

(Text applicable on: 08-10-2012)

Act of 21 February 1963 laying down rules on the release of nuclear energy and the use of radioactive materials and equipment emitting ionising radiation

We JULIANA, by the Grace of God, Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.,

To all who shall see or hear these present, greetings! be it known:
That, having regard to the desirability of laying down rules for nuclear energy and ionising radiation, particularly in promoting proper development of the release of nuclear energy and the use of radioactive materials and ionising radiation-emitting equipment, and to protect against the dangers arising therefrom;

So it is that We, having heard the Council of State, and in joint consultation with the States General, have approved and understood, as We approve and understand the following:

Chapter I. Definition of terms and scope of application

Article 1

1. For the purposes of this Act and the provisions based upon it, the following terms shall be understood to have the meanings assigned to them below:
 - a. nuclear energy: energy released from the fission or splitting of atomic nuclei;
 - b. fissile materials: materials containing uranium, plutonium, thorium or other elements provided for by Order in Council in percentages also provided for therein;
 - c. ores: ores which, when calculated by weight, contain at least one tenth of a per cent of uranium or three per cent of thorium and which are used for their fissile or fertile properties;
 - d. radioactive materials: materials other than fissile materials and ores in which radionuclides are present to an extent such that they cannot be disregarded in the context of protection against ionising radiation;
 - e. ionising radiation: X-ray and gamma radiation and/or corpuscular radiation that is capable of producing ions;
 - f. equipment: equipment that is capable of emitting ionising radiation and that does not contain any radioactive material, fissile material or ore;
 - g. competent authority: an administrative body that is competent to adopt a decision.
2. a proposal to establish, amend or revoke an Order in Council as provided for in paragraph 1(b), put forward by Our Minister of Economic Affairs, Agriculture and Innovation and Our Minister of Social Affairs and Employment.

Chapter II The Reactor Safety Commission

Article 2

Provisions established by, or pursuant to, this Act shall also apply to the exploration, prospecting for or quarrying of minerals and/or geothermal resources or the storage of materials, to the extent that they are stored on the continental shelf described in the Mining Act.

Article 3 [Repealed with effect from 21-02-1997]

Article 4 [Repealed with effect from 21-02-1997]

Article 5 [Repealed with effect from 21-02-1997]

Article 6 [Repealed with effect from 21-02-1997]

Article 7 [Repealed with effect from 21-02-1997]

Article 8 [Repealed with effect from 21-02-1997]

Article 9 [Repealed with effect from 21-02-1997]

Article 9a [Repealed with effect from 21-02-1997]

Article 10 [Repealed with effect from 21-02-1997]

Article 11 [Repealed with effect from 21-02-1997]

Article 12 [Repealed with effect from 21-02-1997]

Chapter III Fissile materials, ores and installations

Part 1 Registration of fissile materials and ores

Article 13

1. A register is kept of data pertaining to fissile materials, ores and other materials from which fissile materials can be obtained and which, when calculated by weight, contain at least one tenth of a per cent of uranium or three per cent of thorium, that are notified in accordance with Article 14.
2. An Order in Council shall determine how the register is organised and the circumstances in which information can be provided from the register.
3. Our Minister of Economic Affairs, Agriculture and Innovation is tasked with managing the register and with the provision of information therefrom.

Article 14

1. Any person who, having regard to this Act, transports, keeps, disposes of, imports into or exports out of the Netherlands or causes such imports or exports of fissile materials, ores or other materials from which fissile materials can be obtained and which, when calculated by weight, contain at least one tenth of a per cent of uranium or three per cent of thorium, is obliged to keep records thereof and to make notification in the context of the registration provided for in Article 13, in circumstances provided for by Order in Council and in accordance with the rules established under such Order.
2. Any person who detects the presence in the soil of ores or other materials from which fissile materials can be obtained and which, when calculated by weight, contain at least one tenth of a per cent of uranium or three per cent of thorium is obliged, in circumstances provided for by Order in Council and in accordance with rules established under the Order, to make notification in the context of the registration provided for in Article 13.

Part 2 Licences

Article 15

The following are prohibited without a licence issued by Our Minister of Economic Affairs, Agriculture and Innovation:

- a. the transportation, possession, disposal, imports into or exports out of the Netherlands or causing such imports into or exports out of the Netherlands of fissile materials or ores;
- b. the construction, commissioning, operation, alteration or decommissioning of a facility where nuclear energy can be released, fissile materials can be produced, treated or processed or where fissile materials are stored or the dismantling of a facility where nuclear energy can be

- released, fissile materials can be produced, treated or processed or where fissile materials are stored;
- c. the installation or keeping installed therein of equipment designed to propel a vessel or other means of transport using nuclear energy, or the commissioning, operation or alteration of such equipment.

Article 15a

1. To the extent that it covers the release of nuclear energy, the licence granted pursuant to Article 15 (b) for the operation of the Borssele nuclear power plant that was commissioned in 1973 shall be revoked with effect from 31 December 2033.
2. Without prejudice to other provisions established by, or pursuant to, this Act, no licence applications as provided for in Article 15 (b) for the release of nuclear energy in the facility described in paragraph 1 shall be taken into consideration after the date specified in paragraph 1.

Article 15aa

Should an application as provided for in Article 15 (b) be submitted for alterations to a facility, for which one or more licenses have already been granted pursuant to this Act, Article 2.6 (1), (2) and (4) of the Environmental Permitting (General Provisions) Act shall apply *mutatis mutandis*. Our Minister of Economic Affairs, Agriculture and Innovation may only amend rights derived by the licence holder from a previously issued licence to the extent permitted in application of Article 18 (a) or Article 19 of this Act.

Article 15b

1. The licence can only be refused in the interests of:
 - a. the protection of persons, animals, plants and goods;
 - b. national security;
 - c. the storage and security of fissile materials and ores and the security of facilities as provided for in Article 15 (b);
 - d. the energy supply;
 - e. guaranteeing the payment of compensation owed to third parties for damage or injury to them;
 - f. compliance with international obligations.
2. Without prejudice to paragraph 1, a licence to construct a facility as provided for in Article 15 (b) can be refused if, in the view of Our Minister of Economic Affairs, Agriculture and Innovation, the technique described in the application for the release of nuclear energy, the production, treatment or processing of fissile materials and/or the storage of fissile materials at the facility will be outdated when the facility is commissioned.
3. Other interests in addition to those provided for in paragraph 1 may be specified by Order in Council.
4. If, within three months after the entry into force of an Order in Council as provided for in paragraph 2, We have not sent a Bill to amend this Act to the Lower House in accordance with that Order, or if such a Bill is withdrawn or rejected, We shall repeal said Order forthwith.

Article 15c

1. Licences shall clearly indicate their scope of application. The licence application shall form part of the licence, insofar as the licence so indicates.
2. A licence can be issued, subject to restrictions, to protect the interests indicated in, or pursuant to, Article 15 (b).
3. Having regard to the relevant rules established by Order in Council, certain conditions necessary to protect the interests indicated in, or pursuant to, Article 15 (b) may attach to a licence. To the

extent that the conditions attaching to the licence are not capable of preventing the adverse effects of the activity in question on persons, animals, plants and goods, conditions shall be attached, which afford the greatest possible protection against such effects, unless this cannot reasonably be expected.

4. The conditions shall only deviate from any rules existing pursuant to Article 21 in relation to the fissile materials, ores, facilities or equipment, insofar as this is permitted by the said rules.

Article 15d

1. The conditions attaching to a licence shall indicate the objectives to be met by the licence holder, in a manner to be determined by him, in order to protect the interests indicated in, or pursuant to, Article 15 (b).
2. To the extent that Our Minister of Economic Affairs, Agriculture and Innovation deems it necessary, the conditions may determine that the specified means of protecting the interests indicated in, or pursuant to, Article 15 (b) must be applied.

Article 15e

1. Conditions other than those provided for in Article 15 (d) may be attached to a licence to protect the interests indicated in, or pursuant to, Article 15 (b).
2. A condition may impose the obligation to meet further requirements, to be defined by an administrative body appointed therein in regard to subjects specified therein. The condition may also indicate how such an administrative body shall publish such requirements. The imposition of a further requirement shall also indicate the effective date for any obligation in respect of that requirement.

