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Nuclear Energy Act

Amendment(s) without an effective date. See the [amendment overview](#) .

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Effective from 01-07-2024 to the present.

Original inscription and salutation

Act of 21 February 1963 containing regulations regarding the liberation of nuclear energy and the use of radioactive substances and devices emitting ionizing 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 this read, greetings! Please know:

Whereas We have considered that it is desirable to make arrangements in the field of nuclear energy and ionizing radiation, in particular to promote proper development in the field of the liberation of nuclear energy and the use of radioactive substances and equipment emitting ionizing radiation, as well as to protect against the dangers associated therewith;

Thus it is that We, having heard the Council of State and with the common consent of the States-General, have decided and understood, as We decide and understand hereby:

Chapter I. Definitions and scope

Article 1

1 In this Act and the provisions based thereon, the following terms are understood to mean:

- a. nuclear energy: energy released during the fission or fusion of atomic nuclei;
- b. fissionable materials: materials which contain at least a percentage of uranium, plutonium, thorium or other elements designated therein, to be determined by general administrative order;
- c. ores: ores containing by weight at least one-tenth of a percent uranium or three percent thorium and which are processed for their fissionable or fertile properties;
- d. radioactive substances: substances, other than fissile materials and ores, containing radionuclides in such quantities that they cannot be neglected as far as protection against ionising radiation is concerned;
- e. ionizing radiation: X-rays and gamma rays, as well as corpuscular radiation capable of causing ions to form;
- f. device: device that can emit ionizing radiation and does not contain any radioactive material, nuclear fuel or ore;
- g. competent authority: administrative body that is authorised to issue a decision;
- h. Authority: Nuclear Safety and Radiation Protection Authority, referred to in [Article 3, paragraph 1](#) .

2 The proposal for the adoption, amendment or withdrawal of a general administrative measure as referred to in the first paragraph, under b, is submitted to Us by Our Ministers of Infrastructure and the Environment and of Social Affairs and Employment.

Article 2

The provisions of or pursuant to this Act also apply to an exploratory survey, the exploration for or extraction of minerals or geothermal energy, or the storage of substances insofar as this takes place on the continental shelf as referred to in the [Mining Act](#) .

Chapter II. The Nuclear Safety and Radiation Protection Authority

Article 3

- 1 There is a Nuclear Safety and Radiation Protection Authority.
- 2 The Authority shall carry out its tasks independently.
- 3 The Authority has the following tasks in relation to nuclear safety and radiation protection, related crisis preparation, as well as security and safeguards:
 - a. the performance of the tasks assigned to it by or pursuant to law;
 - b. the supervision of compliance with the rules established by or pursuant to this Act;
 - c. to advise on policy and legislation and regulations on the basis of its specific knowledge and expertise and in conjunction with its other tasks assigned by or pursuant to law;
 - d. providing information;
 - e. participating in activities of international organizations;
 - f. cooperating with comparable foreign authorities from countries in the vicinity of establishments referred to in [Article 15\(b\)](#), including by exchanging and sharing information;
 - g. maintaining relations with comparable foreign authorities and national and international organisations other than those referred to in paragraph (f);
 - h. supporting national organisations with knowledge;
 - i. conducting and commissioning research for the purpose of carrying out its duties.
- 4 The Authority shall have the task of participating in the definition of nuclear safety regulations as referred to in Article 5, paragraph 3(a), of [Council Directive 2009/71/Euratom](#) of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2009, p. 1), as last amended by Council [Directive 2014/87/Euratom](#) of 8 July 2014 ([OJ L 219, 2014](#)).

Article 4

- 1 By or pursuant to general administrative order, it may be determined that the Authority may, in the interest of nuclear safety, radiation protection or security, establish rules by ordinance regarding organizational or technical matters.
- 2 The Authority shall not adopt a regulation until the draft has been duly notified and everyone has been given the opportunity to submit written comments to the Authority within a period to be determined by the Authority in that notification, which shall be at least four weeks from the date of notification.

Article 5

- 1 The Authority shall consist of at least two and no more than three members, including the Chairperson.
- 2 Appointment shall be made on the basis of expertise or experience necessary for the performance of the Authority's duties.
- 3 Members are appointed for a maximum term of four years and may be reappointed once for a further term of up to four years. In the event of exceptional circumstances within the Authority's organization, a member of the Authority may be reappointed immediately upon expiration of the second term for a maximum term of two years.
- 4 In the event of a vacancy, the remaining members shall, by way of exception to the first paragraph, form the Authority.
- 5 Without prejudice to [Article 13, paragraph 1, of the Framework Act on Independent Administrative Bodies](#), a member shall not have any financial or other interests that could compromise his or her impartiality.
- 6 A member cannot also be a civil servant subordinate to a minister.
- 7 Membership of the Authority is designated as a position of trust as referred to in [Article 1, paragraph 1, subparagraph a, of the Security Screening Act](#).

Article 6

- 1 Our Minister of Infrastructure and the Environment appoints, suspends, and dismisses the members of the Authority.
- 2 Our Minister of Infrastructure and the Environment will publish a dismissal decision in the Government Gazette. The reasons for the dismissal will be made public in that notice if the person concerned so requests.

Article 7

Our Minister of Infrastructure and the Environment determines the remuneration or compensation of members of the Authority.

Article 8

The Authority shall establish procedures to prevent or resolve conflicts of interest in the exercise of its duties.

Article 9

- 1 Our Minister of Infrastructure and the Environment shall make sufficient financial resources available to the Authority to perform its duties.

- 2 Our Minister of Infrastructure and the Environment shall include the Authority in his budget as a separate budget item and shall provide this item with an explanatory memorandum.

Article 10

Our Minister of Infrastructure and the Environment shall make sufficient and qualified personnel available to the Authority for the performance of its duties.

Article 11

Without prejudice to Article 18, paragraph 2, of the Framework Act on Independent Administrative Bodies, the Authority shall send the annual report not only to Our Minister of Infrastructure and the Environment, but also to Our Ministers of Social Affairs and Employment, of Health, Welfare and Sport, and of Security and Justice.

