

WATRP Mission to the Czech Republic

International peer review
of the Czech programme of the geological repository development

Background materials

Statute of the Radioactive Waste Repository Authority

Government resolution No. 562/97 of the 10th of September 1997

CONTENTS

| | | |
|----|--|----|
| 1 | <i>Article 1 Introductory Arrangements</i> | 5 |
| 2 | <i>Article 2 Legal position of the Authority</i> | 5 |
| 3 | <i>Article 3 Objectives and major functions of the Authority</i> | 5 |
| 4 | <i>Article 4 The Director</i> | 6 |
| 5 | <i>Article 5 Composition, functional period and functions of the Board</i> | 6 |
| 6 | <i>Article 6 Rights and duties of a Board member</i> | 7 |
| 7 | <i>Article 7 Meetings and decisions of the RAWRA Board</i> | 7 |
| 8 | <i>Article 8 The Authority employees</i> | 8 |
| 9 | <i>Article 9 Organisational arrangement of the Authority</i> | 8 |
| 10 | <i>Article 10 Management of the Authority</i> | 8 |
| 11 | <i>Article 11 Relations between the Authority and waste producers</i> | 9 |
| 12 | <i>Article 12 Closing statements</i> | 10 |

STATUTE OF THE RADIOACTIVE WASTE REPOSITORY AUTHORITY

1 Article 1 Introductory Arrangements

- (1) The Radioactive Waste Repository Authority - abbreviated as RAWRA (hereinafter referred to as "Authority") was established by the decision of the Minister of Industry and Trade (hereinafter referred to as "Minister") No. 107/97, issued in pursuance of the Article 26 of the Act No. 18/1997 Coll., on the peaceful utilisation of nuclear energy and ionising radiation (the Atomic Act), and on alterations and amendments of some regulations (hereinafter referred to as "Act ").
- (2) The following Statute defines the legal position, functions and principles of the Authority activities, terms of appointment of the Authority's bodies, details of Authority management and mode of clearing the nuclear account.
- (3) The Statute and its amendments shall be approved by the Government of the Czech Republic.

2 Article 2 Legal position of the Authority

- (1) The Authority is a State owned organisation operating over the entire territory of the Czech Republic.
- (2) The Authority's headquarters are in Prague.
- (3) To perform permanent functions outside its headquarters, the Authority may establish regional workplaces, in the form of its organisational units.
- (4) The Director and the Board are the bodies of the Authority. The Director and the Board are appointed and recalled by the Minister.

3 Article 3 Objectives and major functions of the Authority

- (1) Objectives of the Authority are to ensure safe disposal of radioactive waste, that has been and will be generated, in compliance with requirements for nuclear safety and protection of humans and the environment from adverse impacts of disposed wastes, without burdening future generations with present problems associated with utilisation of nuclear energy and ionising radiation.
- (2) The Authority's main functions follow from its area of responsibility, which is specified in Article 26 of the Act, and from other specifications of the Act. In addition, the Authority fulfils other tasks which follow from the statements of this Statute and the related legislation.
- (3) In selection of suppliers the Authority acts in compliance with Act No. 199/1994 Coll., as amended in Act No. 148/1996 Coll., on public tenders. In implementing this Act, the rules and procedures are specified by the Authority internal regulations.

4 Article 4 The Director

- (1) The Director is a statutory body of the Authority, who acts in the name of the Authority, and administers and organises its activities.
- (2) The Director concludes service agreements with the Authority staff.
- (3) The Director ensures maintenance of the Authority functions, in pursuance of Article 3 of the Statute.
- (4) The Director is responsible for maintaining the Authority functions and for management of consigned financial resources and the State property.
- (5) The Director's salary is specified by the Minister.
- (6) In relation to the subject of Board's functions, the Director is obliged to provide for the Board, upon its request, information and background materials to the matters discussed. The Director, or any deputy designated by him, is obliged to participate, upon request of the Board, in its meeting.

