

(Text in force on: 11/04/2014)

Decree of 25 November 2013 containing rules on the charges to be made under the Nuclear Energy Act (Nuclear Energy Act Fees Decree)

We Willem-Alexander, by the grace of God King of the Netherlands, Prince of Orange-Nassau, etc., etc., etc.

On the recommendation of Our Minister of Economic Affairs of 1 October 2013, No. WJZ/13162708; Having regard to Section 74 of the Nuclear Energy Act; Having heard the Advisory Division of the Council of State (recommendation of 23 October 2013, No. W15.13.0348/IV); Having regard to the further report of Our Minister of Economic Affairs of 19 November 2013, No. WJZ/13189981;

Have approved and decreed:

Article 1

In this Decree the following terms are defined as follows:

- *sum*: sum as referred to in Section 74 of the Act;
- *complicated decision*: a decision relating to:
 - a. the safety functions of a facility as referred to in Section 15 (b) of the Act or
 - b. multiple technical or organizational processes of a facility as referred to in Section 15 (b) of the Act;
- *complicated licence*: a licence relating to:
 - a. the safety functions of a facility as referred to in Section 15 (b) of the Act or
 - b. multiple technical or organizational processes of a facility as referred to in Section 15 (b) of the Act;
- *Our Minister*: Our Minister of Economic Affairs;
- *Act*: the Nuclear Energy Act.

Article 2

The sum payable for the granting of a licence as referred to in Section 15 (a) of the Act for the transport of fissionable materials, referred to in Annex 1 to the Nuclear Facilities and Nuclear Materials (Protection) Regulation, shall be €3,680.

Article 3

1. The sum payable for consideration of an application by a holder of a licence as referred to in Section 15 (b) of the Act for the granting of a licence for the holding or discarding of fissionable materials as referred to in Section 15 (a) of the Act shall be:
 - a. €6,624 if Section 17 (1) of the Act is to be applied to the preparation of the licence;
 - b. €3,680 if Section 17 (2) of the Act is to be applied to the preparation of the licence.
2. The sum payable for the granting of a licence to a holder of a licence as referred to in Section 15 (b) of the Act for the holding or discarding of fissile materials as referred to in Section 15 (a) of the Act shall be:
 - a. €16,928 if Section 17 (1) of the Act has been applied to the preparation of the licence;
 - b. €8,648 if Section 17 (2) of the Act has been applied to the preparation of the licence.

Article 4

1. The sum payable for consideration of an application for a licence for the construction of a facility as referred to in Section 15 (b) of the Act shall be:
 - a. €755,280 in the case of a facility in which nuclear energy can be released in order to generate electricity;
 - b. €377,640 in the case of a facility in which nuclear energy can be released for a purpose other than generating electricity;
 - c. €251,760 in the case of a facility other than referred to at (a) or (b).
2. The sum payable for the granting of a licence for the construction of a facility as referred to in Section 15 (b) of the Act shall be:
 - a. €3,776,400 in the case of a facility in which nuclear energy can be released in order to generate electricity;
 - b. €1,888,200 in the case of a facility in which nuclear energy can be released for a purpose other than generating electricity;
 - c. €1,007,040 in the case of a facility other than referred to at (a) or (b).

Article 5

1. The sum payable for consideration of an application for a licence for the putting into operation or maintaining in operation of a facility as referred to in Section 15 (b) of the Act shall be:
 - a. €251,760 in the case of a facility in which nuclear energy can be released in order to generate electricity;
 - b. €251,760 in the case of a facility in which nuclear energy can be released for a purpose other than generating electricity;
 - c. €125,880 in the case of a facility other than referred to at (a) or (b).
2. The sum payable for the granting of a licence for the putting into operation or maintaining in operation of a facility as referred to in Section 15 (b) of the Act shall be:
 - a. €1,258,800 in the case of a facility in which nuclear energy can be released in order to generate electricity;
 - b. €755,280 in the case of a facility in which nuclear energy can be released for a purpose other than generating electricity;
 - c. €377,640 in the case of a facility other than referred to at (a) or (b).

Article 6

1. The sum payable for consideration of an application for a licence for the shutdown or decommissioning of a facility as referred to in Section 15 (b) of the Act shall be:
 - a. €125,880 in the case of a facility in which nuclear energy can or was able to be released in order to generate electricity;
 - b. €62,940 in the case of a facility in which nuclear energy can be released for a purpose other than generating electricity;
 - c. €31,470 in the case of a facility other than referred to at (a) or (b).
2. The sum payable for the granting of a licence for the shutdown or decommissioning of a facility as referred to in Section 15 (b) of the Act shall be:
 - a. €62,940 in the case of a facility in which nuclear energy can or was able to be released in order to generate electricity;
 - b. €31,470 in the case of a facility in which nuclear energy can be released for a purpose other than generating electricity;
 - c. €31,470 in the case of a facility other than referred to at (a) or (b).