Article 12

- 1 Without prejudice to Article 20, paragraph 1, of the Framework Act on Independent Administrative Bodies, the Authority shall, upon request, provide not only Our Minister of Infrastructure and the Environment but also Our Ministers of Social Affairs and Employment, Health, Welfare and Sport, and Security and Justice with all information necessary for the performance of their duties. They may request access to all business data and documents if this is reasonably necessary for the performance of their duties.
- 2 Our Ministers may jointly establish further rules regarding the provision of data or information from the Authority to Our Ministers and from Our Ministers to the Authority.

Article 12a

By way of exception to Article 21, paragraph 1, of the Framework Act on Independent Administrative Bodies, Our Minister of Infrastructure and the Environment may not establish policy rules regarding the performance of tasks by the Authority.

Article 12b

- 1 The Authority shall establish administrative regulations.
- 2 The administrative regulations require the approval of Our Minister of Infrastructure and the Environment.
- 3 The governing board regulations contain only rules on decision-making, financial management, administrative organization, replacement of members, power of representation, and procedures aimed at the proper and careful performance of duties.
- 4 After approval, the Authority shall publish the administrative regulations in the Government Gazette.

Article 12c

- 1 By way of exception to Article 22, paragraph 1, of the Framework Act on Independent Administrative Bodies, Our Minister of Infrastructure and the Environment may only annul a decision of the Authority on the grounds that it is contrary to law.
- 2 Our Minister of Infrastructure and the Environment shall immediately notify both Houses of the States General of a decision to annul a decision of the Authority.

Article 12d

If the Authority seriously neglects its duties, Our Minister of Infrastructure and the Environment may, after consultation with Our Ministers of Social Affairs and Employment and of Health, Welfare and Sport who are concerned by the neglect of duties, take the necessary measures.

Article 12e

Our Minister of Infrastructure and the Environment shall draw up the report referred to in Article 39, paragraph 1, of the Framework Act on Independent Administrative Bodies after consultation with Our Ministers of Social Affairs and Employment and of Health, Welfare and Sport.

Chapter III. Fissile materials, ores and installations**Section 1. Registration of fissile materials and ores****Article 13**

- 1 There shall be a register in which shall be recorded the details of fissionable materials, ores and other materials from which fissionable materials can be obtained and which contain by weight at least one-tenth of one percent uranium or three percent thorium, declared in accordance with Article 14.
- 2 The register's structure shall be regulated by or pursuant to a general administrative measure, and the cases in which information from the register may be provided shall be designated.
- 3 The Authority is responsible for managing the register and providing information from it.

Article 14

- 1 Any person who, in compliance with this Act, transports, possesses, brings into or out of Dutch territory or causes to be brought or disposes of fissionable materials or ores or other materials from which fissionable materials can be obtained and which contain at least one-tenth of one percent uranium or three percent thorium by weight, is obliged to keep records of such materials and to submit a declaration for the purposes of the registration referred to in [Article 13](#) , all this in cases to be determined by general administrative order and in accordance with rules to be laid down by the order.
- 2 Any person who has established the presence in the soil of ores or other materials from which fissionable materials can be obtained and which contain by weight at least one-tenth of one percent uranium or three percent thorium, is obliged, in cases to be determined by general administrative order and in accordance with rules to be laid down by the order, to make a declaration for the purpose of the registration referred to in [Article 13](#) .

Section 2. Permits

Article 15

[Amendment(s) without an effective date. See the [list of changes](#) .]

It is prohibited without a permit from the Authority:

- a. to transport, possess, bring or cause to be brought into or out of Dutch territory, or to dispose of, fissionable materials or ores;
- b. to establish, put into operation, maintain in operation, decommission or modify an installation in which nuclear energy can be released, fissionable materials can be manufactured, processed or treated, or fissionable materials can be stored, or to dismantle an installation in which nuclear energy could be released, fissionable materials could be manufactured, processed or treated, or fissionable materials were stored;
- c. equipment capable of propelling, installing or maintaining in a vessel or other means of transport by nuclear energy, or of putting into operation, maintaining in operation or modifying such equipment installed therein.

Article 15a

- 1 As of 31 December 2033, the permit granted pursuant to [Article 15\(b\)](#)) for the operation of the Borssele nuclear power plant, which was put into operation in 1973, will expire insofar as it concerns the release of nuclear energy.
- 2 An application for a permit as referred to in [Article 15\(b\)](#)) for the release of nuclear energy in the facility referred to in the first paragraph after the time referred to in the first paragraph shall, without prejudice to any other provisions of or pursuant to this Act, be disregarded.

Article 15aa

If a permit as referred to in [Article 15\(b\)](#)) is applied for to modify a facility and one or more permits under this Act have already been granted for that facility, [Article 5.43, paragraphs one and four, of the Environment Act](#) shall apply accordingly. The Authority may not amend the rights the permit holder derived from previously granted permits other than by applying [Article 18a](#) or [Article 19](#) of this Act.

Article 15b

- 1 The permit may only be refused in the interest of:
 - a. the protection of people, animals, plants and goods;
 - b. the security of the state;
 - c. the storage and security of fissile materials and ores and the security of installations referred to in [Article 15\(b\)](#) ;
 - d. securing the payment of compensation to third parties for damage or injury caused to them;
 - e. the fulfilment of international obligations.
- 2 Without prejudice to the first paragraph, a permit to establish a facility as referred to in [Article 15\(b\)](#)) may be refused if the technology described in the application for releasing nuclear energy, manufacturing, processing or treating fissile materials or storing fissile materials in the facility will, in the opinion of the Authority, be outdated when the facility is put into operation.
- 3 By general administrative measure, other interests in addition to those referred to in the first paragraph may be designated.
- 4 If, within three months after the entry into force of a general administrative measure as referred to in the third paragraph, We have not submitted to the House of Representatives of the States General a bill to amend this Act in accordance with that measure, or if such a bill is withdrawn or rejected, We shall repeal the measure without delay.

