for the exposed workers, apprentices and students;

1.7. to insure the radioactive material, roentgen equipments, and other equipments which produce the ionized radiation, in accordance with foreseen conditions of their circulation and their exercise;

2. With decision of the Ministry shall be defined the legal and natural entities that fulfill the conditions from paragraph 1. of this Article.

3. Legal and natural entities that produce, make circulation and exercise the non-ionized and ionized radiation sources, can not fulfill those activities before the Ministry issues act-decision.

4. Legal and natural entities from paragraph 1 of this Article, are obliged that during registration on the Ministry's register, to submit also the act-decision from paragraph 2 of this Article.

Article 19

Legal and natural entities that produce, make circulation and exercise the ionized radiation sources, keeps foreseen evidences for those sources and are obligated that each delivery, respectively for each supply of ionized sources to inform Ministry.

Article 20

1. Persons that works with ionized sources and also population, are not allowed to be disposed with radiation above the foreseen limits.

2. With Ministry's decision are defined the legal entities that fulfill foreseen conditions for measurements doings of exhibition level valuation with ionized radiation of the persons who work with pollution sources, patients and population.

Article 21

Legal entities from the Article 15, paragraph 3 of this law, keep foreseen evidences of population radiating, patients and persons that work with radiation sources and this radiation report should submit to the Ministry.

Article 22

1. Legal entities and natural persons that during their work with ionized radiation cause environmental contamination above the foreseen limits, are obligated that in preventive manner to implement de-contamination.
2. Legal entities and natural persons that has caused contamination, respectively implement the de-contamination are obliged to inform the Ministry immediately.
3. With decision of the authorized body shall be defined the legal entities that fulfill foreseen conditions for implementing the de-contamination doings.

Article 23

Legal and natural entities that produce, make circulation and exercise the ionize radiation sources are obligated that persons which are working with ionize radiation sources and are exhibited to this radiation, to insure them personal dissymmetric controls, to supply them with personal protection equipments, and advise them for regularly health controls, and also to insure confirmation of equipment exactness and the right use of those equipments.

Article 24

1. With ionized radiation sources can work persons who have professional preparation required for this activity and fulfill the foreseen health conditions.
2. Persons from paragraph 1. of this Article are under the health attendance and surrender to the medical controls before starting their work with ionized sources, also during their work according to their needs, and after interrupting their work with ionized radiation sources.

Article 25

1. The work with ionized radiation sources will be prohibited for:
 - 1.1. persons younger then eighteen (18) years old, except in case of foreseen capability during their regularly education;
 - 1.2. pregnant women;
 - 1.3. women who breast feed their child, if they are working in open ionized radiation sources;

Article 26

Ionized radiation sources can be applied in medicine in foreseen manner, if the medical doctor of the respective specialization after his reasoning medicine valuation of their application and if it allows diagnostic and therapeutic procedure.

Article 27

Drinking water, grocery items, animal foods, and items of general consumptions, food produce, toys, personal baubles and cosmetics, can not be used if they comprise radionuclides above the foreseen limits.

Article 28

1. In Kosovo territory, it is forbidden fixing of the radioactive lightning-conductor.
2. Radioactive lightning-conductors, which were assembled before approval of this Law, should be disassembled under supervision of Central Inspectorate for Protection Services of Ionize Radiation.
3. Ionized apparatuses against the fire, which ones is passed the expiry date for work, could be destructed only by the Services of Protection against the Ionized Radiation.

**CHAPTER V
RADIOACTIVE WASTE MANAGEMENT**

Article 29

1. Ministry defines manner and conditions, how can collect, protect, evident, store, and prepare all radioactive material.
2. Prohibit import of radioactive waste, and its processing, storage of radioactive waste with the foreign origin, in Kosovo territory.
3. Kosovo Government will create possibilities for temporarily storage of radioactive waste, in terms of two (2) years after enforcement of this Law.
4. Kosovo Government will create condition for permanent storage of radioactive waste, in terms of ten (10) years, after enforcement of this Law.
5. Expenses for security of conditions on permanent storage of radioactive waste, financed by the Operator.

