

**ACT No. 18/1997 Coll.**

of 24 January 1997

**on Peaceful Utilisation of Nuclear Energy and Ionising Radiation  
(the Atomic Act)  
and on Amendments and Alterations to Some Acts**

As amended by:

Act No. 83/1998 Coll., Act No. 71/2000 Coll., Act No. 132/2000 Coll., Act No. 13/2002 Coll.,  
Act No. 310/2002 Coll., Act No. 320/2002 Coll., Act No. 13/2002 Coll., Act No. 1/2005 Coll.,  
Act No. 253/2005 Coll., Act No. 413/2005 Coll., Act No. 342/2006 Coll., Act No. 186/2006  
Coll., Act No. 296/2007 Coll., Act No. 124/2008 Coll., Act No. 274/2008 Coll., Act No.  
158/2009 Coll., Act No. 223/2009 Coll., Act No. 227/2009 Coll., Act No. 249/2011 Coll.,  
Act No. 250/2011 Coll., Act No. 375/2011 Coll., Act No. 350/2012 Coll., Act No. 64/2014  
Coll., Act No. 250/2014 Coll. and Act No. 264/2016 Coll.

The Parliament has adopted the following Act of the Czech Republic:

**PART I**

**PEACEFUL UTILISATION OF NUCLEAR ENERGY AND IONISING RADIATION**

**CHAPTER ONE**

Repealed

Section 1  
Repealed

Section 2

Repealed

Section 2a  
Repealed

Section 3  
Repealed

Section 3a  
Repealed

Section 3b  
Repealed

Section 3c  
Repealed

Section 3d  
Repealed

Section 3e  
Repealed

Section 3f  
Repealed

Section 3g  
Repealed

## CHAPTER TWO

Repealed

Section 4  
Repealed

Section 4a  
Repealed

Section 4b  
Repealed

Section 5  
Repealed

Section 6  
Repealed

Section 6a  
Repealed

Section 7  
Repealed

Section 8

Repealed

### CHAPTER THREE

Repealed

Section 9  
Repealed

Section 10  
Repealed

Section 11  
Repealed

Section 12  
Repealed

Section 13  
Repealed

Section 14  
Repealed

Section 15  
Repealed

Section 16  
Repealed

Section 17  
Repealed

Section 18  
Repealed

Section 19  
Repealed

Section 20  
Repealed

Section 21  
Repealed

Section 22  
Repealed

Section 23  
Repealed

### CHAPTER FOUR

Repealed

Section 24  
Repealed

Section 25  
Repealed

Section 26  
Repealed

Section 27  
Repealed

Section 28  
Repealed

Section 29  
Repealed

Section 30  
Repealed

Section 31  
Repealed

## CHAPTER FIVE

### CIVIL LIABILITY FOR NUCLEAR DAMAGE

#### Section 32

(1) The provisions of the international agreement<sup>26)</sup>, which is legally binding on the Czech Republic, shall be applied for the purposes of civil liability for nuclear damage.

(2) The provisions of civil code shall be applied only unless otherwise provided for by the international agreement<sup>26)</sup> or this Act.

#### Section 33

(1) The licensee licensed for operation of nuclear installation<sup>29)</sup> or performing any practice related to nuclear installation utilisation, or licensed for nuclear material transport<sup>30)</sup> shall be the operator<sup>31)</sup> liable for nuclear damage<sup>32)</sup> under the international agreement<sup>26)</sup> which is legally binding on the Czech Republic.

(2) In the event that a single person has been licensed for a number of nuclear installations located within an area, and for which a joint on-site emergency plan has been approved, these installations shall be considered, for the purposes of liability for nuclear damage, as a single nuclear installation. However, a number of nuclear installations for which different persons have been licensed cannot be considered as a single nuclear installation, from the aspect of liability for nuclear damage, even if such installations are directly linked.