Article 15c

- 1 A permit clearly indicates its scope. The permit application forms part of the permit, to the extent indicated therein.
- 2 A permit may be granted subject to restrictions to protect the interests designated in or pursuant to Article 15b.
- 3 A permit shall be subject to the conditions necessary to protect the interests designated by or pursuant to Article 15b, subject to the relevant rules established by general administrative order. If the permit is subject to conditions that would prevent the adverse effects of the activity in question on people, animals, plants, and goods, the permit shall be subject to conditions that offer the greatest possible protection against those effects, unless this cannot reasonably be expected.
- 4 To the extent that rules apply to the fissionable materials, ores, installations or equipment concerned pursuant to Article 21, the provisions may deviate from them only to the extent permitted by those rules.

Article 15d

- 1 The conditions to be attached to a permit specify the objectives which the permit holder must achieve in a manner to be determined by him in order to protect the interests designated by or pursuant to Article 15b.
- 2 To the extent that the Authority considers this necessary, the regulations may provide that measures specified therein must be applied to protect the interests designated by or pursuant to Article 15b.

Article 15e

- 1 In order to protect interests designated by or pursuant to Article 15b, conditions other than those referred to in Article 15d may be attached to a permit.
- 2 A regulation may impose an obligation to comply with additional requirements stipulated by an administrative body designated by the regulation, with respect to matters regulated and specified therein. The regulation may specify how these requirements must be published by the administrative body concerned. When a supplementary requirement is stipulated, the date on which the obligation with respect to that requirement takes effect is determined.

Article 15f

- 1 The holder of a permit as referred to in Article 15(b) for the commissioning, maintaining in operation, decommissioning or dismantling of an installation in which nuclear energy can or could be released, shall provide financial security in a manner approved by Our Ministers of Infrastructure and the Environment and of Finance to cover the costs arising from the decommissioning and dismantling of the installation.
- 2 The financial security will be maintained until such time as Our aforementioned Ministers have declared in writing that the dismantling has been completed.
- 3 The financial security is provided in one or more of the following forms:
 - a. a surety or a bank guarantee;
 - b. participating in a fund established for this purpose which, in the opinion of Our aforementioned Ministers, provides sufficient guarantee that the costs referred to in the first paragraph are covered;
 - c. making any other provision which, in the opinion of Our aforementioned Ministers, provides sufficient guarantee that the costs referred to in the first paragraph are covered.
- 4 The application for approval specifies the amount and term for which, and the time and manner in which, the security is to be provided. It also includes a justification for the amount of financial security to be provided. If the application relates to a change to information provided in a previous application, the application must be submitted no later than four weeks before the change.
- 5 Rules regarding the application for approval may be established by or pursuant to general administrative measures.
- 6 Conditions may be attached to the approval. These may include, at a minimum, a condition requiring the permit holder to adjust the amount of the security provided if, in the opinion of Our aforementioned Ministers, this is necessary due to changes in the circumstances specified in the condition.
- 7 Our aforementioned Ministers shall decide on an application for approval within six months of receipt of that application.
- 8 Other establishments as referred to in Article 15(b) may be designated by or pursuant to general administrative order, to which the first to seventh paragraphs apply accordingly.
- 9 Pursuant to Article 28, paragraph 1, last sentence, of the Services Act, Section 4.1.3.3 of the General Administrative Law Act does not apply to the application for approval.

Article 16

- 1 By or pursuant to general administrative order, regulations shall be established concerning the manner in which an application for a permit must be made and the information that may be required from the applicant.
- 2 The measure shall in any case stipulate that in cases where the permit relates to the construction or alteration of a facility as referred to in Article 15, under b, which can also be regarded as the construction

of a building for which an environmental permit is required for an environmental plan activity as referred to in Article 5.1, first paragraph, introductory sentence and under a, of the Environment Act, consisting of a construction activity or the maintenance of a building, or an environmental permit for a construction activity as referred to in Article 5.1, second paragraph, introductory sentence and under a, of the Environment Act, if the applications for an environmental permit for an environmental plan activity consisting of a construction activity or the maintenance of a building or an environmental permit for a construction activity:

- a. at the same time as the application for a permit under this Act has been submitted, a copy of those applications shall be submitted with his application;
- b. not be submitted simultaneously with the application for a permit under this Act, a copy of such applications shall be submitted to the competent authority simultaneously with the submission of that application.

Article 17

[Amendment(s) without an effective date. See the list of changes .]

- 1 Section 3.4 of the General Administrative Law Act applies to the preparation of the decision on the application for a permit pursuant to Article 15, and paragraph 16.2.2 of the Environment Act, Article 5.7, fourth paragraph, of the Environment Act and Section 13.2 of the Environmental Management Act apply accordingly, with the understanding that the provisions of Articles 17a to 20a of this Act are observed.
- 2 By way of exception to the first paragraph, the parts of the General Administrative Law Act, the Environment Act and the Environmental Management Act referred to in that paragraph do not apply to the preparation of decisions on the application for a permit under:
 - a. Article 15(a), for the transport, possession in storage in connection with transport, or the bringing or causing to be brought into or out of Dutch territory of fissionable materials or ores;
 - b. Article 15(a), for the possession of fissile materials in an establishment or equipment for which a permit is required under Article 15(b) or (c), or for the disposal of fissile materials originating directly from such an establishment or equipment;
 - c. Article 15(a), for the possession or disposal of fissile materials in cases referred to in the third paragraph;
 - d. Article 15, under c, in cases where the equipment will only be put into operation or kept in operation outside the Netherlands.

In cases referred to in the first sentence, pursuant to Article 28, first paragraph, last sentence, of the Services Act, section 4.1.3.3. of the General Administrative Law Act does not apply to the application for a permit.