**CHAPTER VI
IMPORT,EXPORT, CONVEYANCE AND TRANSIT OF RADIOACTIVE AND NUCLEAR MATERIAL**

Article 30

1. Circulation of ionized emission, out of Kosovo border, may be done only with the consent of the Government.
2. For prevention of prohibited circulation of radioactive waste, through Kosovo border, in border places sets up monitor for ionized emission.
3. Source of ionized emission may be imported just out of borders, in places which has organized inspective supervising.
4. Importer is obliged, in case of delivery arrival of ionized emission, to inform central inspectorate.
5. Authorities of Customs service may conduct Customs delivery from paragraph 3 of this Article, in accordance with law in force.
6. With ionized radiations which are imported in free areas and customs or in Kosovo landfill consignations that have to deal with paragraph 3 of this Article.
7. The transport of ionized radiation sources in Kosovo territory should be in accordance with Law of Hazardous Wares Transport and internationals undersigned agreement

**CHAPTER VII
CONDITIONS FOR LOCATION, CONSTRUCTION, TEST WORK, EMISSION, UTILIZATION,
UNLIMITED INTERRUPTION OF THE WORK AND DE-COMMISSION OF THE NUCLEAR OBJECTS**

Article 31

1. In case of location, construction, test work, utilization and unlimited interruption of permanent work of nuclear objects, undertake following measures for nuclear security:
 - 1.1. determination of foreseen location conditions, construction and test work, utilization and unlimited interruption work of nuclear objects;

- 1.2. determination of foreseen criteria for security assessment of nuclear object;
- 1.3. determination of foreseen conditions for circulation and utilization of nuclear materials;
- 1.4. security and implementation of protection measure from ionized emission in nuclear objects and its environment;
- 1.5. determination of foreseen conditions which must be fulfilled from persons who work in nuclear object;
- 1.6. collection, evidential, preparing, storage and waste radioactive material discharger;
- 1.7. implementation and preparing of foreseen measures in case of nuclear material;
- 1.8. natural protection of nuclear objects and nuclear material.

Article 32 Construction Permit

1. Nuclear object can construct only in location for which has done draft on spatial and urban planning.
2. Nuclear object can not localization, construct, issue in test work and always to interrupt work without prior approval by the Ministry.
3. License from paragraph 2 of this Article can issue if Ministry, verifies that are fulfilled all measurement for nuclear security in base of writer report for nuclear security and other foreseen documentation.
4. The Ministry by the special act will determine conditions for issuing the construction permit.

Article 33 Report for nuclear security

1. Report for nuclear security from Article 29 of this law, content information for analyzing of:
 - 1.1. possible impact of nuclear object in environment and possibility event impact in environment in that object;
 - 1.2. project description of nuclear object; information for equipment quality, construction material and other technical documentation for nuclear object;
 - 1.3. drafting the intervene plans in case of potential accidents and measures that are necessary for their recession;
 - 1.4. decision for storage and security of waste radioactive material;
 - 1.5. data for physical protection of nuclear object and other foresighted documentations.
2. Report on nuclear security should be fulfilled in compliance with the changes are features in project during the construction, working probation period, utilization, unlimited interruption of the work and de-commission of nuclear objects.

Article 34 Implementation of standards and technical norms

1. Nuclear object draft, constructs, utilizes, supervises, and always interrupts work regarding to standards (from Agency of United Nations for Nuclear Energy), technical norms and norms of production quality and services which insurance nuclear objects.

2. Materials and equipment for construction and maintenance of nuclear objects must be in accordance of European standards, technical norms, and respectively quality norms.

Article 35
Test work, work emission and nuclear object utilization

Work of nuclear object must developed according to department instruction and other technical instruction which are related to other departments, for using and transporting the nuclear material, maintenance, and system supervising, internal control in case of accidents.