#### Section 34

(1) In determining the extent and manner of compensation for nuclear damage, provisions of civil code shall be applied. To determine the amount of damage, legal regulations effective at the time of occurrence of the nuclear event<sup>33)</sup> that caused the nuclear damage shall be applied.

(2) Nuclear damage shall also be damage arising in the form of costs of interventions necessary to prevent or reduce exposure or restore the original or equivalent State of the environment, if these interventions were made necessary by a nuclear event and the nature of the damage thus permits.

(3) State Office for Nuclear Safety (hereinafter the “Office”) shall issue a decree establishes limits for concentrations and quantities of nuclear materials to which, under the international agreement<sup>34)</sup>, the provisions on nuclear damage do not apply.

### Section 35

The liability of a licensee for nuclear damage caused by each single nuclear event shall be limited in the case of

- a) nuclear installations used for power generation purposes<sup>35)</sup>, storage facilities and repositories of spent nuclear fuel assigned to these installations, or nuclear materials generated by processing of this fuel, to the sum of CZK 8,000 million;
- b) other nuclear installations and shipments, to the sum of CZK 2,000 million.

### Section 36

(1) A licensee under Section 33 shall arrange insurance covering his liability for nuclear damage with an insurer suitably authorised by a specific Act<sup>36)</sup>, if no other financial security is stipulated to cover the nuclear damage liability.

(2) The Ministry of Finance, by agreement with the Office and with the Ministry of Industry and Trade, shall determine, by way of a decision granting an exception from the provision of par. 1, in the interest of efficient employment of State funds, which licensee shall be required to have alternative type of financial cover of liability for nuclear damage instead of insurance covering his liability for nuclear damage.

(3) The insured limit in cases under Section 35 a), shall not be less than CZK 2,000 million, and in cases under Section 35 b), shall not be less than CZK 300 million.

<sup>26)</sup> The Vienna Convention on Civil Liability for Nuclear Damage and the Joint Protocol Relating to the Application of the Vienna and Paris Conventions, published under No. 133/1994 Coll.

<sup>27)</sup> Act No. 40/1964 Coll., as amended.

<sup>28)</sup> Section 5 para 2 of Act of the Czech National Council No. 425/1990 Coll., On Local Authorities, their Competence and Some Other Related Measures, as amended by Act No. 254/1994 Coll.

<sup>29)</sup> Vienna Convention on Civil Liability for Nuclear damage, Art. I para 1 j).

<sup>30)</sup> Vienna Convention on Civil Liability for Nuclear Damage, Art. I para 1 h).

<sup>31)</sup> Vienna Convention on Civil Liability for Nuclear Damage, Art. I para 1 c).

<sup>32)</sup> Vienna Convention on Civil Liability for Nuclear damage, Art. I para 1 k).

<sup>33)</sup> Vienna Convention on Civil Liability for Nuclear Damage, Art. I para 1 l).

<sup>34)</sup> Vienna Convention on Civil Liability for Nuclear Damage, Art. I para 2.

<sup>35)</sup> Act No. 222/1994 Coll.

<sup>36)</sup> Act of the Czech National Council No. 185/1991 Coll., On Insurance, as amended.

(4) Insurance shall be arranged or other financial security established separately for each nuclear installation or nuclear material transport within the meaning of Section 33 para 2.

(5) Detailed conditions of other financial security shall be established by the Ministry of Finance.

#### Section 37

(1) The State undertakes to settle acknowledged claims for compensation of nuclear damage, if they are not reimbursed from the mandatory insurance or financial security otherwise established, up to a sum of

- a) CZK 8,000 million over and above the sum paid by the insurer in the sum of CZK 2,000 million, in cases of installations under Section 35 a);
- b) CZK 2,000 million over and above the sum paid by the insurer in the sum of CZK 300 million, in cases of installations under Section 35 b).

(2) The right of recourse of the State as guarantor for settlement of acknowledged claims for compensation of nuclear damage against the licensee is not affected.