- 3 Cases referred to in the second paragraph, under c, are those cases:
 - a. in which the possession or disposal of fissile materials takes place:
 - 1st. in a vehicle or on board a vessel or aircraft;
 - 2°. in ever-changing places, if those cases belong to a category designated by general administrative order in which the importance of applying Section 3.4 of the General Administrative Law Act does not outweigh the objections associated with it;
 - 3°. if a corresponding permit in respect of the same location has previously been granted to the applicant or to the person whose permit applies to him pursuant to Article 70 and the permit applied for does not lead to other or greater adverse effects on the environment than are permitted under the applicable permit;
 - b. in which fissionable materials specified by general administrative order are, in a manner to be specified therein, either incorporated in solid materials that do not emit ionising radiation or surrounded by a covering;
 - c. belonging to a category designated by general administrative order in which, given the manner in which the fissionable materials specified therein are used, the importance of applying Section 3.4 of the General Administrative Law Act does not outweigh the objections associated with it.
- 4 By way of exception to the first paragraph, the parts of the General Administrative Law Act, the Environment Act and the Environmental Management Act referred to in that paragraph do not apply to the preparation of decisions on the application for an amendment to a permit pursuant to Article 15, under b or c:
 - a. that does not lead to other or greater adverse effects on the environment than is permitted under the applicable permit;
 - b. for which there is no obligation to prepare an environmental impact report as referred to in Section 16.4 of the Environment Act;
 - c. which does not lead to a change in the design operating life of the facility; and
 - d. that does not lead to a different facility than the one for which a permit was previously granted.

Article 17a

A general administrative order designates the administrative bodies that will be involved in the preparation of the decision on the application, other than as advisors. The order may designate administrative bodies that will be given the opportunity to provide advice on the draft decision on the permit application.

Article 17b

The administrative body responsible for the management of the water treatment plant or the surface water body to which waste water is brought from a waste water collection and transport facility shall act as an advisor on an application for a permit relating to an activity as referred to in [Article 15\(b\)](#) , insofar as that application relates to the introduction of waste water or other waste materials into that facility.

Article 18

[Expired as of October 1, 2010]

Article 18a

- 1 The Authority regularly reviews whether the restrictions under which a permit has been granted, and the conditions attached to a permit, are still adequate in light of developments in the technical possibilities for protecting people, animals, plants and goods.
- 2 The Authority shall amend, supplement or withdraw the restrictions under which the permit has been granted and the conditions attached thereto, or impose further restrictions or attach further conditions to the permit, to the extent that it appears that the adverse effects which the activity in question causes for people, animals, plants and goods can be further limited in view of the development of technical possibilities for protecting them.
- 3 In the interest of protecting people, animals, plants, and goods, regulations may be established by general administrative order regarding the application of the first paragraph with respect to designated categories of actions. The order may stipulate that the rules established therein apply only to designated categories of cases.
- 4 With regard to the decision in this regard and the content of those restrictions and regulations, [Articles 15b to 15e](#) shall apply accordingly.

Article 19

- 1 The Authority may amend, supplement or withdraw any restrictions or conditions attached to a permit, or impose further restrictions or conditions on a permit in order to protect the interests designated by or pursuant to [Article 15b](#) .
- 2 Any person, with the exception of the permit holder, may request the Authority to amend a permit in the interest of protecting people, animals, plants and goods, pursuant to the first paragraph.
- 3 At the request of the permit holder, the Authority may amend, supplement or withdraw restrictions under which a permit has been granted and conditions attached thereto, or may impose restrictions or attach conditions to a permit.
- 4 In a case referred to in [Article 15b, paragraph 4](#) , the Authority shall, as soon as possible after the relevant general administrative measure has been revoked, revoke the conditions attached to a permit pursuant to that measure. The conditions shall remain in force until the decision to revoke takes effect.

Article 20

- 1 [Section 3.4 of the General Administrative Law Act](#) applies to the preparation of a decision pursuant to [Article 18a, paragraph 2](#) , or [Article 19, paragraphs 1, 2 or 3](#) , unless it concerns a case referred to in [Article 17, paragraph 2](#) , and [paragraph 16.2.2 of the Environment Act](#) , [Article 5.7, paragraph 4, of the Environment Act](#) and [Section 13.2 of the Environmental Management Act](#) apply mutatis mutandis.
- 2 If a request is made as referred to in [Article 19, paragraph 2](#) , the Authority shall notify the holder of the permit concerned. The holder shall be considered an applicant to the extent that their interests so require.

Article 20a

- 1 The Authority may revoke the permit if this is necessary to protect the interests designated in or pursuant to [Article 15b](#) .
- 2 [Section 3.4 of the General Administrative Law Act](#) applies to the preparation of a decision pursuant to the first paragraph , and [paragraph 16.2.2 of the Environment Act](#) , [Article 5.7, fourth paragraph, of the Environment Act](#) and [Section 13.2 of the Environmental Management Act](#) apply accordingly, unless it concerns a case as referred to in [Article 17, second paragraph](#) .
- 3 The Authority may also revoke a permit to dismantle an installation as referred to in [Article 15\(b\)](#)) when the dismantling of that installation has been completed.

Article 21

- 1 By or pursuant to a general administrative measure, rules may be established to protect the interests designated by or pursuant to Article 15b regarding categories of fissionable materials, ores, installations or equipment, or components of installations or equipment, designated for that purpose by the measure. The measure may stipulate that the rules established therein apply only in the categories of cases specified therein.
- 2 A general administrative measure may determine that the prohibitions laid down in Article 15 do not apply in categories of cases designated therein with regard to fissionable materials, ores, installations or equipment belonging to a category designated by that measure.
- 3 Rules may be established by or pursuant to general administrative order regarding the decommissioning and dismantling of categories of establishments as referred to in Article 15(b) designated by or pursuant to that order. The order may provide that the rules established thereby apply only in categories of cases indicated therein.
- 4 With regard to the regulations to be laid down in the rules, the rules laid down by or pursuant to Article 5.34, first and second paragraph, of the Environment Act concerning activities as referred to in Article 5.1, second paragraph, opening sentence and under b, of that Act, as well as Article 13.5, first to fifth paragraphs, of that Act, shall apply accordingly, with the understanding that, when applying the second paragraph, the provision of financial security may only be prescribed in the form of taking out insurance against liability for damage resulting from the adverse consequences for the interests designated by or pursuant to Article 15b, caused by the facility.
- 5 If a measure taken pursuant to the first paragraph also applies the second paragraph, an obligation may be imposed to report the acts in respect of which the prohibitions laid down in Article 15 do not apply.
- 6 Articles 4.4, first paragraph, 4.5 and 4.22, second paragraph, of the Environment Act apply accordingly, with the understanding that "Our Minister" means: Our Ministers of Infrastructure and the Environment and of Social Affairs and Employment jointly.