Article 36

1. Exploiter of nuclear object is obliged to offer report for Ministry:

1.1. for any change in units, equipment, manner of work, for which are defined the criteria;

1.2. equipment damage and accidents in nuclear object, and undertake measures for elimination of accident consequences;

1.3. mistake of persons who supervise nuclear object;

1.4. excess of determined norms for activities, realizing of radioactive waste, and removing of conditions determinate for their realization;

1.5. other necessary conditions for insurance of nuclear object.

2. Exploiter from paragraph 1 of this Article is obligated to introduce regularly report to Ministry on nuclear object work, in terms and manner determined by the Ministry.

3. Exploiter of nuclear object is obligated that with Ministry request to offer information for undertaken measures for nuclear insurance and all other activities regarding to implementation of this law.

Article 37
Permanent work interruption and decommission of nuclear object

1. If exploiter of nuclear object aims to interrupt object utilization, he is obliged for that, at first, to inform Ministry.

2. Exploiter of nuclear object from paragraph 1 of this article is obligated that, in term which is determined by the Ministry, to implement sanitation measures in location, object and their environment.

Article 38

Exploiter of nuclear object can be only the legal person.

Article 39
Evidence and control of nuclear materials

1. Exploiter of nuclear object which produces, proceeds, utilizes, or stores nuclear material is obligated to supervise foreseen evidence for those materials according to material balance and regarding to international agreement and data from this evidence will send to the Ministry.

2. Ministry supervises evidence of nuclear material for all areas when has foreseen material balance and carry out control of evidence which carry out legal persons from paragraph 1 of this Article.

Article 40

1. It is prohibited utilization of nuclear material to produce weapons and any other explosive means.

2. It is prohibited any investigation for produce and using of nuclear weapons.

3. Nuclear object exploiter must secure inspective control and to create corporation with representatives from International Agency for Atomic Energy (IAAE), in accordance with international agreements.

Article 41

1. Legal person, who utilize nuclear objects or nuclear material is obligated to organize, respectively to secure physical protection of nuclear object, material and other waste radioactive material.

2. Legal person from paragraph 1 of this Article issues internal regulation for physical protection measures of nuclear object, nuclear material and waste of radioactive material.

CHAPTER VIII ACTIVITIES IN ANY EXTRAORDINARY OCCURRENCES

Article 42

1. To protect human life, health and human environment in any nuclear accident, Kosovo government must draft plan for action in any extraordinary case.

2. With plan from paragraph 1 of this Article, shall be determined level of intervention to protect people, animals and agriculture, by the responsible authorities for implementing these measures, shall be defined the manner of public information and also periodical control program of parts arrangements plan or the plan in general.

3. Extraordinary case, which endangers Kosovo territory, shall be announced by Kosovo Government.

4. Human life, health and environment protection from ionized emission, in any extraordinary case shall be implemented based on foreseen measures for prevention and removing of consequences which affect that case.

5. If, will confirm that risk exist, from radioactive contamination, also for neighbor states, Kosovo government must inform for that risk competent organs in that states and also must inform International Agency for Atomic Energy (IAAE).

6. For request and acceptance of help from another country and International Agency related to Nuclear Energy and help offer of another countries in the case of nuclear falls and radioactive risks will be decide by Government of Kosovo.

CHAPTER IX RESPONSIBILITY FOR NUCLEAR DAMAGES

Article 43

Exploiter of nuclear plant responds for affected nuclear damage, caused by the nuclear accident in accordance with this law.

Article 44

Exploiter of nuclear plant responds for nuclear damage, in amount of four million (4,000 000) Euro, in payment day, for each nuclear accident.

Article 45

1. Exploiter of Nuclear Plant should deposit and keep insurance for covering its responsibility for nuclear damage in amount of fifty thousand (50 000) €.

