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The Act on Nuclear Activities (1984:3)

Introductory provisions

Section 1 This Act applies to nuclear activities and related aspects.

Nuclear activities refer to:

1. the construction, possession or operation of a nuclear facility,
2. acquisition, possession, transfer, handling, processing, transport of or other dealings with nuclear material or nuclear waste,
3. import of nuclear material or nuclear waste into the country, and
4. export of nuclear waste from the country.

Section 2 The following terms and definitions are referred to in this Act:

1. nuclear facility:
 - a. a facility for extraction of nuclear energy (nuclear power reactor),
 - b. other facility in which a self-perpetuating nuclear reaction can occur, such as a research reactor,
 - c. facility for extraction, production, handling, processing, storage intended to be permanent (repository) or other accumulation (storage) of nuclear material, and
 - d. facility for handling, processing, storage or disposal of nuclear waste,
2. nuclear material:
 - a. uranium, plutonium or other material being used, or which can be used, for extraction of nuclear energy (nuclear fuel) or compound in which such material is included,
 - b. thorium or other material that is intended to be transformed into nuclear fuel or a compound in which such material is included, and
 - c. spent nuclear fuel that has not been placed in a repository,
3. nuclear waste:
 - a. spent nuclear fuel that has been placed in a repository,
 - b. radioactive material that has been generated in a nuclear facility and that has not been produced at or taken from the facility to be used for educational or research purposes or for medical, agricultural engineering or commercial purposes,
 - c. material or item that has belonged to a nuclear facility and become contaminated by radioactivity and which shall no longer be used in such facility, and
 - d. radioactive parts of a nuclear facility that is being decommissioned,
4. permanently shut down nuclear power reactor: a nuclear power reactor where the activity involving the production of electrical power has ceased

and will not be resumed, or a reactor that has not supplied electricity to the power grid over the past five years,

5. nuclear equipment:

a. equipment or material that has been specially designed or adapted for processing, use or production of nuclear material, and

b. equipment or material that can be used for production of nuclear charges.

Section 2a The Government or the public authority appointed by the Government may, as regards nuclear material or nuclear waste, prescribe exemptions from this Act or certain provisions of the Act to the extent this can be done without circumventing the aim of the Act.

Basic provisions

Section 3 Nuclear activities shall be conducted in a way so that the requirements imposed for safety are met and the obligations are fulfilled as prescribed by Sweden's agreements aimed at preventing the proliferation of nuclear weapons and unauthorised dealings with nuclear material and such nuclear waste that comprises spent nuclear fuel.

The Government or the public authority appointed by the Government may issue the regulations necessary to ensure compliance with obligations in agreements referred to in the first paragraph.

The Radiation Protection Act (1988:220) contains provisions concerning radiation protection.

Section 4 Safety of nuclear activities shall be maintained by implementing the measures necessary in order to:

1. prevent defects in or the malfunction of equipment, improper handling, sabotage or other circumstance that could result in a radiological accident, and

2. prevent unlawful handling of nuclear material and nuclear waste.

The Government or the public authority appointed by the Government may issue more detailed regulations concerning the measures referred to in the first paragraph.

Licensing obligation and other aspects

Section 5 A licence under this Act is required for nuclear activities. Matters concerning licences shall be considered by the Government or the public authority appointed by the Government.

The following are strictly subject to approval by the Government or the public authority appointed by the Government:

1. a licensee assigning a different party to implement measures that under this Act are to be performed by the licensee, and

2. a contractor referred to in item 1 assigning a different party to implement measures encompassed by the assignment.

If an assignment has been approved in accordance with the second paragraph, the contractor is also deemed as a licensee when applying Section 10 and Sections 17 to 29 as regards the measures encompassed by the authorisation.

The Government or the public authority appointed by the Government may issue regulations concerning exemptions, or in an individual case, grant an exemption from the requirement imposed for approval referred to in the second paragraph, item 1.