Article 7

1. The sum payable for consideration of an application for an amendment to a licence as referred to in Articles 4 (1), 5 (1) and 6 (1) shall be:
 - a. €13,984 if Section 17 (1) of the Act is to be applied to the preparation of the licence and it is not a complicated decision;
 - b. €6,624 if Section 17 (4) of the Act is to be applied to the preparation of the licence and it is not a complicated decision;
 - c. €53,728 if it is a complicated decision.
2. The sum payable for the granting of an amendment to a licence as referred to in Articles 4 (1), 5 (1) and 6 (1) shall be:
 - a. €27,232 if Section 17 (1) of the Act has been applied to the preparation of the licence and it is not a complicated decision;
 - b. €14,352 if Section 17 (4) of the Act has been applied to the preparation of the licence and it is not a complicated decision;
 - c. €90,528 if it is a complicated decision.
3. Paragraphs 1 and 2 shall apply mutatis mutandis to a licence as referred to in Section 2.6 (4) of the Environment Law (General Provisions) Act as read in conjunction with Article 15aa of the Act, subject to the proviso that it is only a complicated decision if vis-à-vis the licence that this licence supersedes amendments have been made relating to:
 - a. a change in the safety functions of a facility as referred to in Section 15 (b) of the Act or
 - b. a change in multiple technical or organizational processes of a facility as referred to in Section 15 (b) of the Act.

Article 8

1. The annual sum payable for the period from the date on which a facility as referred to in Section 15 (b) of the Act is taken into service until the licences are withdrawn under Section 15 (b) shall be:
 - a. €668,932 in the case of a facility in which nuclear energy can be released in order to generate electricity;
 - b. €36,708 in the case of a facility in which nuclear energy was able to be released in order to generate electricity;
 - c. €236,348 in the case of a facility in which nuclear energy can be released for a purpose other than generating electricity;
 - d. €178,204 in the case of a facility other than referred to at (a), (b) or (c).
2. The sum payable for assessment of the report as referred to in Article 2 (4) of the Nuclear Safety Directive No. 2009/71/Euratom (Implementation) Regulation shall be:
 - a. €600,944 in the case of assessment of a report for a facility in which nuclear energy can be released in order to generate electricity;
 - b. €320,344 in the case of assessment of a report for a facility with a capacity of at least 10 megawatts in which nuclear energy can be released for a purpose other than generating electricity;
 - c. €185,472 in the case of assessment of a report for a facility other than referred to at (a) or (b).

Article 9

1. The sums referred to in Articles 3 (2), 4 (2), 5 (2), 6 (2) and 7 (2) shall be increased by €13,248 if an environmental impact assessment as referred to in Part 7 of the Environmental Management Act is required.
2. The sums referred to in Articles 3 (2), 4 (2), 5 (2), 6 (2) and 7 (2) shall be increased by €14,784 if the Netherlands Commission for Environmental Assessment referred to in Section 2.17 (1) of the Environmental Management Act is required to make a recommendation.

3. If an external recommendation is requested, the sums referred to in Articles 4, 5, 6, 7 (1)(c) and (2) (c) and 8 (2) shall be increased by the cost of the external recommendation.
4. The sums referred to in Articles 3 (2), 4 (2), 5 (2), 6 (2) and 7 (2) shall be increased by:
 - a. €250 if Section 17 (2) or (4) of the Act has been applied to the preparation of the licence;
 - b. €20,000 if Section 17 (1) of the Act has been applied to the preparation of the licence;
 - c. €10,000 if the draft of the decision to be taken and the decision taken have been notified abroad on the basis of a statutory requirement;
 - d. €10,000 if on the basis of a statutory requirement an environmental impact assessment as referred to in Part 7 of the Environmental Management Act has been carried out and notification as referred to in Section 7.27 (4) of the Environmental Management Act has been made in the Netherlands;
 - e. €5,000 if on the basis of a statutory requirement an environmental impact assessment as referred to in Part 7 of the Environmental Management Act has been carried out and notification as referred to in Section 7.27 (4) of the Environmental Management Act has been made abroad.

Article 10

1. The sum payable for registration or renewal of registration in the register of radiation physicians as referred to in Article 7 (1) of the Radiation Protection Decree shall be €500.
2. The sum payable for registration or renewal of registration in the register as referred to in Article 7d of the Radiation Protection Decree shall be €500.
3. The sum payable for the granting of recognition of a radiation protection training facility as referred to in Article 7f (1) of the Radiation Protection Decree shall be €1,500.
4. The sum payable for the granting of recognition as referred to in Article 8 (1) of the Radiation Protection Decree shall be €5,000.