2. If equipments from paragraph 1 of this Article, is not enough for compensation of nuclear damage, sources of facilities for compensation of nuclear damage created to the value from Article 44 of this law, shall be determined in accordance with special law that regulates this problem.

Article 46

Insurer is not allowed to prohibit and to annul insurance, if for this matter has not informed the exploiter of nuclear plant, in terms of six (6) months, before prohibition respectively before insurance annulment.

Article 47

1. The right for nuclear damage compensation interrupts after overdoing term of ten (10) years from day which has affected nuclear accident.

2. If nuclear damage is affected with nuclear accident according to nuclear material, which in time of nuclear accident is stolen, lost, or renounced, determine term in paragraph 1 of this Article, is calculated from the day of nuclear accident and it is valuable for period of twenty (20) years from the day it was stolen, lost or renounced nuclear material.

Article 48

Complaint for compensation of nuclear damage can be delivered in term for three (3) years from day when person who incurred material damage has understood his/her nuclear damage.

Article 49

1. Decision of nuclear damage compensation shall be made by competent court in that area where the nuclear plant is.

2. For the nuclear damage which is created during transport of nuclear material, products or waste, competent is the court in the area where nuclear accident has occurred.

CHAPTER X SUPERVISION AND COMPETENCES

Article 50

1. The supervision for application of this law shall be done by the relevant inspectorate and inspectorates of Ministry of Health, Ministry of Labour and Social Welfare, Ministry of Agriculture, Ministry of Transport, MEM Ministry of Economy, Ministry of Internal Affairs.

2. To realize the supervision of protection radioactive measures against the ionized radiation and nuclear security, the inspectors have rights and obligations as following;

2.1. to command the laxness removal regarding to the work with ionized radiation sources, and regarding to the physical protection of nuclear objects;

2.2. to halt the work with ionized and non-ionized radiation sources and to confiscate the permit for exercising those sources, until fulfilling the foreseen conditions;

2.3. to halt construction, starting the work, and to interrupt the work of nuclear object, if there were not fulfilled the foreseen measures of nuclear security;

2.4. to interrupt producing, and exercise of ionized radiation sources, until will not be fulfilled the foreseen conditions;

2.5. command the removal of defined remnants and fulfilling the foreseen conditions by the legal entities, which ones are obligated to do the exhibition measurements of the ionized radiation,

systematic researches of the radionuclide comprises in the environment, respectively de-contamination of the vital environment;

2.6. command fulfillment of the foreseen conditions and removing of the other laxness for which is verified that cause injurious consequences for human health or environment;

3. Measures from paragraph 1 of this Article are defined with sub-legal acts issued by MESP.

4. Against the decision from the paragraph 2 of this Article, could be submitted the appeal to MESP.

5. In case of danger to human health and environment, the appeal in decision can not stop its execution.

Article 51

Legal entities and natural persons that produce, circulate, and use the ionized radiation sources, respectively perform studies of radionuclide comprise in the vital environment or de-contamination of the environment or exhibition measurements of the ionized radiation exhibits, are obliged to enable central inspector to do the supervision, without any interruption.

Article 52

1. The inspectors which perform works from paragraph 1 of Article 50 of this Law, should have certain grade of professional preparation in the field of the physic-engineering, physics and chemistry.

2. The Ministry shall issue a sub-legal act by which determines professional levels for exercising the supervision according to Article 50 of this Law.

3. Exception from the provisions of paragraph 1 of this article, the central inspectors that supervise circulation of ionized radiation sources through state borders, must have adequate professional background in the fields of physics, chemistry, engineering physics and public health specialist.

Article 53

1. Against the Decision of Inspectorate on Environment, unsatisfied party has a right within eight (8) days, from the day of receiving decision, to submit appeal to the Ministry, which within thirty (30) days, since the receiving appeal, should issue the respective decision regarding to that appeal.