Article 15f

1. The holder of a licence as provided for in Article 15 (b) for the commissioning, operation, decommissioning or dismantling of a facility where nuclear energy can or could be released shall provide financial security in a manner approved by Our Minister of Economic Affairs, Agriculture and Innovation and Our Minister of Finance to cover the costs arising from decommissioning and dismantling the facility.
2. Such financial security shall be maintained until such time as Our aforementioned Ministers have confirmed in writing that the dismantling is complete.
3. The financial security can be provided in one or more of the following forms:
 - a. surety or a bank guarantee;
 - b. participation in a fund set up for the purpose which, in the opinion of Our aforesaid Ministers, adequately guarantees that the costs provided for in paragraph 1 will be covered;
 - c. taking any of the measures which, in the opinion of Our aforesaid Ministers, adequately guarantee that the costs provided for in paragraph 1 will be covered.
4. The application for approval shall state the amount and term for which security is provided, together with the date on which and the manner in which it is provided. The application shall also contain a justification of the scale of the financial security provided. If the aim of the application is to amend data provided with a previous application, the application shall be submitted no more than four weeks prior to the amendment.
5. Rules can be established by, or pursuant to, an Order in Council in relation to the application for approval.
6. Conditions may be attached to the approval and may in any event include a requirement that the licence holder adjusts the amount of the security provided if Our aforesaid Ministers deem this necessary in light of a change in the circumstances set out in said conditions.

7. Our aforesaid Ministers shall decide on the approval of an application within six months after receipt of said application.
8. Other facilities as provided for in Article 15 (b), to which paragraphs 1 to 7 shall apply *mutatis mutandis*, can be specified by, or pursuant to, an Order in Council.
9. In application of Article 28 (1), last sentence, of the Services Act, paragraph 4.1.3.3 of the General Administrative Law Act shall not apply to the application for approval.

Article 16

1. Rules shall be established by, or pursuant to, an Order in Council relating to the procedure for submitting a licence application and the information that may be required of the applicant.
2. It shall in any event be provided by, or pursuant to, the Order that, where the licence relates to the construction or alteration of a facility as provided for in Article 15 (b) that can also be construed as the construction of a structure as provided for in Article 2.1 (1) (a) of the Environmental Permitting (General Provisions) Act:
 - a. if the application for an integrated environmental permit for such construction is submitted simultaneously with the licence application pursuant to this Act, the applicant shall submit a copy of that application for an integrated environmental permit with his application;
 - b. if the application for an integrated environmental permit for such construction is not submitted simultaneously with the licence application pursuant to this Act, the applicant shall submit a copy of said application for an integrated environmental permit to the competent authority when submitting the licence application.

Article 17

1. Preparatory work for the decision on the licence application pursuant to Article 15 is governed by Part 3.4 of the General Administrative Law Act; paragraph 3.5 of the Environmental Permitting (General Provisions) Act and Article 13.2 of the Environmental Management Act shall apply *mutatis mutandis*, with the exception that the provisions of Articles 17a to 20a of this Act are observed.
2. In derogation from paragraph 1, the parts of the General Administrative Law Act, the Environmental Permitting (General Provisions) Act and the Environmental Management Act cited therein shall not apply to preparatory work for the decision on the licence application pursuant to:
 - a. Article 15 (a) for the transportation, possession, disposal, imports into or exports out of the Netherlands or causing such imports into or exports out of the Netherlands of fissile materials or ores;
 - b. Article 15 (a) for the possession of fissile materials in a facility or in equipment for which a licence is required pursuant to Article 15 (b) or (c), or for the disposal of fissile materials originating directly from such a facility or equipment;
 - c. Article 15 (a) for the possession or disposal of fissile materials in circumstances such as those referred to in paragraph 3;
 - d. Article 15 (c) in circumstances in which the equipment is only to be commissioned or operated outside the Netherlands.

In circumstances such as those provided for in paragraph 1, in application of Article 28 (1), last sentence, of the Services Act, paragraph 4.1.3.3 of the General Administrative Law Act shall not apply to the application for approval.

3. The circumstances described in paragraph 2 (c) are those:
 - a. in which the fissile materials are kept or disposed of:
 1. in a vehicle or on board a vessel or aircraft;
 2. in constantly changing locations, if those circumstances fall within a category defined by Order in Council in which the interest of the application of Part 3.4 of the General

- Administrative Law Act does not outweigh the associated objections;
3. if a corresponding permit for the same location was granted previously to the applicant or to the party whose licence applies to him in accordance with Article 70 and the licence under application shall not give rise to different or greater adverse effects for the environment than is tolerated under the existing licence;
 - b. in which fissile materials as defined by Order in Council are contained, in a manner specified therein, in solids which either do not emit ionising radiation or which have a protective sheath;
 - c. which fall within a category defined by Order in Council in which, in the light of the manner of application of the fissile materials indicated therein, the interest of applying part 3.4 of the General Administrative Law Act does not outweigh the associated objections.
 4. In derogation from paragraph 1, the parts of the General Administrative Law Act, the Environmental Permitting (General Provisions) Act and the Environmental Management Act cited therein shall not apply to preparatory work for decisions on an application for amendment to a licence pursuant to Article 15 (b) or (c) that does not give rise to different or greater adverse effects for the environment than is tolerated under the existing licence, for which there is no obligation to conduct an environmental impact study as provided for in Chapter 7 of the Environmental Permitting (General Provisions) Act and which will not result in a different facility than that for which a licence was granted.

Article 17a

An Order in Council shall denote which administrative bodies will be involved, in a capacity other than that of adviser, in the decision on the application. The Order may also indicate which administrative bodies will be given the opportunity to advise on the draft decision on the licence application.

Article 18 [Repealed with effect from 01-10-2010]

Article 18a

1. Our Minister of Economic Affairs, Agriculture and Innovation shall perform periodic reviews to ensure that the restrictions under which a licence is granted and the conditions attaching to such a licence remain adequate in the light of advances in technology applied in the protection of persons, animals, plants and goods.
2. If it is demonstrated that such technological advances afford the possibility of improving the protection of persons, animals, plants and goods from the adverse effects of the activity in question, Our Minister of Economic Affairs, Agriculture and Innovation shall amend, supplement or abrogate the restrictions under which a licence is granted and the conditions attaching thereto, or shall impose further restrictions on, or attach further conditions to, the licence.
3. Rules can be imposed with respect to the application of paragraph 1 on the categories of procedures defined therein if it is in the interest of the protection of persons, animals, plants and goods. The Order can determine that any such rules shall apply only to the categories of circumstances specified therein.
4. Articles 15 (b) to 15 (e) shall apply *mutatis mutandis* to the decision on and the substance of such restrictions and conditions.

Article 19

1. Our Minister of Economic Affairs, Agriculture and Innovation can amend, supplement or abrogate the restrictions under which a licence is granted and the conditions attaching thereto, or can impose further restrictions on, or attach further conditions to, a licence to protect interests specified by or pursuant to Article 15b.
2. Any person, with the exception of the licence holder, can apply to Our Minister of Economic Affairs, Agriculture and Innovation to amend a licence, in application of paragraph 1, in the interest of the protection of persons, animals, plants and goods.

3. Upon application from the licence holder, Our Minister of Economic Affairs, Agriculture and Innovation can amend, supplement or abrogate the restrictions under which a licence is granted and the conditions attaching thereto, or can impose further restrictions on, or attach further conditions to, a licence.
4. In circumstances such as those described in Article 15 (b) (4), Our Minister of Economic Affairs, Agriculture and Innovation shall abrogate conditions attaching to a licence as soon as possible after the Order in Council imposing such conditions has been repealed. The conditions shall continue to apply until such time as the decision to repeal becomes effective.

Article 20

1. Save in circumstances as provided for in Article 17 (2), preparatory work for a decision pursuant to Article 18 (a)(2) or Article 19 (1), (2) or (3) is governed by Part 3.4 of the General Administrative Law Act; paragraph 3.5 of the Environmental Permitting (General Provisions) Act and Article 13.2 of the Environmental Management Act shall apply *mutatis mutandis*.
2. Our Minister of Economic Affairs, Agriculture and Innovation shall notify the licence holder of any application as provided for in Article 19 (2). To the extent that it also promotes his interests, the licence holder shall be regarded as a co-applicant.