Section 3. Taking possession of fissile materials and ores

Article 22

- 1 Any person who, without being authorised to do so, possesses or receives in his possession fissile materials or ores, or materials which he should reasonably suspect to be fissile materials or ores, is obliged to report this immediately to the Authority.
- 2 The Authority shall notify the mayor of the municipality where the goods are located of the notification made.
- 3 The Authority is authorised to impose an administrative enforcement order in respect of unlawfully found fissile materials and ores and the objects which serve or have served for their packaging or storage.
- 4 Goods seized through administrative enforcement will be transferred to an institution or person designated by the Authority. The Authority will announce the transfer in the Government Gazette. Pursuant to Article 28, paragraph 1, final sentence, of the Services Act, Section 4.1.3.3 of the General Administrative Law Act does not apply to the application for a designation.

Article 23

- 1 Any person entitled to have in his possession the seized fissile materials or ores may, within three months of the notification referred to in the fourth paragraph of Article 22, demand the surrender of the seized goods by means of a petition addressed to the court within whose jurisdiction the seizure took place.
- 2 The court shall consider the request in accordance with the provisions of the sixth section of Title I of Book One of the Code of Criminal Procedure and shall decide as soon as possible by means of a reasoned order.

Article 24

- 1 If a petition is not filed within the period referred to in Article 23, paragraph 1, or if a petition submitted pursuant to that paragraph is declared unfounded, all rights to the seized property shall revert to the State, with the exception of rights vested in it pursuant to international agreements or decisions by international organizations. The institution or person designated pursuant to Article 22, paragraph 4, shall publish this information in the Government Gazette.
- 2 Any person whose rights have been forfeited to the State pursuant to the first paragraph may, within one year after the notification made pursuant to the first paragraph, reclaim these rights from the State.

Article 25

[Expired as of March 1, 1993]

Section 5. General

Article 26

[Amendment(s) without an effective date. See the list of changes .]

- 1 The proposal for the adoption, amendment or withdrawal of a general administrative measure as referred to in this Chapter is made to Us if it concerns:
 - a. a measure as referred to in [Article 13](#) or [14](#) : Our Minister of Infrastructure and the Environment;
 - b. a measure as referred to in [Article 15b](#) : by Our Ministers whom it may concern;
 - c. a measure as referred to in [Article 16](#) , [17](#) or [21](#) : by Our Ministers of Infrastructure and the Environment and of Social Affairs and Employment.
- 2 With regard to matters regulated by a general administrative measure established pursuant to [Article 14](#) , Our Minister of Infrastructure and the Environment may establish additional rules.

Chapter IV. Radioactive substances and devices

Section 1. Radioactive substances

Article 28

Anyone who prepares, transports, possesses, uses, brings or causes to be brought into or out of Dutch territory or disposes of radioactive substances is obliged to keep records of these substances in accordance with rules laid down by or pursuant to general administrative measures.

Article 29

[Amendment(s) without an effective date. See the [list of changes](#) .]

- 1 It is prohibited to prepare, transport, possess, use, bring or cause to be brought into or out of Dutch territory, or to dispose of, radioactive substances designated by or pursuant to a general administrative measure, or in cases designated therein, without a permit from the Authority.
- 2 To the extent that the provisions laid down in or pursuant to the first paragraph deviate from regulations laid down in or pursuant to other laws, these shall not apply.

Article 29a

[Amendment(s) without an effective date. See the [list of changes](#) .]

- 1 Section [3.4 of the General Administrative Law Act](#) and [Section 13.2 of the Environmental Management Act](#) apply to the preparation of the decision on the application for a permit pursuant to [Article 29](#) .
- 2 By way of exception to the first paragraph, [Section 3.4 of the General Administrative Law Act](#) and [Section 13.2 of the Environmental Management Act](#) shall not apply to the preparation of the decision on the application for a permit pursuant to [Article 29](#) :
 - a. for the transport, possession in storage in connection with the transport, bringing or causing to be brought into or out of Dutch territory of radioactive substances, or the possession or disposal of such substances that will be generated during the use of fissionable materials in an installation or equipment for which a permit is required pursuant to [Article 15, under b or c](#) ;
 - b. for the preparation, possession, use or disposal of radioactive substances in corresponding cases as referred to in [Article 17, paragraph 3](#) ;
 - c. for medical applications, if the Authority considers that the interests of the patient require immediate use of such substances.

In cases referred to in the first sentence, pursuant to [Article 28, first paragraph, last sentence, of the Services Act](#) , [Section 4.1.3.3 of the General Administrative Law Act](#) shall not apply to the application for a permit.

- 3 Articles [15c, first paragraph](#) , [16](#) and [17a](#) apply mutatis mutandis.

Article 30

[Expired as of 16-11-2010]

Article 31

- 1 A permit will be subject to the necessary conditions for the protection of people, animals, plants, and goods, in accordance with the relevant regulations established by general administrative order. If the permit's conditions do not prevent the adverse effects of the activity in question on people, animals, plants, and goods, they will be subject to conditions that offer the greatest possible protection against those effects, unless this cannot reasonably be expected.
- 2 Such regulations may include the obligation to comply with additional requirements set by administrative bodies designated by the regulation. When such a requirement is set, the date at which the obligation takes effect is also determined.
- 3 A permit may be granted subject to restrictions to protect the interests referred to in the first paragraph.
- 4 Articles [18a to 20a apply](#) accordingly .

Article 32

[Amendment(s) without an effective date. See the [list of changes](#) .]