5 Article 5 Composition, functional period and functions of the Board

- (1) The Board is composed of 11 members; three are representatives of the State administration, four represent the general public, and four represent radioactive waste producers . The Board members are physical persons appointed by the Minister of Industry and Trade based on a proposal of related subjects or groups of subjects representing the State administration, general public, and waste producers.
- (2) The principles of selection, appointment and recall of Board members are specified in the Appendix to this Statute.
- (3) The functional membership period of the Board is five years. The Board membership is a public function in pursuance of Article 124, Sections 1 and 2 of the Act No. 65/1965 Coll., the Labour Code, in the wording of later regulation.
- (4) The membership in the Board expires:
 - a) after the expiration of the functional period;
 - b) by recalling from the function;
 - c) by resignation from the function;
 - d) in the case of a member's death.
- (5) The Board performs functions in pursuance of Article 29, Section 5, of the Act. In its activities, the Board abides by the Act and acts in the interest of securing the Authority's responsibilities, as defined by the Act. The Board discusses the Authority's organisational structure, salaries and wages, and the documentation of the Quality Assurance system prior to its issuance.

- (6) The Board activities are headed by the Chairman and, in his absence, the vice-chairman, both elected from the Board members for one year period. To these functions, a Board member can be elected once during his functional period.
- (7) Expenditures on the Board activities are part of expenditures of the Authority. The Board sets up its one-year plan of activities and a budget as a part of the plan and budget of the Authority.
- (8) The Board may fulfil its tasks through third persons within the Authority's approved plan and budget. The Authority is responsible for functioning of the Board's secretariat.

6 Article 6 Rights and duties of a Board member

- (1) The Board member shall participate in Board's meetings
- (2) The Board member acts to the benefit of the fulfilment of the Authority's tasks and provides an information link between the subject which he represents and the Authority.
- (3) The Board member expresses his statement to the Board's materials, in a specified case he may delegate his voting right to an other Board member, in written form only.
- (4) The Board member may raise discussions relating to a subject of the Board's activities.
- (5) The Board members shall keep reticence about information and matters subject to duty, economic or business secrecy, with which they have become acquainted during their functional period. The reticence shall be kept for five years after termination of the membership in the Board. Information related to the impact of radioactive waste repositories on the population and the environment is not subject of duty or economic secrecy.

7 Article 7 Meetings and decisions of the RAWRA Board

- (1) To fulfil its functions, the Board convenes as required, at least twice a year. The meeting shall convene upon request of
 - a) the Minister;
 - b) the Director;
 - c) at least three Board members.
- (2) The Board's meetings are convened and chaired by the Chairman or the vice-chairman. The first meeting in the functional period convenes the representative of the Ministry of Industry and Trade in the Board, within 14 days after Board nomination.

- (3) Statements, proposals and recommendations of the Board are summarised in the minutes of the meeting, which is verified through a signature of the chairing Board member and the minute-man defined by the Board. A list of persons present shall be attached. Any Board member and the Director have the right to record their opinion of discussed matters into the minutes of the meeting.
- (4) The Board accepts its decisions and resolutions by more than a half of members' votes. Regarding proposal of appointment or recall of the Director, Board's member, or Chair-man and vice-chairman, the Board decides in a secret ballot. The mentioned Board member does not vote in this case. The poll results including the number of votes are recorded.
- (5) In decisions of the Board, each member has one vote. The Board is capable of adopting a resolution if more than a half of members are present at the meeting
- (6) The Board's resolution is the basis for decision-making by the Director, Minister, or the Government.
- (7) Details of organisational and processional matters and procedures during the Board meetings are covered by the procedural order, which is an internal document of the Board.

8 Article 8 The Authority employees

- (1) Legal relations of the employees are administered by Act No. 65/1965 Coll., the Labour Code, in the wording of later and relating legislation. Details are administered by the Board's working rules.
- (2) Remuneration of the Authority employees is administered by Act No. 143/1992 Coll., on wages of the employees of the State administration, in some other organs and organisations, and in pursuance of Government's decree No. 253/1992 Coll., on salaries of the employees of the State administration, other organs and municipalities. Details are administered by the Salary Order.

9 Article 9 Organisational arrangement of the Authority

Organisational structure of the Authority, specification of relationships between the organisational compartments, definition of activities, authorities and responsibilities are specified, in compliance with the objectives and activities planned, in the organisational rules.