2. Appeal against the Decision of Inspectorate on Environment, will not delay execution of this decision. Against the decision of the Ministry regarding the appeal, the unsatisfied party has a right to make an administrative contest in accordance with Law on the Administrative Procedure.

CHAPTER XI PUNISHMENT PROVISIONS

Article 54 Criminal offences

1. Anyone who collects, elaborates, stores or sets the radioactive material in contrary with foreseen manners and conditions, shall be punished for criminal offence with prison from six (6) month to five (5) years.

2. Anyone who imports, elaborates, stores or sets the wastes of radioactive material with foreign origin in Kosovo territory, shall be punished for criminal offence with prison from six (6) month to five (5) years.

Article 55 Delinquencies

1. With fine from two thousand (2000) to twenty thousand (20 000) shall be punished for delinquency the legal entity:

- 1.1. during the work with ionized radiation sources will be inflicted the environmental contamination above the foreseen limits, or if they do not implement the de-contamination in the foreseen manners or if it doesn't inform immediately the competent governmental authority (paragraph 1 Article 22 of this law);
 - 1.2. putting in circulation drinking water, foodstuffs, animal foods, and stuffs of general use, which comprise the radionuclide's above the foreseen limits, (Article 31 of this law);
 - 1.3. collects, elaborates, stores or sets the waste of radioactive material, in contradiction with this Law provisions;
 - 1.4. acts in contrary the foreseen manners and foreseen conditions (paragraph 1 of Article 25 of this Law);
 - 1.5. in case that import the wastes of radioactive material with foreign origin or if that material is elaborated, stored and set in the Kosovo territory, (paragraph 2 Article 29 of this Law);
 - 1.6. if doesn't organize the or implement the physical protection of the nuclear object, nuclear materials, or waste radioactive material, or if doesn't bring the general act about physical protection measures of nuclear object, nuclear materials, or waste radioactive material (Article 33 of this Law).
2. For the doings from paragraph 1 of this Article, will be fined with money from fifty (50) to two hundred (200) Euro, the responsible person as a legal entity.

Article 56

1. With money denunciation in amount from five hundred (500) to five thousand (5000) Euro, will be punished the exploiter of nuclear equipments, which doesn't finish or doesn't care for security or for covering his responsibility for nuclear protection with amount of one hundred thousand (100 000) Euro.
2. For the doings from paragraph 1 of this Article, will be punished also the responsible person for using nuclear equipments with money denunciation from one hundred (100) to three hundred (300) Euro.

Article 57

1. For delinquency with money denunciation from five hundred (500) to four thousand (4000), will be punished the legal entity:
 - 1.1. if they doesn't make the systematic analyses of radionuclide's in environment or if they doesn't make in continuity the measurements of the gamma radiation absorbed dose in the air, in the foreseen manner and foreseen conditions;
 - 1.2. If they doesn't fulfill the foreseen conditions about produce, circulate, and exercise the ionized radiation sources, or if they start produce, circulate or exercise the ionized radiation sources, before taking decision from the Ministry, with which one will be confirmed if there are fulfilled the foreseen conditions or if during the registration does not submit this decision to the competent authority (Article 18 of this Law);
 - 1.3. in case that doesn't insure the persons which are working with ionize radiation sources, with dissymmetric controls, does not supply them with personal protective equipments, do not advice them for regularly medicine controls, or do not insure the equipment verifications for exercising them (Article 13 of this Law);
 - 1.4. if they do circulation of ionized radiation sources outside of Kosovo territory borders, without permit from the governmental competent authority, or if they do circulation of ionized radiation sources in the border zones where is not insured the inspective supervision, or if in case of arriving the ionized radiation source delivery in the border zone, do not inform in time the central inspector (Article 30 of this Law);