Article 11

1. If more than one sum is payable for consideration of an application under this Decree, only the highest sum shall be payable.
2. If under the same decision more than one licence has been granted for which more than one sum is payable under this Decree, only the highest sum shall be payable.
3. Paragraphs 1 and 2 shall not apply if an application or decision relates to at least two or more complicated licences.

Article 12

1. Our Minister shall invoice the sums and send a decision to this effect:
 - a. at the time of taking into consideration an application as referred to in Articles 3 (1), 4 (1), 5 (1), 6 (1) and 7 (1);
 - b. at the time of announcing the licence as referred to in Articles 3 (2), 4 (2), 5 (2), 6 (2) and 7 (2);
 - c. before 31 January of each year to which the sum payable relates, if it is a sum payable under Article 8 (1);
 - d. at the time of sending the assessment of the report as referred to in Article 2 (4) of the Nuclear Safety Directive No. 2009/71/Euratom (Implementation) Regulation;
 - e. at the time of announcing the registration, renewal of registration or recognition as referred to in Article 10.
2. Title 4.4 of the General Administrative Law Act shall apply to the collection of the sums referred to in Articles 3 (1), 4 (1), 5 (1), 6 (1) and 7 (1).

Article 13

1. The sums stated in this Decree shall be adjusted annually with effect from 1 January by the difference between the sums laid down in this Decree and the sum of the number of hours or full-time equivalents shown in the Annex to this Decree multiplied by the rate on Scale 13 in force in that year laid down in the Central Government Financial Information and Records Manual. The sums shall be arithmetically rounded to whole euros.
2. Notwithstanding (1), the sums stated in Articles 9 (2) and (4) and 10 shall be adjusted annually with effect from 1 January in line with the consumer price index. The sums shall be arithmetically rounded to whole euros.
3. Our Minister shall announce the sums referred to at (1) and (2) in the Government Gazette annually before 1 January.

Article 14

1. This Decree shall enter into force on 1 January 2014.
2. The Nuclear Energy Act Charges Decree 1981 shall remain applicable to:
 - a. the Low Flux Reactor in Petten;
 - b. a report as referred to in Article 2 (4) of the Nuclear Safety Directive No. 2009/71/Euratom (Implementation) Regulation received by Our Minister before 1 January 2014.

Article 15

The Nuclear Energy Act Charges Decree 1981 is hereby repealed.

Article 16

This Decree may be cited as the 'Nuclear Energy Act Fees Decree'.

We order and command that this Decree with its Explanatory Memorandum be published in the Bulletin of Acts and Decrees.

Wassenaar, 25 November 2013

The Minister of Economic Affairs,
H.G.J. Kamp

Willem-Alexander

Issued this fifth day of December 2013.

The Minister of Security and Justice,
I.W. Opstelten

Annex as referred to in Article 13 (1) of the Decree containing rules on the charges to be made under the Nuclear Energy Act (Nuclear Energy Act Fees Decree)

Consideration of application as referred to, or licence as referred to, in:	Number of hours:	Number of full-time equivalents:
Article 2	40	
Article 3 (1)(a)	72	
Article 3 (1)(b)	40	
Article 3 (2)(a)	184	
Article 3 (2)(b)	94	

Article 4 (1)(a)		6
Article 4 (1)(b)		3
Article 4 (1)(c)		2
Article 4 (2)(a)		30
Article 4 (2)(b)		15
Article 4 (2)(c)		8
Article 5 (1)(a)		2
Article 5 (1)(b)		2
Article 5 (1)(c)		1
Article 5 (2)(a)		10
Article 5 (2)(b)		6
Article 5 (2)(c)		3
Article 6 (1)(a)		1
Article 6 (1)(b)		0.5
Article 6 (1)(c)		0.25
Article 6 (2)(a)		0.5
Article 6 (2)(b)		0.25
Article 6 (2)(c)		0.25
Article 7 (1)(a)	152	
Article 7 (1)(b)	72	
Article 7 (1)(c)	584	
Article 7 (2)(a)	296	
Article 7 (2)(b)	156	
Article 7 (2)(c)	984	
Article 8 (1)(a)		5.3
Article 8 (1)(b)		0.3
Article 8 (1)(c)		1.9
Article 8 (1)(d)		1.4
Article 8 (2)(a)		4.8
Article 8 (2)(b)		2.5
Article 8 (2)(c)		1.5
Article 9 (1)	144	