- 1 Without prejudice to the provisions of [Article 29](#) , rules may be established by or pursuant to general administrative measures with regard to radioactive substances for the purpose of protecting people, animals, plants and goods or in the interest of the security of those substances.
- 2 These may include:
 - a. regulate the conditions which must be met by any person who prepares, transports, possesses or uses radioactive substances designated in the measure, or disposes of them;
 - b. regulations concerning the places where, the manner in which and the circumstances under which radioactive substances designated by the measure may be prepared, transported, kept or used, and the manner in which and the circumstances under which such substances may be disposed of;
 - c. regulate the conditions which must be met by means of transport used to transport radioactive substances designated in the measure.
- 3 A general administrative measure establishing regulations as referred to in paragraph 2(a), (b), or (c) may also include the obligation to comply with additional requirements imposed on the person concerned by administrative bodies designated by the measure. When such a requirement is imposed, the date at which the obligation takes effect is also determined.
- 4 By or pursuant to the general administrative measure referred to in the first paragraph, an obligation may be imposed to report actions designated by that measure.
- 5 With regard to the provisions of the fourth paragraph , [Articles 4.4, first paragraph](#) , [4.5](#) and [4.22, second paragraph, of the Environment Act](#) apply accordingly, with the understanding that "Our Minister" means: Our Ministers of Social Affairs and Employment and of Infrastructure and the Environment.
- 6 If a general administrative measure as referred to in the first paragraph deviates from regulations established by or pursuant to other laws, these shall not apply to that extent.

Article 33

- 1 Any person who, without being authorised to do so, possesses or receives radioactive substances or substances which he or she should reasonably suspect to be radioactive substances, is obliged to immediately report this to the Authority.
- 2 The Authority shall notify the mayor of the municipality where the goods are located of the notification made.
- 3 The officials designated pursuant to [Article 58, paragraph 1, subparagraph b](#) , and the Authority are authorised to impose an administrative enforcement order in respect of unlawfully found radioactive substances and the objects which serve or have served as their packaging or storage.
- 4 Goods seized through administrative enforcement will be transferred to an institution or person designated by the Authority. The Authority will announce the transfer in the Government Gazette. Pursuant to [Article 28, paragraph 1, final sentence, of the Services Act](#) , [Section 4.1.3.3 of the General Administrative Law Act](#) does not apply to the application for a designation.
- 5 [Articles 23](#) and [24](#) shall apply mutatis mutandis.

Section 2. Devices**Article 34**

- 1 By or pursuant to general administrative measures, regulations may be established regarding equipment with a view to the protection of people, animals, plants and goods.
- 2 These may include:
 - a. regulations which prohibit the use of equipment designated by the measure, to the extent that in Our opinion the benefits of such use do not outweigh the adverse effects on public health;
 - b. regulations which prohibit the use of equipment designated by the measure without a permit;
 - c. regulate the conditions that must be met by those who use the equipment designated in the measure;
 - d. regulate the conditions that devices designated by the measure must meet;
 - e. regulations concerning the places where, the manner in which and the circumstances under which equipment designated by the measure may be used;
 - f. regulations which include the obligation to report the use of equipment designated by the measure.
- 3 In the event of application of paragraph 2(b), [Section 3.4 of the General Administrative Law Act](#) and [Section 13.2 of the Environmental Management Act](#) shall apply, insofar as provided in those regulations. [Articles 15c, paragraph 1](#) , [16, paragraph 1](#) , and [17a](#) shall apply mutatis mutandis.
- 4 A permit as referred to in the second paragraph, under b, may be granted subject to restrictions to protect against adverse effects on people, animals, plants or goods.
- 5 Conditions may be attached to a permit as referred to in paragraph 2(b). If attaching conditions to the permit cannot prevent the adverse effects of the activity in question on people, animals, plants, and goods,

conditions will be attached that offer the greatest possible protection against those effects, unless this cannot reasonably be required.

6 Such regulations may, unless otherwise provided in the measure, include the obligation to comply with additional requirements set by administrative bodies designated by the regulation. When such a requirement is set, the date at which the obligation takes effect with respect to that requirement is also determined.

7 Articles 18a to 20a apply accordingly.

8 A general administrative measure containing regulations as referred to in paragraph 2(c), (d), or (e) may also include the obligation to comply with additional requirements imposed on the person concerned by administrative bodies designated by the measure. The second sentence of paragraph 5 applies accordingly.

9 If a general administrative measure as referred to in the first paragraph deviates from regulations established by or pursuant to other laws, these shall not apply to that extent.

Section 3. General

Article 35

The recommendation for the adoption, amendment, or repeal of a general administrative measure pursuant to this Chapter is submitted to Us by Our Ministers of Infrastructure and the Environment and of Social Affairs and Employment. If the measure relates to medical radiation applications, the recommendation is also submitted by Our Minister of Health, Welfare and Sport.

Chapter V. Measures relating to work or stay in premises

Article 36

1 If, with regard to an installation as referred to in Article 15(b) , or with regard to equipment as referred to in that Article(c), which is or will be installed in a vessel or other means of transport, or with regard to fissile materials, ores, radioactive substances or devices, the provisions of this Act or its implementation have been violated, the officials designated pursuant to Article 58, paragraph 1 , may, if in their opinion such conduct results in persons, by performing work in certain spaces or by remaining in those spaces, exposing themselves to a significant risk, by decision order the person concerned to prevent any person, or persons belonging to categories designated therein, from performing work in those spaces or remaining there.

2 The official who has made a decision pursuant to the first paragraph may – if necessary with the assistance of law enforcement – take all measures he deems necessary to ensure the implementation of the decision.

3 A decision taken pursuant to the first paragraph shall have a period of validity of one week, unless the Authority determines otherwise before the expiry of that period.

Chapter Va. Radioactivity measurements and operational management

Article 37

1 Regulations may be established by or pursuant to general administrative measures concerning the measurement of doses of ionising radiation and the determination of radioactive contamination, as well as the registration thereof.