Article 20a

1. If it is necessary in the protection of interests defined in, or pursuant to, Article 15 (b), Our Minister of Economic Affairs, Agriculture and Innovation can revoke the licence.
2. Save in circumstances as provided for in Article 17 (2), preparatory work for a decision pursuant to paragraph 1 is governed by Part 3.4 of the General Administrative Law Act; paragraph 3.5 of the Environmental Permitting (General Provisions) Act and Article 13.2 of the Environmental Management Act shall apply *mutatis mutandis*.
3. Our Minister of Economic Affairs, Agriculture and Innovation can also revoke a licence to dismantle a facility as provided for in Article 15 (b) upon completion of dismantling of the facility.

Article 21

1. Rules can be established by, or pursuant to, an Order in Council to protect interests defined by or pursuant to Article 15 (b) with respect to categories specified in the Order of fissile materials, ores, facilities or equipment, sections of facilities or parts of equipment. The Order can determine that any such rules shall apply only to the categories of circumstances specified.
2. An Order in Council can provide that the prohibitions provided for in Article 15 shall not apply in certain, specified circumstances to fissile materials, ores, facilities or equipment in a category defined in said Order in Council.
3. Rules can be established by, or pursuant to, an Order in Council on the decommissioning or dismantling of categories of facilities as provided for in Article 15 (b) that are defined by, or pursuant to, said Order in Council. It can be determined by, or pursuant to, the Order that any such rules shall apply only to the categories specified therein.
4. The rules established by, or pursuant to, Article 2.22 (2) and (3) of the Environmental Permitting (General Provisions) Act on activities relating to facilities as provided for in Article 2.1 (1)(e) of that Act and Article 4.1 of that Act shall apply *mutatis mutandis* to requirements attaching to the rules, provided that, in application of the second paragraph, financial security can only be required in the form of insurance taken out against liability for damage arising from the adverse effects of the facility on interests defined by, or pursuant to, Article 15 (b).
5. If paragraph 2 is applied by Order in Council pursuant to paragraph 1, it can impose an obligation to notify procedures that are not subject to the prohibitions provided for in Article 15.

6. Articles 8.40 (2), 8.41 (2), (3) and (4) and 8.42, (1) - (5) of the Environmental Management Act shall apply mutatis mutandis, provided that "Our Minister" is understood to refer jointly to Our Minister of Economic Affairs, Agriculture and Innovation and Our Minister of Social Affairs and Employment.

Part 3 Taking possession of fissile materials and ores

Article 22

1. Any person who possesses or takes possession, without authorisation to do so, of fissile materials or ores or of materials, which he must reasonably suspect are fissile materials or ores, is obliged to communicate this forthwith to the mayor of the municipality in which the goods are located.
2. The mayor shall immediately notify one of the officials appointed pursuant to Article 58 (1) of said communication.
3. The officials appointed pursuant to Article 58 (1) have the power to impose an order for administrative enforcement in relation to discoveries of unauthorised fissile materials and ores and items used at any time for their packaging or storage.
4. Goods confiscated by enforcement of an administrative order shall be transferred to a facility or person designated by Our Minister of Economic Affairs, Agriculture and Innovation and Our Minister of Social Affairs and Employment. This facility or person shall publish notice of the transfer in the Dutch Government Gazette [*Staatscourant*] and in one or more newspapers. In application of Article 28 (1), last sentence, of the Services Act, paragraph 4.1.3.3 of the General Administrative Law Act shall not apply to the application for a designation.

Article 23

1. A person who is authorised to hold the confiscated fissile materials or ores can apply, within three months after the notice provided for in Article 22 (4), for surrender of the confiscated goods in an application addressed to the district court in whose district the confiscation took place.
2. The district court shall consider the application in accordance with Part 6 of Title I of Book One of the Dutch Code of Criminal Procedure and shall give its decision, stating the reasons, as quickly as possible.

Article 24

1. If the application is not submitted within the term provided for in Article 23 (1) or if an application is declared unfounded pursuant to that paragraph, all rights to the confiscated goods are ceded to the State other than rights vested therein pursuant to international agreements or resolutions adopted by international institutions. The facility or person appointed pursuant to Article 22 (4) shall publish notice thereof in the Dutch Government Gazette [*Staatscourant*] and in one or more newspapers.
2. A person whose rights are ceded to the state in accordance with paragraph 1 can reclaim such rights from the state within one year after the notice published in accordance with paragraph 1.

Article 25 [Repealed with effect from 01-03-1993]

Part 5 General

Article 26

1. A Bill to establish, amend or repeal an Order in Council as provided for in this Chapter shall be submitted to Us, if the Order in question:
 - a. is as provided for in Article 13 or 14: by Our Ministry of Economic Affairs, Agriculture and Innovation;

- b. is as provided for in Article 15b: by Our Ministers, to whom it relates;
 - c. is as provided for in Article 16, 17 or 21: by our Minister of Economic Affairs, Agriculture and Innovation and Our Minister of Social Affairs and Employment.
2. Our Minister of Economic Affairs, Agriculture and Innovation can impose further rules in respect of matters regulated by Order in Council pursuant to Article 14.

Article 27 [Repealed with effect from 30-07-1988]

Chapter IV Radioactive materials and equipment

Part 1 Radioactive materials

Article 28

Any person who prepares, transports, possesses, applies disposes of radioactive materials, imports into or exports out of the Netherlands or causes imports into or exports out of the Netherlands of these materials, is obliged to keep records thereof in accordance with rules established by, or pursuant to, an Order in Council.

Article 29

1. The preparation, transportation, possession, application, disposal of radioactive materials, imports into or exports out of the Netherlands or causing imports into or exports out of the Netherlands of these materials or circumstances involving radioactive materials as defined by, or pursuant to, Order in Council is prohibited without a licence issued by Our Minister of Economic Affairs, Agriculture and Innovation.
2. Where the provisions of, or pursuant to, paragraph 1 derogate from rules established by, or pursuant to, other Acts, they shall be disregarded.

Article 29a

1. Preparatory work for a decision on the licence application pursuant to Article 29 is governed by Part 3.4 of the General Administrative Law Act and Article 13.2 of the Environmental Management Act.
2. In derogation from paragraph 1, Part 3.4 of the General Administrative Law Act and Article 13.2 of the Environmental Management Act shall not apply to preparatory work for the decision on the licence application pursuant to Article 29:
 - a. for the transportation, possession in storage in connection with transportation, imports into or exports out of the Netherlands or causing such imports into or exports out of the Netherlands of radioactive materials, or the possession or disposal of such materials. which may be generated during the use of fissile materials in a facility or equipment, in respect of which a licence is required pursuant to Article 15 (b) or (c);
 - b. for the preparation, possession, application or disposal of radioactive materials in circumstances corresponding to those provided for in Article 17 (3);
 - c. for medical applications if, in the opinion of Our Minister of Economic Affairs, Agriculture and Innovation, the patient's interest warrants immediate application of such materials.

In circumstances such as those provided for in paragraph 1, in application of Article 28 (1), last sentence, of the Services Act, paragraph 4.1.3.3 of the General Administrative Law Act shall not apply to the application for approval.

3. Articles 15 (c) (1), 16 and 17 (a) shall apply *mutatis mutandis*.

Article 30 [Repealed with effect from 16-11-2010]

Article 31

1. Having regard to the relevant rules established by Order in Council, certain conditions necessary with a view to protecting persons, animals, plants and goods may attach to a licence. To the extent that the conditions attaching to the licence are not capable of preventing the adverse effects of the activity in question on persons, animals, plants and goods, requirements shall be attached, which afford the greatest possible protection against such effects, unless this cannot reasonably be expected.
2. Such conditions may include an obligation to meet further requirements imposed by administrative bodies designated therein. The imposition of such a requirement shall also indicate the effective date for any obligation in respect of that requirement.
3. A licence can be issued, subject to restrictions, to protect the interests indicated in paragraph 1.
4. Articles 18 (a) to 20 (a) shall apply *mutatis mutandis*.