10 Article 10 Management of the Authority

- (1) The Authority has the right to manage the State property and keeps its accounts in pursuance of Act No. 563/1991 Coll. on accountancy, in the meaning of Act No. 117/1994 Coll., and later legislation, and in pursuance of the arrangement of the Ministry of Finance No. V/20 530/1992, which establishes the financial arrangement for budgetary and contributory organisations and for municipalities, in the wording of later arrangements of the Ministry of Finance.
- (2) Within the frame of its authorisation, the Authority manages the following State property: capital and other means and means of the fund of cultural and social

- needs (FCSN), on its current account; · allocated tangible and intangible capital properties; · other property acquired within its activities.
- (3) Authority activities are funded from the means on the nuclear account in pursuance of Article 26, Section 2 of the Act.
 - (4) The Authority is managed on the basis of a budget for the calendar year, approved by the Government. The Authority's budget is compiled taking account of the budgetary structure, specified by the arrangement No. 111/27 947/1996 of the Ministry of Finance, in the wording of later amendments of the Ministry. The structure of binding budget items is specified by the Ministry of Industry and Trade, in compliance with the Ministry of Finance and the Authority. The Authority's budget includes a reserve for unpredictable costs. In the course of a year, the Authority may adapt the inner arrangement of costs in pursuance of the Article 37 of the Decree of Ministry of Finance No. 205/1991 Coll., on management with the budgetary means of the State budget of the Czech Republic, and on financial arrangement for budgetary and contributory organisations, in the wording of later legislation.
 - (5) Means from the budgetary reserve is claimed by the Director at the administrator of the nuclear account. The exceedance of the budget shall be approved by the Government, as a change of the Authority's annual budget.
 - (6) All Authority incomes and payments to the nuclear account, mediated by the Authority in pursuance of Article 27, Section 5 of the Act, are transferred to the nuclear account.
 - (7) The Authority shall submit statements about its management, together with brief comments, in compliance with the arrangement of Ministry of Finance No. 283/3150/1994, on presentation of annual budget data of budgetary and contributory organisations, in the meaning of later arrangements: quarterly - statement on incomes and expenses; semi-annually - balance.
 - (8) By the end of the year, the Authority transfers all incomes and unconsummated means (except of remainder at the FCSN) to the nuclear account and submits, to the Administrator of the nuclear account, a final balance of incomes and expenses for the past year by the 15th of January of the following year. Potential incomes relating to the past year, shall be transferred by the Authority in the framework of amendments.
 - (9) The Authority prepares the annual report in pursuance of Article 21 of the Act No. 563/1991 Coll., on accountancy, in the wording of later regulations.
 - (10) Detailed regulations of the Authority management and relations to the nuclear account elaborates the Authority as its internal regulation, in co-operation with the Ministry of Finance

11 Article 11 Relations between the Authority and waste producers

- (1) The Authority is responsible for disposal of radioactive wastes and provision of services in the area of radioactive waste management, based upon contracts signed

with radioactive waste producers (hereinafter producers), in pursuance of Article 31, Section 2 of the Act. The contracts define conditions for receipt of wastes, payments to the nuclear account and direct payments for waste disposal to the Authority, including sanctions for non-observance of agreed conditions.

- (2) In administration of payments the Authority proceeds adequately to Act No. 337/1992 Coll., on administration of taxes and dues, in the wording of later legislation, and follows the valid decree of the Government on payments, by the waste producers, to the nuclear account, issued on a basis of Article 27, Section 5, of the Act. Detailed procedures regarding the administration of the nuclear account will be covered by the Authority through an internal regulation, elaborated in accordance with the Ministry of Finance.
- (3) In connection with the administration of payments to the nuclear account, the Authority keeps evidence of producers and their payments to the nuclear account, exacts due payments, and defines penalties for delayed payments. For this reason, the Authority re-quires from the nuclear account administrator systematic information on payments, received from the producers to the nuclear account.
- (4) The Authority inspects, at least once a year, formation of reserves for decommissioning of nuclear installations and facilities with significant or highly significant sources of ionising radiation. The Authority informs about the results of inspection the State Office for Nuclear Safety.

12 Article 12 Closing statements

- (1) To the date of its establishment, the Authority has not been provided with any property.
- (2) (2) This Statute is valid from the date of approval. The Statute has been approved by the Government on September 10,1997 by the Government's resolution No. 562/97.APPENDIX :Principles for selection and appointment of Board members