Section 5a It is prohibited to carry out the following without holding a specific licence from the Government or the public authority appointed by the Government:

1. Dispose of in Sweden, or pending final disposal, keep nuclear waste or nuclear material in an interim storage facility in Sweden, in which case such waste or material is not intended to be reused, if the origin of the waste or material is a nuclear facility or other form of nuclear activity in a foreign state, or
2. Dispose of nuclear waste or nuclear material abroad, in which case such waste or material is not intended to be reused, if the origin of the waste or material is a nuclear facility or other form of nuclear activity in Sweden.

The notification obligation under the first paragraph, item 2, does not apply to:

1. nuclear waste and nuclear material which, after treatment or reprocessing in Sweden, are to be disposed in the state where the waste was generated or the radioactive material originated, or
2. such spent nuclear fuel from research reactors which, in accordance with applicable international agreements, is sent to a state that receives fuel for research reactors, or which manufactures this kind of fuel.

Section 5b When considering matters under this Act, Chapter 2 and Chapter 5, Section 3 of the Environmental Code shall be applied. Chapter 17, Section 6a of the Environmental Code shall also be applied when considering licences for construction, possession and operation of a new nuclear power reactor.

A licence under this Act shall not be granted for transport of spent nuclear fuel or nuclear waste to places or states listed in Section 20a of the Radiation Protection Act (1988:220).

Licences under Section 5a, first paragraph, item 1 may be granted only if there are extraordinary reasons and the implementation of the programme referred to in Section 12 is not impeded. A licence under Section 5a, first paragraph, item 2 shall only be granted provided that there is an agreement between Sweden and the other state concerning final disposal, and the advantages of disposal in the other state from the perspective of nuclear safety clearly outweigh the advantages of disposal in Sweden.

Section 5c An environmental impact assessment shall be included in a licence application for construction, possession or operation of a nuclear facility. Chapter 6 of the Environmental Code applies to the procedure and requirements for conducting the environmental impact assessment, as well as to plans and planning documentation.

Section 5d The Government may issue regulations on prerequisites for approval of the kind of agreement concerning final disposal as referred to in Section 5b, third paragraph as grounds for issuing a licence.

Section 5e The Government or the public authority appointed by the Government may issue regulations prescribing preparation of an environmental impact assessment in other matters concerning licences under this Act apart from those referred to in Section 5c.

Section 5f The Government or the public authority appointed by the Government shall issue more detailed regulations concerning the content and format of an application for a licence under this Act.

Section 6 Chapter 7, Sections 28a to 29b of the Environmental Code contain provisions about licences being required for certain operations and measures.

Section 7 A licence may be limited to a certain period. Licences for the transport of spent nuclear fuel or nuclear waste to or from Sweden shall not exceed three years.

Notification obligation

Section 7a A party conducting research or development operations that involve processes or systems relating to nuclear facilities, nuclear material or nuclear waste is obliged to notify the public authority appointed by the Government.

The first paragraph does not apply to theoretical or basic research. Nor does it apply to research or development that relates to:

1. industrial use of radioisotopes,
2. applications within medicine, hydrology or agriculture,
3. health and environmental effects,
4. improved maintenance.

Section 7b A party that manufactures, assembles or in some other way produces nuclear equipment is obliged to notify the public authority appointed by the Government.

Section 7c A party that imports or exports nuclear equipment into or from Sweden is obliged to notify the public authority appointed by the Government.

Section 7d The Government or the public authority appointed by the Government may issue regulations concerning exemptions from the notification obligation contained in Sections 7a to 7c.

Licence conditions and related aspects

Section 8 The Government or the public authority appointed by the Government may, when a licence has been granted or during the term of validity of a licence, decide on such conditions that are necessary from the standpoint of safety.

Section 8a The Government may issue regulations prescribing that licences for a nuclear activity shall be combined with the conditions necessary for ensuring:

1. the responsibility and obligations ensuing from the Nuclear Liability Act (1968:45), and
2. application of the requirements regarding the supply of ores, source materials and special fissile materials as prescribed by the provisions contained in the Treaty Establishing the European Atomic Energy Community of 25 March 1957.