Article 32

1. Without prejudice to the provisions of Article 29, rules can be imposed by, or pursuant to, Order in Council on radioactive materials, with a view to protecting persons, animals, plants and goods or in the interest of the security of such materials.
2. This may include:
 - a. rules setting out the conditions to be met by any person who prepares, transports, possesses, applies or disposes of radioactive materials specified in the Order in Council;
 - b. rules relating to the methods by which, and places and circumstances in which, radioactive materials specified in the Order in Council may be prepared, transported, held or applied together with the methods and circumstances for the disposal of such materials;
 - c. rules setting out the conditions to be met by any means of transport used to transport radioactive materials specified in the Order in Council.
3. An Order in Council, which imposes rules as provided for in paragraph 2 (a), (b) or (c) may also impose an obligation on the party in question to meet further requirements imposed by administrative bodies appointed by the Order in Council. The imposition of such a requirement shall also indicate the effective date for any obligation in respect of that requirement.
4. The Order in Council provided for in paragraph 1 can impose an obligation to communicate certain procedures specified in the Order in Council.
5. Articles 8.40 (2), 8.41 (2), (3) and (4) and 8.42, (1) to (5) of the Environmental Management Act shall apply *mutatis mutandis* to the provisions of paragraph 4, with the proviso that in the application of Article 8.41 (3), "Our Minister" is understood to refer jointly to Our Minister of Social Affairs and Employment and Our Minister of Economic Affairs, Agriculture and Innovation and:
 - a. if the further rules specified in that paragraph relate to medical radiation applications, Our Minister of Public Health, Welfare and Sport;
 - b. if the further rules specified in that paragraph relate to discharges into surface water, Our Minister of Infrastructure and the Environment.
6. To the extent that the Order in Council provided for in paragraph 1 derogates from rules established by, or pursuant to, other Acts, they shall be disregarded.

Article 33

1. Any person who possesses or takes possession, without authorisation to do so, of radioactive materials or materials, which he must reasonably suspect are radioactive, is obliged to communicate this forthwith to the mayor of the municipality in which the goods are located.
2. The mayor shall immediately notify one of the officials appointed pursuant to Article 58 (1) of said communication.

3. The officials appointed pursuant to Article 58 (1) have the power to impose an order for administrative enforcement in relation to discoveries of unauthorised radioactive materials and items used at any time for their packaging or storage.
4. Goods confiscated by enforcement of an administrative order shall be transferred to a facility or person designated by Our Minister of Economic Affairs, Agriculture and Innovation and Our Minister of Social Affairs and Employment. This facility or person shall publish notice of the transfer in the Dutch Government Gazette [*Staatscourant*] and in one or more newspapers. In application of Article 28 (1), last sentence, of the Services Act, paragraph 4.1.3.3 of the General Administrative Law Act shall not apply to the application for a designation.
5. Articles 23 and 24 shall apply *mutatis mutandis*;

Part 2 Equipment

Article 34

1. Rules on equipment can be established by, or pursuant to, an Order in Council with a view to protecting persons, animals, plants and goods.
2. This may include:
 - a. rules, that prohibit the use of equipment specified by the Order in Council, to the extent that the benefit of its use does not, in Our opinion, outweigh the adverse effects on public health;
 - b. rules, that prohibit use without a licence of equipment specified by the Order in Council;
 - c. rules setting out the conditions to be met by any person who uses equipment specified in the Order in Council;
 - d. rules setting out the conditions to be met by the equipment specified in the Order in Council;
 - e. rules relating to the methods by which, and places and circumstances in which, equipment specified in the Order in Council may be used;
 - f. rules setting out the obligation to notify use of the equipment specified in the Order in Council.
3. Application of paragraph 2 (b) is governed by Part 3.4 of the General Administrative Law Act and Article 13.2 of the Environmental Management Act, to the extent that those rules so provide. Articles 15 (c) (1), 16 (1) and 17 (a) shall apply *mutatis mutandis*.
4. A licence as provided for in paragraph 2 (b) can be issued, subject to restrictions, to protect against adverse effects on persons, animals, plants or goods.
5. Conditions may be attached to a licence as provided for in paragraph 2 (b). To the extent that the requirements attaching to the licence are not capable of preventing the adverse effects of the activity in question on persons, animals, plants and goods, requirements shall be attached, which afford the greatest possible protection against such effects, unless this cannot reasonably be expected.
6. Such conditions may, unless provided otherwise by Order in Council, include an obligation to meet further requirements imposed by administrative bodies designated therein. The imposition of such a requirement shall also indicate the effective date for any obligation in respect of that requirement.
7. Articles 18 (a) to 20 (a) shall apply *mutatis mutandis*.
8. An Order in Council, which imposes rules as provided for in paragraph 2 (c), (d) or (e), may also impose an obligation to meet further requirements imposed by administrative bodies designated by the Order in Council. Paragraph 5, second sentence, shall apply *mutatis mutandis*.
9. To the extent that the Order in Council provided for in paragraph 1 derogates from rules established by or pursuant to other Acts, they shall be disregarded.

Part 3 General

Article 35

A proposal to establish, amend or revoke an Order in Council pursuant to this Section shall be put forward by Our Ministers of Economic Affairs, Agriculture and Innovation and Social Affairs and Employment. If the Order in Council relates to medical radiation applications, the proposal shall be made by Our Minister of Public Health, Welfare and Sport. If the Order in Council relates to discharge into surface water, the proposal shall be made by Our Minister of Infrastructure and the Environment.

Chapter V Measures related to work or residence in certain spaces

Article 36

1. In the event that actions contravene the provisions established by, or pursuant to, this Act relating to a facility as provided for in Article 15 (b) or relating to equipment as provided for in Article 15 (c) installed in a vessel or other means of transport or relating to fissile materials, ores, radioactive materials or equipment, officials appointed pursuant to Article 58 (1) may, if they deem that such actions are likely to expose persons carrying out activities in certain areas or staying in those areas to significant risk, issue an ordinance directing the party involved to prevent any person or persons in the aforesaid categories from working or staying in such areas.
2. The official who has established an ordinance pursuant to paragraph 1 may, assisted by the police if necessary, take any measures that he deems necessary to ensure compliance with such an ordinance.
3. An ordinance established pursuant to paragraph 1 shall be valid for one week, unless determined otherwise by Our relevant portfolio Minister(s) before said period expires.

Chapter Va Quantification of radioactivity and operational management

Article 37

1. Rules on the quantification of doses of ionising radiation and identification of radioactive contamination, as well as the registration thereof, can be established by, or pursuant to, an Order in Council.
2. This may include:
 - a. rules that impose an obligation on the persons designated by the Order in Council to carry a means of verifying the dose of ionising radiation to which they have been exposed;
 - b. rules that impose an obligation on the persons designated by the Order in Council to maintain a register, which records the dose of ionising radiation to which the holder has been exposed;
 - c. rules that impose an obligation on the person under whose responsibility the keeper of a register, as provided for in paragraph (b), has been exposed to ionising radiation to register the dose in the said register;
 - d. rules that impose an obligation on the persons designated by the Order in Council to undergo medical investigation in connection with a radiological emergency;
 - e. rules that impose an obligation to calibrate equipment used to quantify doses of ionising radiation and to identify radioactive contamination.

Article 37a

1. A proposal to establish, amend or revoke an Order in Council, as provided for in Article 37, shall be put forward by Our Minister of Economic Affairs, Agriculture and Innovation or, if the Order in Council aims to protect employment or relates to the medical aspects of protection against ionising radiation, Our Minister of Social Affairs and Employment or Our Minister of Public Health, Welfare and Sport respectively.
2. Our Minister of Economic Affairs, Agriculture and Innovation may impose further rules on matters regulated by an Order in Council established pursuant to paragraph 1 or, if the Order in Council aims to protect employment or relates to the medical aspects of protection against ionising

radiation, further rules may be imposed by Our Minister of Social Affairs and Employment or Our Minister of Public Health, Welfare and Sport respectively.