#### Section 38

(1) The right to indemnification for nuclear damage shall expire if a claim for compensation is not made within three years of the date on which the person suffering nuclear damage had knowledge or should have had knowledge of the event that caused the nuclear damage and of who was liable, but not later than ten years after the occurrence of this event; in case of the insurance, these periods begin to run one year after the occurrence of this event.

(2) In case of a nuclear event occurring, a licensee shall issue written notification, in the region affected by the event as identified by the Office on the basis of National Radiation Monitoring Network activities, that he is liable for the nuclear damage caused by this event. This written notification shall be accessible to the public at the premises of the licensee and at the Regional Authority and all Municipal Authorities within this region.

### CHAPTER SIX

Repealed

Section 39

Repealed

Section 40

Repealed

Section 41

Repealed

Section 42

Repealed

### PART II

Repealed

Section 43  
Repealed

### PART III

Repealed

Section 44  
Repealed

### PART IV

Repealed

Section 45  
Repealed

### PART V

Repealed

Section 46  
Repealed

Section 46a  
Repealed

Section 46b  
Repealed

Section 46c  
Repealed

Section 47  
Repealed

Section 48  
Repealed

Section 49

## **Final Provisions**

The following are repealed:

1. Act No 287/1993 Coll. on Competence of the State Office for Nuclear Safety, as amended by Act No. 85/1995 Coll.
2. Act No 28/1984 Coll. on State Supervision of Nuclear Safety at Nuclear Installations.
3. Decree No 59/1972 Coll. of the Health Ministry of the Czech Socialist Republic, on Protection of Health from Ionising Radiation.
4. Decree No 28/1977 Coll. of the Czechoslovak Atomic Energy Commission, on Accountancy for and Control of Nuclear Materials, as amended by Decree No. 100/1989 Coll.
5. Decree No 67/1987 Coll. of the Czechoslovak Atomic Energy Commission, on Nuclear Safety Assurance in Radioactive Waste Management.
6. Decree No 100/1989 Coll. of the Czechoslovak Atomic Energy Commission, on Physical Protection of Nuclear Installations and of Nuclear Materials.
7. Decree No 191/1989 Coll. of the Czechoslovak Atomic Energy Commission, which establishes methods, terms and conditions for verification of special professional competence of selected personnel at nuclear installations.
8. Decree No 436/1990 Coll. of the Czechoslovak Atomic Energy Commission, on Quality Assurance at Selected Installations with Regard to Nuclear Safety of Nuclear Installations.
9. Decree No 76/1991 Coll. of the Health Ministry of the Czech Republic, on Reduction of Exposure from Radon and Other Natural Radionuclides.
10. Directive No 2/1978 of the Czechoslovak Atomic Energy Commission, on Nuclear Safety Assurance in the Process of Nuclear Power Installations Designing, Licensing and Construction (registered in Section 28/1987 Coll.).
11. Directive No 4/1979 of the Czechoslovak Atomic Energy Commission, on General Criteria for Nuclear Safety Assurance in the Process of Nuclear Power Installations Siting (registered in Section 9/1979 Coll.).
12. Directive No 6/1980 of the Czechoslovak Atomic Energy Commission, on Nuclear Safety Assurance in the Process of Nuclear Power Installation Commissioning and Operation (registered in Section 13/1980 Coll.).
13. Directive No 8/1981 of the Czechoslovak Atomic Energy Commission, on Testing of Equipment for Shipment and Storage of Radioactive Materials (registered in Section 20/1981 Coll.).
14. Directive No 9/1985 of the Czechoslovak Atomic Energy Commission, on Nuclear Safety Assurance for Nuclear Research Installations (registered in Section 11/1985 Coll.).



## Section 50

This Act shall enter into force on 1 July 1997, except for parts Four and Five and Section 48, which come into force on the day of its promulgation.

## **Appendix**

Repealed