2 These may include:

- a. regulations which oblige persons designated by the measure to carry a means of checking the dose of ionising radiation to which they have been exposed;
- b. regulations which include the obligation for persons designated by the measure to maintain a register recording the dose of ionising radiation to which the holder has been exposed;
- c. rules which impose an obligation on the person under whose responsibility the holder of a register as referred to in (b) has been exposed to ionising radiation to record the dose in this register;
- d. regulations which impose an obligation on persons designated by the measures to submit to a medical examination in connection with radiation hazards;
- e. regulations which include the obligation to calibrate equipment used to measure doses of ionising radiation and to determine radioactive contamination.

Article 37a

1 The proposal for the adoption, amendment or withdrawal of a general administrative measure as referred to in Article 37 shall be made by Our Minister of Infrastructure and the Environment and, if the measure concerns occupational health and safety or the medical aspects of protection against ionizing radiation, Our Minister of Social Affairs and Employment or Our Minister of Health, Welfare and Sport, respectively.

2 With regard to matters regulated by a general administrative measure established pursuant to the first paragraph, Our Minister of Infrastructure and the Environment and, if the measure concerns occupational health and safety or medical aspects of protection against ionizing radiation, Our Minister of Social Affairs and Employment or Our Minister of Health, Welfare and Sport, respectively, may establish additional rules.

Article 37b

- 1** If, in the opinion of the Authority, the management of an establishment as referred to in [Article 15\(b\)](#) exhibits serious shortcomings, it shall take all measures it deems necessary in the circumstances.
- 2** The measures referred to in the first paragraph may include taking the necessary technical, organisational, personnel and administrative measures.
- 3** If the facility is in use or intended for use by the Dutch armed forces or by the armed forces of an allied power, the Authority shall exercise its authority in consultation with Our Minister of Defence or the responsible authority of the power concerned, respectively.

Chapter VI. Provisions relating to intervention in the event of accidents or prolonged exposures and preparation for such interventions

Section 1. Introductory provisions**Article 38**

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

- a.** Our Minister: Our Minister of Infrastructure and the Environment;
- b.** accident: event
 - 1st.** as a result of which radiation is released or is likely to be released that leads or could lead to an increased risk to humans or the environment, or
 - 2°.** which requires a coordinated effort by services and organisations from various disciplines to prevent or reduce an increased radiation risk to humans or the environment;
- c.** category A object:
 - 1st.** an installation as referred to in [Article 15\(b\)](#), with the exception of an installation in which only fissile materials are stored or processed, as well as an installation for uranium enrichment,
 - 2°.** a spacecraft or a means of transport carrying equipment as referred to in [Article 15\(c\)](#),
 - 3°.** establishments as referred to in [Article 15\(b\)](#), equipment as referred to in [Article 15\(c\)](#), as well as establishments or means of transport in or with which acts are performed as referred to in [Article 15\(a\)](#) with regard to fissile materials or ores insofar as they are intended for or in use by the Dutch armed forces or by the armed forces of an allied power, or
 - 4°.** an object outside the Netherlands that is comparable to an object referred to in 1° to 3° and under d;
- d.** category B object:
 - 1st.** a uranium enrichment facility,
 - 2°.** a facility in which only fissile materials or radioactive materials are stored or processed,
 - 3°.** a facility in which radioactive substances can be prepared or applied,
 - 4°.** a facility containing equipment,
 - 5°.** a means of transport containing fissile materials or ores, or
 - 6°.** a means of transport containing radioactive substances or devices;
- e.** radiological emergency: a situation requiring urgent action to protect people, animals, plants and goods from exposure to ionizing radiation;
- f.** intervention: an action consisting of taking measures at radiation sources, radiation routes and people, animals, plants and goods, to prevent or reduce exposure to ionizing radiation of people, animals, plants and goods as a result of:
 - 1st.** a radiological emergency, or
 - 2°.** long-term exposure as a result of a radiological emergency or an action or work involving fissile materials, radioactive substances or devices that has taken place in the past.

Article 38a

- 1** Our Minister and Our Minister concerned are responsible for preparing interventions and for their coordination and implementation. Rules regarding this preparation, implementation, and coordination may be established by or pursuant to a general administrative order.
- 2** The proposal for the adoption, amendment or withdrawal of a general administrative measure as referred to in the first paragraph shall be made by Our Minister and Our Minister whom it concerns.

Article 39

- 1 Anyone who knows or could reasonably suspect that an accident involving a Category A or B object is occurring is obliged to report this immediately to the mayor of the municipality in which they are located and to the Authority.
- 2 The operator of an establishment as referred to in [Article 15\(b\)](#) shall, whether or not at their request, without delay provide the Mayor and the Authority with all information necessary for the performance of their duties.

Section 2. Organization and coordination

Article 40

- 1 Our Minister and Our Minister concerned are responsible for preparing the organization for the effective response to accidents involving Category A objects, both within and outside the Netherlands, and for coordinating that response. They also specifically promote the holding of exercises and the establishment of agreements necessary for the effective response to these accidents.
- 2 The safety region board is responsible for preparing the organization for effective response to accidents involving Category B objects. The mayor is responsible for coordinating this response.

Article 41

The safety region board's preparations for responding to accidents involving Category A and Category B objects are carried out in accordance with [Section 3 of the Safety Regions Act](#) . During these preparations, the safety region board takes into account the agreements reached pursuant to [Article 40, paragraph 1](#) .

Article 42

- 1 Our Minister may, after consultation with Our Minister concerned, given the more than local significance of an accident involving a Category B object, decide, as far as possible after consultation with the mayor of the municipality where the accident occurred and the chairman of the safety region, that an accident involving a Category B object will be dealt with as an accident involving a Category A object.
- 2 The mayor of the municipality where the accident occurred, or the chairman of the safety region, may request Our Minister to exercise the authority referred to in the first paragraph.