Article 37b

1. If, in the opinion of Our Minister of Economic Affairs, Agriculture and Innovation and Our Minister of Social Affairs and Employment, the operational management of the facility as provided for in Article 15 (b) is gravely deficient, they shall take any and all measures they deem necessary in the given circumstances.
2. The measures provided for in paragraph 1 may include the necessary technical, organisational, personnel and/or administrative provisions.
3. If the facility is in use by, or designated for use by, the Dutch Armed Forces or by the Armed Forces of an allied power, Our Ministers shall exercise their power in agreement with Our Minister of Defence or the responsible authority of the power in question.

Chapter VI Provisions relating to preparations for, and intervention in, accidents or long-term exposure

Part 1 Introductory provisions

Article 38

For the purposes of this Chapter and the provisions based on it, the following definitions shall apply:

- a. Our Minister: Our Minister of Economic Affairs, Agriculture and Innovation;
- b. accident: incident
 1. resulting in radiation release or the threat of radiation release, which increases or can increase the risk to persons and the environment, or
 2. that requires the coordinated deployment of services and organisations from various disciplines to prevent or reduce the increased risk of radiation for persons and the environment;
- c. Category A object:
 1. a facility as provided for in Article 15 (b), other than a facility at which only fissile materials are stored or processed or a facility for uranium enrichment,
 2. a spacecraft or means of transport with equipment as provided for in Article 15 (c),
 3. facilities as provided for in Article 15 (b), equipment as provided for in Article 15 (c), as well as facilities or means of transport in which or with which procedures are performed as provided for in Article 15 (a) with fissile materials or ores, to the extent that they are designated for use or used by the Dutch Armed Forces or by the Armed Forces of an allied power, or
 4. an object comparable to an object as provided for in paragraphs 1 to 3 and paragraph (d) located outside the Netherlands;
- d. Category B object:
 1. a facility for uranium enrichment,
 2. a facility in which only fissile materials or radioactive materials are stored or processed,
 3. a facility in which radioactive materials can be prepared or applied,
 4. a facility in which equipment is located,
 5. a means of transport that contains fissile materials or ores, or
 6. a means of transport that contains radioactive materials or equipment;
- e. radiological emergency: a situation that requires urgent action in order to protect persons, animals, plants and goods from exposure to ionising radiation;
- f. intervention: an activity consisting of measures applied to radiation sources, transmission pathways and persons, animals, plants and goods, to prevent or decrease the exposure of persons, animals, plants and goods to ionising radiation as a result of:
 1. a radiological emergency, or
 2. long-term exposure due to a radiological emergency or procedures or work with fissile materials, radioactive materials or equipment that took place in the past.

Article 38a

1. Our Minister and Our relevant portfolio Minister shall be responsible for preparing interventions and for their coordination and execution. Rules on such preparation, execution and coordination can be established by, or pursuant to, Order in Council.
2. A proposal to establish, amend or revoke an Order in Council as provided for in paragraph 1 shall be put forward by Our Minister and Our relevant portfolio Minister.

Article 39

1. Any person who knows or may reasonably suspect that an accident has occurred involving a Category A or B object is obliged to communicate this forthwith to the mayor of the municipality where he is located.
2. The mayor shall notify Our Minister of said communication immediately.
3. The operator of a facility as provided for in Article 15 (b) shall provide the mayor immediately, whether or not requested to do so, with all the information needed to perform his task.

Part 2 Organisation and coordination

Article 40

1. Our Minister and Our relevant portfolio Minister shall be responsible for preparing the organisation to manage accidents involving Category A objects effectively in the Netherlands and elsewhere and to coordinate such management. In particular, they shall also ensure that practice drills are held and that the necessary agreements are in place for the effective management of such accidents.
2. The authority responsible for the security region has responsibility for preparing the organisation to manage accidents involving Category B objects effectively. The mayor is responsible for coordinating this management.

Article 41

Preparations by the authority responsible for the security region for the management of accidents involving Category A objects and Category B objects shall comply with paragraph 3 of the Security Regions Act. In its preparations, the authority responsible for the security region shall take into account agreements made in accordance with Article 40 (1).

Article 42

1. After consulting Our relevant portfolio Minister and having regard to the supra-local significance of an accident involving a Category B object, Our Minister may decide that an accident involving a Category B object shall be managed as an accident involving a Category A object, if possible after consulting the mayor of the municipality in which the accident has occurred and the chairman of the security region.
2. The mayor of the municipality in which the accident has occurred, or the chairman of the security region, may ask Our Minister to exercise the powers provided for in paragraph 1.

Part 3 Provision of information

Article 43

1. Our Minister and Our relevant portfolio Minister shall ensure that the Dutch public is appropriately informed about possible accidents involving a Category A object and measures to prevent and manage such accidents, including measures to protect human health, and the procedures to be followed in the event of such an accident.

2. The information provided for in paragraph 1 shall in any event include:
 - a. basic information on radioactivity and its effects on persons and the environment;
 - b. the risks and consequences of an accident;
 - c. how the public will be warned, kept informed and protected in the case of an accident;
 - d. how the public can recognise the risk of danger;
 - e. what procedures the public must follow and what steps the public should take to minimise the harmful consequences of an accident.
3. The information provided for in paragraph 2 (c), (d) and (e) shall be provided at least once a year and, furthermore, whenever any significant changes are made to the measures described. If necessary, the information shall be updated simultaneously.
4. The information provided for in paragraphs 2 (a) and (b) shall be provided at least once every five years and, furthermore, if any significant changes are made to the measures described. If necessary, the information shall be updated simultaneously.
5. Our Minister and Our relevant portfolio Minister shall supply the information provided for in paragraph 4 at an earlier date or amend such information at an earlier date if so necessitated, in their opinion, by developments in expertise on security, risk assessment or effective accident management.

Article 43a

1. Our Minister and Our relevant portfolio Minister shall ensure that the public affected by an accident involving a Category A object or by an accident involving a Category B object that is being managed, pursuant to Article 42, as an accident involving a Category A object, receives immediate and constant information on the procedures to be followed and what measures have been taken to manage the accident, including measures to protect public health.
2. The information provided for in paragraph 1 shall in any event include information on:
 - a. the accident, in particular the cause, the extent and the expected consequences for persons and the environment as well as how the accident is expected to unfold;
 - b. how the public will be warned, kept informed and protected;
 - c. instructions to the public which, depending on the nature of the accident, may relate (*inter alia*) to the use of contaminated foodstuffs, hygiene and disinfection, remaining indoors and the distribution and use of protective materials and evacuation;
 - d. the services or persons from whom further information can be obtained.

Article 44

Our Minister, Our relevant portfolio Minister and the authority responsible for the security region shall ensure that persons employed by services or organisations who can be deployed to manage an accident involving a Category A object or an accident involving a Category B object that is being managed, pursuant to Article 42, as an accident involving a Category A object, regularly receive information on accidents in this category, on the risks involved in the performance of their tasks and on the precautions they should take.

Article 45

1. Information shall be provided to the public and to persons involved in managing an accident involving a Category B object in accordance with the provisions of pursuant to Articles 7 and 46 of the Security Regions Act.
2. The authority responsible for the security region shall ensure that the information it provides complies with the information provided for in Article 43 (2) (a) and (b).

Part 4 Rules and measures in the event of an accident involving a Category A or Category B object

Article 46

1. In the event of an accident involving a Category A or an accident involving a Category B object that is managed, pursuant to Article 42, as an accident involving a Category A object, Our relevant portfolio Minister shall impose rules or introduce measures, if necessary with police assistance, to reverse or minimise the consequences of such an accident.
2. The rules and measures provided for in paragraph 1 may relate, *inter alia*, to:
 - a. access by persons, animals, plants or goods to the contaminated area,
 - b. the need for persons and animals to remain indoors,
 - c. the transfer of persons, animals, plants or goods from within the contaminated area to another area inside or outside the contaminated area,
 - d. external personal decontamination and treatment of internal personal contamination, as well as providing individuals with protective materials,
 - e. subjecting persons or animals to a medical or veterinary investigation in connection with a radiological emergency,
 - f. the burying, incineration, storage, treatment or transport of human remains, which are potentially radioactive,
 - g. confiscation or destruction of animals, plants and goods, which are potentially radioactive,
 - h. decontamination of animals or goods,
 - i. accelerating the drainage or flushing of contaminated surface water,
 - j. protecting supplies of surface water and drinking water,
 - k. the removal of primary sludge from the sludge treatment process or prohibiting or restricting the use of surface water, and
 - l. the growing and harvesting of agricultural and horticultural products, closure of greenhouses, grazing, catching and slaughtering animals and fish.
3. Our relevant portfolio Minister shall not impose regulations or introduce measures before consulting Our Minister, the chairman of the security region and the Queen's Commissioner involved, unless the urgency of the situation dictates otherwise.