Section 9 As regards devices for nuclear activities that are of importance from the standpoint of safety, the Government or the public authority appointed by the Government may issue regulations concerning testing, control or inspection.

General obligations for licensees

Section 10 A party that holds a licence for nuclear activities shall be responsible for ensuring that all the necessary measures are taken for:

1. maintaining safety, taking into account the nature of the operation and the circumstances in which it is conducted,
2. safe management and disposal of nuclear waste generated by the operation or nuclear material derived from the operation that is not reused, and
3. safe decommissioning and dismantling of facilities in which the operation shall be discontinued until all operations at the facilities have ceased and all nuclear material and nuclear waste have been placed in a repository that has been sealed permanently.

A party that holds a licence for nuclear activities shall, as soon as possible in connection with incidents, threats or other similar circumstances, provide information that is relevant to an assessment of safety to the public authority referred to in Section 16.

Section 10a A party that holds a licence to possess or operate a nuclear facility shall, at least every ten years, conduct an overall assessment of the facility's safety and radiation protection. The assessment shall be conducted in relation to developments in science and technology. It shall include analyses and descriptions of:

1. the way in which the facility's design, function, organisation and operations fulfil the requirements imposed by this Act, the Environmental Code and the Radiation Protection Act (1988:220), in addition to regulations and conditions decided and issued under such legislation, and
2. the prerequisites for compliance with these regulations and conditions up to the next overall assessment.

The overall assessment and the measures ensuing from it shall be reported to the public authority referred to in Section 16.

Section 10b The Government or the public authority appointed by the Government may issue additional regulations concerning:

1. the content of an assessment under Section 10a, and

2. that an assessment under Section 10a shall be made more frequently than every ten years for safety reasons.

Section 10c The Government or the public authority appointed by the Government may issue regulations concerning exemptions, or in an individual case grant an exemption, from the requirements contained in Section 10a. Such exemptions may only pertain to nuclear facilities where the level of risk associated with the facilities is low.

Section 11 A party that holds a licence to possess or operate a nuclear power reactor shall, in addition to the provisions of Section 10, be responsible for ensuring that the necessary comprehensive research and development work is conducted to enable fulfilment of the provisions of Section 10, items 2 and 3.

Section 12 A party that holds a licence to possess or operate a nuclear power reactor shall, in consultation with other reactor operators, prepare or arrange for a programme for the comprehensive research and development work and the other measures referred to in Section 10, items 2 and 3, and Section 11. The programme shall contain an overview of all measures that may be necessary and specify in detail the measures that are intended to be implemented within at least six years. The programme shall be submitted every third year to the Government or the public authority appointed by the Government for review and evaluation. In conjunction with the review and evaluation, conditions may be imposed that are considered necessary for continuing research and development work.

Section 13 A party that holds a licence to conduct nuclear activities is obliged to:

1. bear the costs for the measures referred to in Sections 10 to 12, and
2. have an organisation for the activity with sufficient financial, administrative and human resources in order to implement:
 - a) the measures referred to in Sections 10 to 12,
 - b) measures ensuing from conditions or regulations issued under this Act, and
 - c) protective measures in the event of disruptions in the operations or accidents in the facility.

The Act on Financing of Management of Residual Products from Nuclear Activities (2006:647) contains provisions regarding the obligation of licensees to bear certain costs incurred by the State and to ensure financing of the costs referred to in the first paragraph.

Section 14 The obligations under Section 10 shall remain until they have been fulfilled, regardless of whether:

1. a licence has been revoked,
2. a licence expires,
3. the right to operate a nuclear power reactor has ceased under the repealed Act on Nuclear Power Phase-Out (1997:1320), or
4. a nuclear power reactor has been permanently shut down.

Despite the first paragraph, an exemption from the obligations imposed under Section 10 may be granted by the Government or the public authority appointed by the Government.

Revocation of licence

Section 15 A licence to conduct nuclear activities may be revoked by the party that issued the licence if:

1. conditions or regulations imposed in accordance with Section 8 or 9 have not been observed in some essential respect,
2. the provisions of Section 11 or 12 have not been observed and there are extraordinary reasons from a safety perspective,
3. there are other extraordinary reasons from a safety perspective, or
4. the obligations referred to in Section 13 have been materially neglected.

