

**REGULATION BY THE COUNCIL OF MINISTERS
of 21 October 2008
on granting license and permit to import into the territory of the
Republic of Poland, export from the territory of the Republic of
Poland and transit through this territory radioactive waste and
spent nuclear fuel**

Pursuant to Article 62j of the Atomic Law Act of Parliament of 29 November 2000 (Journal of Laws of 2007, No 42, Item 276 and of 2008, No 93, Item 538) it is hereby ordered as follows:

§ 1. This regulation shall lay down:

- 1)** procedure concerning granting licence to:
 - a)** export from the territory of the Republic of Poland radioactive waste and spent nuclear fuel,
 - b)** import into the territory of the Republic of Poland of radioactive waste and spent nuclear fuel from a third country,
 - c)** transit through the territory of the Republic of Poland radioactive waste and spent nuclear fuel shipped between the third countries in the event when the Republic of Poland is the first member country;
- 2)** procedure concerning granting permit to:
 - a)** import into the territory of the Republic of Poland radioactive waste and spent nuclear fuel from a member country,
 - b)** transit through the territory of the Republic of Poland radioactive waste and spent nuclear fuel in any case which is other than defined in Article 62c, Section 1, Item 3 of the Atomic Law Act of Parliament of 29 November 2000 hereinafter referred to as „*the Act*“;
- 3)** documents which should be attached to the application on granting a license and to the application on granting a permit;
- 4)** actions which must be carried out by entities involved in shipment and by the President of National Atomic Energy Agency after the completion of shipment.

§ 2. 1. The President of National Atomic Energy Agency hereinafter referred to as „*the Agency's President*“, in the event when he/she receives the application to issue a license, and after making sure that the application meets all the requirements specified by the European Commission in a standard document as referred to in Article 62f, Section 1 of the Act, shall submit a correctly completed application to a competent authority of the member country being a transit country, and in case of transfer as referred to in Article 62c, Section 1, Item 1 of the Act, also to a competent authority of the destination country.

2. In the event when a competent authority of a member country, as referred to in Section 1, submits a request to the Agency's President to complete an application to issue a license, the Agency's President shall address the entity from which the application was received to complete the said application in the term he/she defines and then shall forward the completed application to the competent authority which made a request for such completion.

§ 3. The Agency's President shall promptly issue a license after:

- 1)** being notified by a competent authority of a member country which is a transit country or a competent authority of a destination country about the issuance of a permit or
- 2)** expiration of deadlines set by the Agency's President in a standard document, as referred to in Article 62f, Section 1 of the Act, in relation to a competent authority of a member country

which is a transit country or a member country which is a destination country, to make decision to issue a permit.

§ 4. If the license is issued, the Agency's President shall promptly notify competent authorities of other countries involved in shipment.

§ 5. 1. The Agency's President, in the event when he/she receives the application to issue a license, and after making sure that the application meets all the requirements specified by the European Commission in a standard document as referred to in Article 62f, Section 1 of the Act, shall submit within 30 days from when the application is received:

1) a confirmation of an application receipt to a competent authority from which the application was received;

2) a confirmation copy of an application receipt to competent authorities of other countries involved in shipment.

2. If the application has not been completed correctly, the Agency's President within 20 days from the receipt date shall request the competent authority from which the application was received to complete the application and shall notify competent authorities of other countries involved in shipment about this notification.

3. The Agency's President shall, within 10 days from when a completed application is received, submit:

1) a confirmation of an application receipt to a competent authority from which the application was received;

2) a confirmation copy of an application receipt to competent authorities of other countries involved in shipment.

§ 6. 1. The Agency's President shall within 2 months from the application receipt notify a competent authority from which the application was received about the issuance of a permit or refusal for issuance of a permit or conditions upon the fulfilment of which the permit will be issued.

2. The Agency's President may forward a request to an authority from which the application was received to extend by not more than a month the term to perform action as referred to in Section 1.

§ 7. The application to issue a license shall be attached with, in case of shipment as referred to in:

1) Article 62c, Section 1, Item 1 of the Act – a commitment as referred to in Article 62c, Section 2, Item 2, Letter b of the Act;

2) Article 62c, Section 1, Item 2 of the Act – an agreement as referred to in Article 62c, Section 2, Item 3 or Item 4, Letter A of the Act;

3) Article 62c, Section 1, Item 3 of the Act – an agreement as referred to in Article 62c, Section 2, Item 3, Letter a of the Act.

§ 8. The application to issue a permit for shipment as referred to in Article 62d, Section 1, Item 1 of the Act shall be attached with an agreement as referred to in Article 62c, Section 2, Item 3 or Item 4, Letter a of the Act.

§ 9. 1. Having performed:

1) shipment as referred to in Article 62c, Section 1, Item 2 or Article 62d, Section 1, Item 1 of the Act, the consignee shall submit to the Agency's President a confirmation concerning the receipt of radioactive waste or spent nuclear fuel within 15 days from when the shipment is completed;

2) shipment as referred to in Article 62c, Section 1, Item 3 of the Act, an organizational unit responsible for the organization of shipment within the territory of the Republic of Poland shall notify the Agency's President, within 15 days from when the shipment is completed, about the fact that radioactive waste and spent nuclear fuel reached the consignee, indicating the customs office through which radioactive waste or spent nuclear fuel left the territory of the European Union;

3) shipment consisting in the export of radioactive waste or spent nuclear fuel from the territory of the Republic of Poland:

a) to a member country, the Agency's President shall submit to the holder from whom radioactive waste or spent nuclear fuel was exported, a suitable confirmation receipt issued by the consignee of this radioactive waste or spent nuclear fuel,

b) to a third country, the holder from whom radioactive waste or spent nuclear fuel was exported, shall notify the Agency's President, within 15 days from when the shipment is completed, about the fact that radioactive waste or spent nuclear fuel reached the consignee, indicating the customs office through which radioactive waste or spent nuclear fuel left the territory of the European Union.

2. In case as referred to in Section 1, Item 1, the Agency's President shall submit a copy of confirmation regarding the receipt by the consignee of radioactive waste or spent nuclear fuel to competent authorities of the country of origin and of the transit countries.

3. A confirmation regarding the receipt of radioactive waste or spent nuclear fuel issued by the consignee and indicating the customs office through which it was imported into a destination country shall be attached to the notification, as referred to in Section 1 Item 2 and Item 3 Letter b of the Act.

§ 10. This regulation shall come into force as of 25 December 2008.