Article 47

1. In the event of an accident involving a Category A object as provided for in Article 38 (c) (1) or (2), Our Minister may issue a decree ordering the person responsible for managing the object to take any measures he deems necessary to reverse or minimise the consequences of such an accident.
2. The measures provided for in paragraph 1 may include shutting down the facility in question, decommissioning the equipment involved or requiring the means of transport involved to leave the Netherlands.
3. If the consequences of the accident are likely to be limited to security within the facility involved, the orders provided for in paragraph 1 shall be issued by Our Minister and Our Minister of Social Affairs and Employment jointly.
4. The mayor of the municipality in which the accident has occurred may request Our Minister or Our Minister of Social Affairs and Employment to exercise the powers provided for in paragraph 1 or paragraph 3. A decision shall be given on this request as quickly as possible.
5. Any decree established pursuant to paragraph 1 shall be communicated by sending a copy to the mayor of the municipality in which the accident has occurred.

Article 48

1. In the event of an accident involving a Category A object as provided for in Article 38 (c)(3), Our Minister of Defence may, in consultation with Our Minister of the Interior and Kingdom Relations, issue a decree ordering the person responsible for managing the object in question to take any measures he deems necessary to reverse or minimise the consequences of the accident. Article 47 (2) applies *mutatis mutandis*.

2. The mayor of the municipality in which the accident has occurred may request Our Minister of Defence to exercise the powers provided for in paragraph 1. A decision shall be given on the request as quickly as possible.
3. Article 47 (5) shall apply *mutatis mutandis*.

Article 49

1. The Queen's Commissioner, the mayor, the chairman of the security region and the non-executive management of the water board and of other public bodies shall cooperate, at the request of Our relevant portfolio Minister, in the implementation or enforcement of the rules and measures provided for in Article 46 (1).
2. Our relevant portfolio Minister shall immediately communicate the rules and measures provided for in Article 46 (1) to the Queen's Commissioner, the mayor, the chairman of the security region and, where necessary, to the executive management of the water board and other public bodies.

Article 49a

1. As soon as circumstances permit, Our relevant portfolio Minister shall revoke the rules and terminate the measures that were introduced.
2. If the rules or measures introduced pursuant to Article 46 (1) are required to take effect or enter into force immediately, they may, in the light of this and in anticipation of the usual methods of publication, be communicated by means of local, regional or national broadcasting.

Article 49b

1. In the event of an accident involving a Category A object, the chairman of the security region may issue an ordinance to introduce rules or measures, with police assistance if necessary, to reverse or minimise the consequences of the accident. The rules and measures may relate, *inter alia*, to the subjects provided for in Article 46 (2).
2. The chairman of the security region shall communicate any rules or measures he introduces pursuant to paragraph 1 immediately to Our Minister, Our relevant portfolio Minister and the Queen's Commissioner.
3. The chairman of the security region shall revoke and terminate the rules and measures he introduced as soon as Our relevant portfolio Minister introduces corresponding rules or measures pursuant to Article 46 (1) or informs the chairman of the security region that the rules or measures he introduced must be revoked or terminated. In such circumstances, Our relevant portfolio Minister shall act insofar as is possible in consultation with the chairman of the security region.
4. Article 49 (a) shall apply *mutatis mutandis*.

Article 49c

The mayor shall communicate any orders he has issued or mandatory rules he has established pursuant to Article 175 or 176 of the Municipalities Act in the event of an accident involving a Category B object immediately to Our Minister, Our relevant portfolio Minister and the Queen's Commissioner.

Article 49d

1. In the event of an accident involving a Category B object, the authority responsible for surface water shall introduce measures, with police assistance if necessary, which it deems necessary to reverse or minimise the effects on surface water.
2. The measures provided for in paragraph 1 may in any event involve:
 - a. accelerating the drainage or flushing of contaminated surface water,

- b. protecting supplies of surface water and drinking water, and
- c. removing primary sludge from the sludge treatment process or prohibiting or restricting the use of surface water.

3. Articles 49 (a), 49 (b)(3) and 49 (c) shall apply *mutatis mutandis*.

Part 5 Compensation for damage

Article 49e

1. Any person who suffers direct damage from the application of Article 46, 49 (b) or 49 (d) or application of Article 175 or 176 of the Municipalities Act in the event of an accident involving a Category B object, all or part of which cannot reasonably be borne by him, can upon application be awarded fair compensation by the administrative body appointed in paragraph 5, to the extent that:
 - a. compensation cannot be obtained on the basis of civil law;
 - b. no other form of compensation is possible.
2. The administrative body provided for in paragraph 5 can establish rules:
 - a. defining categories of circumstances in which paragraph 1 shall apply;
 - b. on the submission and processing of, and decisions on, applications for compensation as provided for in paragraph 1.
3. The administrative body provided for in paragraph 5 can establish rules providing that compensation can be awarded if pre-assessment of the existence or otherwise of damage as provided for in paragraph 1 (a) or (b) would lead to unreasonable delays in processing the application or to costs, which the interested party cannot reasonably be expected to bear.
4. Compensation pursuant to paragraph 3 may only be awarded to the interested party on condition that he transfers to the administrative body that awards the compensation any rights that accrue to him against third parties in respect of the damage suffered.
5. Rules as provided for in paragraphs 2 and 3 are established by:
 - a. Our relevant portfolio Minister, if the damage in question is a consequence of the application of Article 46;
 - b. the local council, if the damage in question is a consequence of the application of Article 49 (b) or the application of Article 175 or 176 of the Municipalities Act in the case of an accident involving a Category B object;
 - c. the authority responsible for surface water, if the damage in question is a consequence of the application of Article 49 (d).
6. The decision on an application for compensation as provided for in paragraph 1 will be taken by:
 - a. Our relevant portfolio Minister, if the damage in question is a consequence of the application of Article 46;
 - b. the municipal executive, if the damage in question is a consequence of the application of Article 49 (b) or the application of Article 175 or 176 of the Municipalities Act in an accident involving a Category B object;
 - c. the authority responsible for surface water, if the damage in question is a consequence of the application of Article 49 (d).

Chapter VII Appeal

Article 50

The decision is open to appeal to the administrative court in accordance with Chapter 20 of the Environmental Management Act.

Article 51 [Repealed with effect from 23-02-1994]

Article 52 [Repealed with effect from 01-01-1994]

Article 53 [Repealed with effect from 01-01-1994]

Article 54 [Repealed with effect from 01-09-1980]

Article 55 [Repealed with effect from 01-09-1980]

Article 56 [Repealed with effect from 01-09-1980]

Article 57 [Repealed with effect from 01-09-1980]

Chapter VIII Official powers

Article 58

1. Officials appointed by Our relevant portfolio Ministers shall be tasked with monitoring compliance with provisions established by, or pursuant to, this Act.
2. Our Minister of Economic Affairs, Agriculture and Innovation and Our Minister of Social Affairs and Employment shall appoint, in consultation with our relevant portfolio Ministers, officials who shall be charged with the task of quantifying doses of ionising radiation and determining radioactive contamination, as well as registration thereof as provided for in Article 37.
3. Officials as provided for in Article 25 (1) (a) of the Commodities Act who are appointed by Our Minister of Public Health, Welfare and Sport shall also be charged with the tasks provided for in paragraphs 1 and 2.
4. Our relevant portfolio Ministers shall establish rules on the performance of tasks by the officials appointed pursuant to paragraphs 1, 2 and 3.
5. Decrees as provided for in paragraphs 1, 2 and 3 shall be announced by their publication in the Government Gazette (*Staatscourant*).