Prohibition against taking a permanently shut down nuclear power reactor into commercial operation

Section 15a A permanently shut down nuclear power reactor is not allowed to resume commercial operation.

Supervision

Section 16 Supervision of compliance with this Act and with conditions or regulations that have been issued under the Act, together with monitoring and control of disposal, are exercised by the public authority appointed by the Government.

Section 17 A party that conducts a nuclear activity, or holds a licence to conduct the same, a party subject to a notification obligation under Sections 7a to 7c, and a party dealing with equipment subject to a notification obligation under Section 7c shall, when requested by the supervisory authority:

1. provide the public authority with the necessary information and documents required for the supervision, and
2. give the public authority access to any facility or site where its operation is conducted for the purpose of investigations and taking of samples to the extent necessary to exercise the supervision.

An obligation in accordance with the first paragraph also applies to the extent prescribed by the Government or the public authority appointed by the Government in relation to a party that has been appointed to monitor compliance with the obligations as prescribed by agreements concluded by Sweden with the aim of preventing the proliferation of nuclear weapons.

The police authority shall provide the assistance necessary for the supervision.

Section 18 The supervisory authority may decide on necessary measures and also impose upon the licensee the orders and prohibitions that are necessary in individual cases to ensure that this Act, or regulations or conditions that have been issued under this Act, are observed.

The supervisory authority may also decide on the enforcement of sanctions under Article 83.1 of the Treaty Establishing the European Atomic Energy Community of 25 March 1957.

If a party does not implement a measure imposed upon it under this Act or in accordance with regulations or conditions that have been issued under the Act or according to an order by the supervisory authority, the authority may arrange for the measure to be implemented at the party's own cost.

Public access

Section 19 A party that holds a licence to operate the type of nuclear facility referred to in Section 2, item 1a or 1b, or a facility for the production, management, processing, storage or disposal of nuclear material or nuclear waste, is liable to provide local safety boards, as appointed by the Government, with insight into the safety and radiation protection work at the facility.

Section 20 The insight shall enable the board to obtain information about the safety and radiation protection work that has been conducted or is being planned at a facility referred to in Section 19 and to compile material in order to inform the general public about this work.

Section 21 The licensee shall, when requested by the board:

1. provide the board with information on available facts and allow the board access to available documents, all to the extent necessary to enable the board to satisfy the provisions of Section 20, and
2. provide the board access to facilities or sites and show these as necessary to enable the board to understand the implications of information or documents released in accordance with item 1, and such access is compatible with applicable safety regulations.

Provisions on liability and related aspects

Section 22 The supervisory authority may impose conditional fines on a party that does not observe the provisions of Sections 10 to 12 or conditions imposed or regulations issued under this Act, or which does not comply with a request or decision of the authority made in accordance with Section 17 or 18.

Section 23 A decision made by the supervisory authority under this Act may be appealed to the Government.

A decision by the supervisory authority shall have immediate effect unless otherwise determined.

Section 24 A decision by a local safety board concerning a request under Section 21 may be appealed to an administrative court.

The appeal document shall be addressed to the administrative court and shall have been received within three weeks of the date when the appellant received the decision. If the document is received out of time, the court shall dismiss it. However, the appeal document shall not be dismissed if the delay results from the board having given the appellant

incorrect notification about how to appeal. Nor shall the document be dismissed if it was delivered to the board within the period for appeal.

Section 25 A sentence of a fine or imprisonment of at most two years shall be imposed on a person who intentionally or through negligence:

1. conducts a nuclear activity without a licence under Section 5, first paragraph or Section 5a, first paragraph,
2. infringes his or her notification obligation under Sections 7a to 7c, or
3. infringes conditions or regulations issued under this Act.

Any person who otherwise, in cases of intent or gross negligence, contravenes Section 10, first paragraph, shall be sentenced to a fine or imprisonment of at most two years.