- 1.5. if does not implement the nuclear security measures foreseen by the law;
 - 1.6. if approach to the construction, or start construction or issues probative work, or if issues the work or forever interrupt the work of nuclear object without approval (permit) by the competent authority (Article 31 of this Law);
 - 1.7. if the persons which are responsible to do the duties and work classification , and leading the produce process of nuclear object or during persons supervision, does not fulfill the foreseen conditions;
 - 1.8. if they doesn't do the systematic analyses of nuclides presence in the vital environment, in their region, in foreseen manner and according to the foreseen conditions;
 - 1.9. in case when they interrupt the exercises of nuclear object with aim to interrupt it forever and for that they doesn't inform in time the governmental competent authority, or in case of permanent interruption of exercising the nuclear object in limited time, which is given by the competent organ and does not implement the respective certain measures of local sanitary, object and their environs;
 - 1.10. if doesn't lead the foreseen evidence according to the materials balance zones, for nuclear materials which they produce, elaborate, exercise ore storage or in case when they do not submit the dates from this evidence to the central competent authority, if doesn't operate in accordance with executive decision of the competent organ, with which one is defined one of the foreseen measures;
 - 1.11. during execution of supervision from the inspector, doesn't enables working without interruptions and approach in documentations and other required materials.
2. For not fulfillment of the work from paragraph 1 of this Article, will be punished for delinquency, and denounced with money from one hundred (100) to three hundred (300) Euro responsible person of legal entity.

Article 58

1. With money denunciation from three hundred (300) to nine hundred (900) euro, for delinquency will be punished the natural entity, while the legal entity from one thousand (1000) to three thousand (3000):
 - 1.1. if doesn't submit the yearly report of systematic analyses of radionuclide comprises, during foreseen time or if in case of extraordinary occurrences doesn't inform immediately the Ministry;
 - 1.2. if it doesn't keep the foreseen evidence of ionized radiation which produce, circulate, or exercise , or in case of each request of delivery of the ionize radiation sources do not inform the MESP;
 - 1.3. if he doesn't perform the measurement for exhibit valuation level with ionize radiation of the persons which works with ionize radiation sources, patients, and population, or if during that measurement doesn't lead the foreseen evidence for population radiance, patients, to the persons which during their work they are exhibited to the ionized radiation influence, or if the radiation report will not be submitted to the competent authority;
 - 1.4. if in the working place that is exposure with ionized radiation, employee person which doesn't have the foreseen professional preparation or doesn't fulfills the foreseen health conditions for working with ionized radiation sources;
 - 1.5. if the person who works with ionized radiation sources do not approach through health attendance;
 - 1.6. accepts to work in the working place with ionize radiation sources, the person which one based on this law, is prohibited to work with those sources;

1.7. if it doesn't implement the foreseen manner and foreseen program of measurements and quality control of ionized radiation protective measures.

Article 59

With money denunciation from one hundred (100) to five hundred (500) euro, for delinquency will be punished the person that works with ionizes radiation sources, if during this work do not approach through regularly medicine control within foreseen limited period, or if doesn't use personal equipments and other protective equipments for ionize radiation protection.

CHAPTER XII TRANSITIONAL AND FINAL PROVISIONS

Article 60

The Ministry through supervises and obliges the exploiters of the nuclear object, and other exploiters of ionized radiation sources to ensure the conditions for setting and deposit of the radioactive waste materials, within limited time of two (2) years from the day of this law enforcement.

Article 61

Ionized radiation sources, should be removed from the radioactive lightning-conductor, within two (2) years starting from the day of this law enforcement.

Article 62

The Ministry for implementation of this law, shall issue necessary sub-legal acts, within eighteen (18) months from the day of this law enforcement.

Article 63

Legal and natural persons that are engaged in producing, circulating and using the ionized radiation sources, or with other works which are linked with ionized radiation protection, are obliged to harmonize their work with provisions of this law, within eighteen (18) months from the day of this law enforcement.

Article 64 Entry into force

This law shall enter into force fifteen (15) days after its publications into Official Gazette of Republic of Kosovo.

**Law No. 03/ L-104
11 February 2010**

Promulgated by the Decree No. DL-010-2010, dated 02.03.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.