Article 59

1. Articles 5:13 and 5:15 to 5:20 of the General Administrative Law Act shall apply *mutatis mutandis* with respect to the officials provided for in Article 58 (2) and (3) during performance of the tasks provided for in Article 58 (2).
2. The officials provided for in Article 58 (1), (2) and (3) are authorised, with the appropriate equipment, to enter a dwelling without the permission of the occupier.

Article 60 [Repealed with effect from 01-01-1998]

Article 61 [Repealed with effect from 01-10-1994]

Article 62 [Repealed with effect from 01-01-1998]

Article 63 [Repealed with effect from 01-01-1998]

Article 64 [Repealed with effect from 01-01-1998]

Article 65

1. Our relevant portfolio Ministers can permit this task to be performed by persons appointed to monitor compliance with international agreements or resolutions adopted by international institutions that relate in full or in part to nuclear energy or ionising radiation.

2. Articles 5:13 and 5:15 to 5:20 of the General Administrative Law Act shall apply *mutatis mutandis* with respect to the persons provided for in paragraph 1.
3. The persons provided for in Article 58 (1) are authorised, with the appropriate equipment, to enter a dwelling without the permission of the occupier, provided that the said persons are accompanied by one of the officials provided for in Article 58.
4. A Decree as provided for in paragraph 1 shall be announced by its publication in the Government Gazette.

Article 66

The competent authority is authorised to impose an order for administrative enforcement to enforce Article 5:20 of the General Administrative Law Act, to the extent that it relates to the obligation to cooperate with a person or official appointed pursuant to Articles 58 and 65.

Chapter IX General provisions

Article 67

1. Rules may be established by an Order in Council to implement international agreements and resolutions adopted by international institutions that relate in full or in part to nuclear energy or ionising radiation.
2. These may include:
 - a. rules prohibiting the possession or the unlicensed import or export into or out of the Netherlands of processing agents or equipment used for the release of nuclear energy or for the storage, manufacture, treatment or processing of fissile materials;
 - b. rules that impose an obligation to communicate information specified therein.
3. In the event that paragraph 2 (a) is applied, Article 16 shall apply *mutatis mutandis*.
4. Conditions may be attached to a licence as provided for in paragraph 2 (a).
5. Such conditions may, unless provided otherwise by Order in Council, include an obligation to meet further requirements imposed by administrative bodies appointed therein. The imposition of such a requirement shall also indicate the effective date for any obligation in respect of said requirement.
6. A licence as provided for in paragraph 2 (a) can be revoked at any time on the grounds of an overriding reason relating to the public interest. Conditions attaching to a licence can be amended, supplemented or abrogated at any time.

Article 68

Rules may be established by an Order in Council to ensure that confidentiality is maintained in respect of:

- a. data, processing agents and materials for:
 1. the release of nuclear energy,
 2. the storage, manufacture, treatment or processing of fissile materials and
 3. the security of categories specified in that Order in Council of fissile materials, ores, radioactive materials and facilities as provided for in Article 15 (b);to the extent that they are obtained, either directly from the government or with the consent of the competent authority, subject to the obligation to maintain confidentiality, or approved by Our relevant portfolio Ministers.
- b. investigations and working methods applied with the aid of such data, processing agents and materials, to the extent that such investigations and working methods are approved by Our relevant portfolio Ministers.

Article 69

1. Any task that is performed by an expert in conformity with rules imposed by or pursuant to this Act shall be performed exclusively by a person who is registered as such with a view to performance of the task in question in a register designated by Our Minister of Social Affairs and Employment and Our Minister of Economic Affairs, Agriculture and Innovation.
2. Our Minister of Social Affairs and Employment and Our Minister of Economic Affairs, Agriculture and Innovation shall decide on applications for registration in a register as provided for in paragraph 1. They are empowered to revoke such registrations.
3. Registrations appear in a register for a specified period. Conditions may be attached to such registrations.
4. Rules shall be established by, or pursuant to, an Order in Council on requirements that a person must meet in respect of skills and competencies in order to be registered as an expert in a register.
5. Rules can be established by, or pursuant to, an Order in Council on the registration in a register which may in any event cover:
 - a. procedures for application for registration in a register and the data and documents the applicant is required to provide;
 - b. the grounds on which and circumstances in which the registration can be refused or revoked;
 - c. the applicable fee for registration in a register;
 - d. the designation of a register;
 - e. the administration of a register;
 - f. the division of tasks between Our Ministers provided for in paragraph 1.

Article 69a

1. Our Minister of Social Affairs and Employment, Our Minister of Economic Affairs, Agriculture and Innovation and Our Minister of Public Health, Welfare and Sport can, upon request, designate an institution to exercise the powers provided for in Article 69 (3).
2. Conditions may be attached to the designation of an institution as provided for in paragraph 1.
3. Rules can be established by, or pursuant to, an Order in Council on the grounds on which an institution can be designated, and on the grounds on which such designations can be revoked or amended.

Article 69b

1. An institution designated pursuant to Article 69 (a)(1) shall, upon request and at no charge, provide information to the Ministers described in that paragraph that is necessary for the accomplishment of their task. Our aforesaid Ministers may demand to examine commercial data and documentation, to the extent that this is reasonably necessary for the accomplishment of their task.
2. An institution designated pursuant to Article 69 (a)(1) may be obliged by, or pursuant to, an Order in Council to prepare and send to Our aforesaid Ministers on a regular basis a report of the work provided for in Article 69 (2) and the legitimacy and efficacy of such work and working methods in the reporting period.

Article 69c

1. Our Minister of Social Affairs and Employment, Our Minister of Economic Affairs, Agriculture and Innovation and Our Minister of Public Health, Welfare and Sport can issue instructions to an institution designated pursuant to Article 69 (a)(1) with respect to the performance of its tasks. They will not become involved in individual cases.

2. An institution designated pursuant to Article 69 (a)(1) shall be obliged to act in conformity with the instructions provided for in paragraph 1.

Article 69d

Rules may be established by an Order in Council for the eventuality that an institution designated pursuant to Article 69 (a)(1) fails to comply with its obligations under this Act.

Article 70

1. A licence issued pursuant to this Act is personal to the holder.
2. Upon the death of a licence holder, the licence shall remain valid for a period of four weeks for the benefit of his legal successors who intend to continue the business, provided that a communication is sent by them or on their behalf to Our Minister of Economic Affairs, Agriculture and Innovation within a week of the death, stating the names of the persons who will continue the business. If an application for a new licence is submitted within the aforesaid four-week period, the former licence shall remain valid until a final decision is taken on said application. The licence can be amended or revoked in accordance with Articles 19 to 20 (a) throughout the period of its validity.
3. The licence holder can transfer all or part of the licence to a third party, provided he has approval to do so from Our Minister of Economic Affairs, Agriculture and Innovation. Conditions may be attached to such approval.

Article 70a

A contract concluded between the owner of a facility in which nuclear energy can be released, as provided for in Article 15 (b) and the State of the Netherlands in relation to that facility, is subject *mutatis mutandis* to Article 252 of Book 6 of the Civil Code, provided that the legal consequences in that Article also apply to the obligations of the former party to do something in relation to that facility.

Article 71

For the application of the Public Works (Removal of Impediments in Local and Regional Regulations) Act (Bulletin of Acts and Decrees 1899, 129), a licence as provided for in Article 15 (b) is deemed by Us to be a concession granted as provided for in Article 1 of that Act and for the application of the Public Works (Removal of Impediments in Private Law) Act (Bulletin of Acts and Decrees 1927, 159) as a concession granted by the public authority as provided for in Article 1 of that Act.

Article 72

1. Rules established by, or pursuant to, other Acts may be declared inapplicable, in full or in part, by Order in Council if, in Our opinion, the interests that those rules seek to protect can be adequately protected by application of this Act.
2. If, within twelve weeks after the entry into force of an Order in Council, which declares all or part of the provisions of another Act to be inapplicable, We have not sent a Bill to amend that Act or to derogate from that Act to the States General, or if such a Bill is withdrawn or rejected, We shall repeal said Order forthwith.