Liability shall not be imposed in accordance with this section if liability for the deed may be imposed under Section 40 of the Nuclear Liability Act (1968:45).

Section 25a A person who has intentionally committed an offence deemed serious under Section 25 shall be sentenced to imprisonment of at least six months and at most four years.

When assessing whether the offence is serious, special account shall be taken as to whether it relates to an operation, a material or a product of a particularly hazardous kind or whether the deed was otherwise of a particularly serious nature.

Section 26 Nuclear material or nuclear waste that a person without a licence under Section 5 has acquired, possessed, transferred, handled, processed, transported or otherwise dealt with may be declared completely or partially forfeited, provided doing so would not be manifestly unfair. If the person no longer possesses the material, the value may be declared forfeited instead.

Section 27 A person who does not satisfy a request or decision made by the supervisory authority in accordance with Section 17 or 18, or the request of a local safety board in accordance with Section 21, or who intentionally or through gross negligence provides the authority or board with incorrect information, shall be sentenced to a fine or imprisonment of at most six months.

Section 27a A fine shall be imposed on a person who, intentionally or through gross negligence, contravenes Council Regulation (Euratom) No 2587/1999 of 2 December 1999 defining the investment projects to be communicated to the Commission in accordance with Article 41 of the Treaty establishing the European Atomic Energy Community by not informing the Commission about investment projects under Article 1.1 or 1.2, or by, when providing the information, giving incorrect or incomplete information.

Section 27b A fine shall be imposed on a person who, intentionally or through gross negligence, contravenes Commission Regulation (Euratom) No 302/2005 of 8 February 2005 on the application of Euratom safeguards by:

1. constructing or operating a nuclear facility without performing his or her obligation to:

a) provide a basic technical description of the facility and any extraction of ores in its operations as stipulated by Articles 3, 4 and 24.1,

b) provide information on programmes of activities as stipulated by Articles 5 and 24.1,

c) comply with the particular safeguard provisions decided by the Commission in accordance with Articles 6.1 and 6.2,

d) maintain a system of accountancy and control for nuclear material or to give the Commission, or the Commission's inspectors, access to documentation and operating records in accordance with the provisions of Articles 7 to 9, 24.2 and 30.2,

e) provide accounting reports in accordance with the provisions of Articles 10, 25 and 30.2,

f) transmit inventory change reports in accordance with the provisions of Articles 12, 25 and 30.2 or, in this type of report, report on nuclear transformations in accordance with Article 16, or identify nuclear material in accordance with Article 17,

g) transmit material balance reports and physical inventory listings in accordance with the provisions of Articles 13, 25 and 30.2 or, in this type of report or list, identify nuclear material in accordance with Article 17,

h) transmit special reports in accordance with the provisions of Articles 14, 15, 22 and 25,

i) following a granted derogation from reporting requirements, transmit reports in accordance with the provisions of Article 19.3 or 19.4 or transmit a request in accordance with the provisions of Article 19.5,

j) give advance notification in accordance with the provisions of Articles 20, 21 or 31 or, in such notification, identify nuclear material under Article 17,

k) give notice of change of date in accordance with Article 23, or

l) submit annual reports on waste in accordance with the provisions of Article 32,

2. providing incorrect or incomplete information to the Commission in communications as referred to in item 1,

3. transporting or temporarily storing nuclear material without performing his or her obligation to document this in accordance with Article 26, or

4. in his or her capacity as intermediary, failing to retain documentation concerning the supply of nuclear material under Article 28.

Section 28 Any party failing to comply with an imposition of a conditional fine or prohibition under penalty of a fine shall not be convicted under this Act for an offence to which the imposition or prohibition refers.

Section 29 Liability under this Act shall not be imposed if the offence is minor. Nor shall liability be imposed if a more severe penalty for the offence may be imposed under the Penal Code or if liability may be imposed under the Act on Penalties for Smuggling (2000:1225).

Charges

Section 30 The Government or the public authority appointed by the Government may issue regulations concerning charges for operations of the authority under this Act.