Article 73

If matters regulated by this Act require further regulation in the interest of a proper application of the Act, this may be effected by Order in Council.

Article 74

The persons involved in the application of this Act are obliged, in cases provided for by Order in Council and in accordance with rules stipulated therein, to pay the amounts established by the Order in Council to the State as a contribution to the costs associated with implementing this Act.

Article 75

1. For the benefit of scientific institutions or in the interest of national defence We may
 - a. issue an Order in Council granting exemption or
 - b. grant dispensation upon request from the prohibitions contained in Articles 15 and 29.
2. Such exemption or dispensation may be subject to conditions which, in Our opinion, are necessary with a view to the interests indicated by, pursuant to, Article 15 (b).

Article 76

1. The draft Order in Council is submitted, pursuant to Article 14, 15 (c), 15 (f), 16, 17, 17 (a), 18 (a), 21, 29, 32, 34, 37, 38 (a), 67, 68, 73 or 75, to both Chambers of the States General and published in the Government Gazette. Upon publication, anyone wishing to comment on the draft shall be granted a period of at least four weeks to submit comments in writing to Our Minister of Economic Affairs, Agriculture and Innovation or Our Minister of Social Affairs and Employment and, unless it is an Order in Council pursuant to Article 21, to Our Minister of Public Health, Welfare and Sport.
2. After it is established, an Order in Council as provided for in paragraph 1 shall be sent to both Chambers of the States General. It shall not enter into effect until at least four weeks after the date of publication of the Bulletin of Acts and Decrees in which it appears.
3. Our relevant portfolio Ministers may impose further rules in respect of matters regulated by Order in Council pursuant to Article 67.
4. Any matters, which can be regulated in accordance with this Act by Order in Council can also, in derogation therefrom, be regulated by Ministerial Decree if the rules relate exclusively to implementation of a convention that is binding upon the Netherlands or a resolution adopted by an international institution that is binding upon the Netherlands, unless amendment to an Order in Council or the Act is required for proper implementation. The establishment of a Ministerial Decree is subject, *mutatis mutandis*, to Articles 26 and 35.

Article 76a

Behaviour that violates a condition attaching to a licence granted pursuant to this Act is prohibited.

Chapter X Enforcement

Article 77 [Repealed with effect from 01-04-1994]

Article 78 [Repealed with effect from 01-01-1995]

Article 79

Any person who:

- a. transports, possesses, applies, supplies or provides access to, or disposes of, imports into or exports out of the Netherlands or causes such imports into or exports out of the Netherlands of fissile materials or ores,
- b. constructs, commissions, operates or alters a facility where nuclear energy can be released, fissile materials can be produced, treated or processed or where fissile materials are stored,
- c. installs or keeps installed therein equipment designed to propel a vessel or other means of transport using nuclear energy, or commissions, operates or alters such equipment,
- d. transports, possesses, applies, supplies or provides access to, disposes of, imports into or exports out of the Netherlands or causes such imports into or exports out of the Netherlands of radioactive materials,
- e. transports, possesses, applies, supplies or provides access to, disposes of, imports into or exports out of the Netherlands or causes such imports into or exports out of the Netherlands of equipment that emits ionising radiation,

for the purposes of terrorism as provided for in Article 83a of the Criminal Code, or with the purpose of preparing or facilitating a terrorist offence as provided for in Article 3 of that Code, shall be punished by a term of imprisonment of no more than fifteen years or a fine of the fifth category.

Article 80

1. If a wilful act in violation of the provisions of Articles 15, 21, 26 or 76a – to the extent that it relates to a licence as provided for in Article 15 – is likely to cause serious bodily harm to another person or lead to serious damage to goods or the environment, the offender shall be punished by a term of imprisonment of no more than twelve years or a fine of the fifth category.
2. If a wilful act in violation of the provisions of Articles 15, 21, 26 or 76a – to the extent that it relates to a licence as provided for in Article 15 – is likely to be life-threatening to another person or actually causes the death of another person, the offender shall be punished by life imprisonment or a term of imprisonment of no more than thirty years or a fine of the fifth category.
3. Conspiracy to commit offences provided for in paragraphs 1 and 2 for the purposes of terrorism as provided for in Article 83a of the Criminal Code, shall be punished by a term of imprisonment of no more than ten years or a fine of the fifth category. Article 96 (2) of the Criminal Code shall apply *mutatis mutandis*.

Article 80a

In the event of prosecution of a criminal offence that comes under the descriptions of Article 7 (1) (a) and (d) of the Convention on the Physical Protection of Nuclear Material, opened for signature in Vienna/New York on 3 March 1980 (Treaty Series 1981, 7), as amended by the Amendment to that Treaty that was opened for signature in Vienna on 8 July 2005 (Treaty Series 2006, 81) in application of one of the rules on jurisdiction provided for in Article 8 (1)(b) or Article 8 (2) of that Convention, upon application of this Act:

- a. any act committed without a licence granted by the competent authority of a State, Party to that Treaty, or in violation of regulations applicable in such a State shall be equated to the same act committed without a licence granted in accordance with this Act or in violation of corresponding regulations established by, or pursuant to, this Act,
- b. the import into or export out of a State, Party to the Treaty, or causing such import into or export out of such a State, shall be equated to the import into or export out of the Netherlands or causing such import into or export out of the Netherlands, and
- c. the security of the State shall be equated to the security of a foreign State, Party to that Treaty.

Article 81

The punishable offences provided for in Articles 79 and 80 are criminal offences.

Article 82 [Repealed with effect from 01-09-1976]

Article 83

1. Without prejudice to Article 141 of the Criminal Code, the officials provided for in Article 58 are charged with the detection of the offences that are punishable by, or pursuant to, this Act, to the extent that they are designated by a Decree by Our Minister of Security and Justice. Such officials shall also be charged with the detection of offences that are declared punishable in Articles 179 to 182 and 184 of the Criminal Code, to the extent that these offences relate to an order, claim or act given or undertaken by them personally.
2. An order as provided for in paragraph 1 shall be announced by its publication in the Government Gazette.

Article 83a

Articles 5.15 to 5.18, 5.19 (1) and (3) and 5.21 to 5.23 of the Environmental Permitting (General Provisions) Act shall apply *mutatis mutandis* in relation to the enforcement of the provisions of, or pursuant to, this Act.

Article 83b

1. Articles 5:13 and 5:15 to 5:20 of the General Administrative Law Act shall apply *mutatis mutandis* with respect to the officials provided for in Article 83 during the performance of tasks as provided for in said Article.
2. In the performance of tasks provided for in Article 83, the officials provided for in said Article are authorised, with the appropriate equipment, to enter a dwelling without the permission of the occupier.

Chapter XI Final provisions

Article 84

[Contains amendments in other regulations.]

Article 85

Licences awarded pursuant to the Nuisance Act for facilities as provided for in Article 15 (b) are deemed to be awarded pursuant to this Act.

Article 86

[Contains amendments in other regulations.]

Article 87

The X-Ray Radiation Act [*Röntgenstralenwet*] (Bulletin of Act on Decrees 1931, 299) is repealed.

Article 88

This Act may be cited as the Nuclear Energy Act.

Article 89

1. Chapter II of this Act enters into force with effect from the day after the date of publication of the Government Gazette in which it appears.
2. Its other provisions shall enter into force on dates that We shall determine. Our responsible portfolio Ministers shall submit Bills to this end, having consulted the Central Council.

We hereby order and command that this Decree be published in the Bulletin of Acts and Decrees and that all Ministerial Departments, Authorities, Municipal Councils and Officials concerned shall monitor its proper implementation.

Done at Paleize Soestdijk, 21 February 1963

JULIANA.

The Minister of Economic Affairs,
J. W. DE POUS.

The Minister of Education, Arts and Sciences,
J. CALS.

The Minister of Social Affairs and Public Health,
G. M. J. VELDKAMP.

The Minister of Justice,
A. C. W. BEERMAN.

Published on the twenty-sixth of March 1963

The Minister of Justice,
A. C. W. BEERMAN.