Section 3. Provision of information

Article 43

- 1 Our Minister and Our Minister concerned shall ensure that the Dutch population is provided with appropriate information about possible accidents involving a Category A object, the measures to prevent and combat them, including measures to protect health, and the course of action to be followed in the event of such accidents.
- 2 The information referred to in the first paragraph shall in any case relate to:
 - a. data containing basic knowledge about radioactivity and its effects on humans and the environment;
 - b. the dangers and consequences of an accident;
 - c. the way in which the population is warned, informed and protected in the event of an accident;
 - d. the way in which the population can recognize impending danger;
 - e. the policy to be followed by the population and the measures they must take in the event of an accident to limit its harmful consequences as much as possible.
- 3 The information referred to in paragraph 2(c), (d), and (e) shall be provided at least annually and additionally when significant changes are made to the measures described. The information to be provided shall then be updated as necessary.
- 4 The information referred to in paragraph 2(a) and (b) shall be provided at least once every five years and additionally when significant changes are made to the measures described. The information to be provided shall then be updated as necessary.
- 5 Our Minister and Our Minister concerned shall provide and update the information referred to in the fourth paragraph earlier if, in their opinion, developments in knowledge about safety, risk assessment or effective accident management so require.

Article 43a

- 1 Our Minister and Our Minister concerned shall ensure that the population affected by an accident involving a Category A object or by an accident involving a Category B object that is being dealt with as an accident involving a Category A object pursuant to [Article 42](#) , is provided without delay and repeatedly with effective information about the course of action to be followed and the measures taken to deal with that accident, including measures to protect health.
- 2 The information referred to in the first paragraph shall in any case relate to:
 - a. the accident, in particular its cause, extent and expected consequences for people and the environment, as well as the expected course of the accident;

- b. the way in which the population is warned, informed and protected;
- c. instructions to the population which, depending on the nature of the accident, may relate to, among other things, the use of contaminated foodstuffs, hygiene and disinfection, staying indoors, distribution and use of protective materials and evacuation;
- d. the services or persons from whom further information can be obtained.

Article 43b

- 1 The Authority shall ensure that the Dutch population is provided with information in an appropriate manner, at least electronically in a generally accessible manner, about unusual events within establishments as referred to in [Article 15\(b\)](#) and, to the extent that information is available, about unusual events within comparable foreign establishments in the vicinity of the Netherlands.
- 2 The Authority shall inform Our Minister annually before 1 July about any unusual events that have occurred in the previous year.
- 3 The information provided and the message will at least address the cause, extent and consequences of the unusual events, as well as the measures taken in response to the unusual events.

Article 44

Our Minister, Our Minister concerned, and the board of the safety region shall ensure that persons employed by services or organizations that can be called upon to respond to an accident involving a Category A object, or an accident involving a Category B object that is responded to as an accident involving a Category A object pursuant to [Article 42](#), are regularly informed about accidents belonging to this category, about the risks they run in carrying out their duties, and about the precautions to be taken in doing so.

Article 45

- 1 The provision of information to the public and to persons involved in responding to an accident involving a Category B object shall be carried out in accordance with the provisions of or pursuant to [Articles 7](#) and [46 of the Safety Regions Act](#).
- 2 The board of the safety region ensures that the information it provides is in accordance with the information referred to in [Article 43, paragraph 2, under a and b](#).

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

Article 46

- 1 If an accident occurs involving a Category A object or a Category B object that is dealt with as an accident involving an A object pursuant to [Article 42](#), Our Minister concerned shall establish rules or take measures, if necessary with the assistance of law enforcement, to limit or undo the consequences of that accident as much as possible.
- 2 The rules and measures referred to in the first paragraph may relate, among other things, to:
 - a. the access of people, animals, plants or goods to the contaminated area,
 - b. the indoor stay of humans and animals,
 - c. the transfer of people, animals, plants or goods within the contaminated area to elsewhere within or outside the contaminated area,
 - d. the external disinfection and treatment of internal contamination of people, as well as the provision of protective substances to people,
 - e. the subjecting of persons or animals to a medical or veterinary examination in connection with radiation hazards,
 - f. the burial, cremation, storage, treatment or transport of corpses of persons who may be radioactively contaminated,
 - g. the seizure or destruction of animals, plants and goods that may be radioactively contaminated,
 - h. the disinfection of animals or goods,
 - i. accelerating the discharge or flushing of contaminated surface water,
 - j. protecting surface water and drinking water supplies,
 - k. the removal of primary sludge from the sludge treatment process, or the prohibition or restriction of the use of surface water, and
 - l. the cultivation and harvesting of agricultural and horticultural products, the closing of greenhouses, the grazing, capturing and slaughtering of animals, and fishing.
- 3 Our Minister concerned shall not establish rules or take measures except after consultation with Our Minister and with the chairman of the safety region and the King's Commissioner, who are specifically involved, unless the required urgency precludes this.

Article 47

- 1 If an accident occurs involving a Category A object, as referred to in [Article 38\(c\)\(1\) or \(2\)](#), the Authority may by decision order the person in charge of the object concerned to take the measures it considers necessary to limit and rectify the consequences of the accident as much as possible.

- 2 The measures referred to in the first paragraph may include shutting down the establishment concerned, deactivating the equipment concerned or terminating the stay of the means of transport concerned in the Netherlands.
- 3 The mayor of the municipality where the accident occurred may request the Authority to exercise the authority referred to in the first paragraph. This request will be processed as soon as possible.
- 4 Notification of a decision taken pursuant to the first paragraph shall be given by sending a copy to the mayor of the municipality where the accident occurred.

Article 48

- 1 If an accident occurs involving a Category A object, as referred to in Article 38, paragraph c, under 3°, Our Minister of Defence, in consultation with Our Minister and Our Minister of Security and Justice, may, by decision, order the person managing the object involved to take the measures he or she deems necessary to minimize and reverse the consequences of that accident. Article 47, paragraph 2, shall apply mutatis mutandis.
- 2 The mayor of the municipality where the accident occurred may request Our Minister of Defense to exercise the authority referred to in the first paragraph. This request will be processed as soon as possible.
- 3 Article 47, paragraph 4, shall apply mutatis mutandis.

Article 49

- 1 The King's Commissioner, the mayor, the chairman of the safety region and the executive board of the water board and other public bodies shall, at the request of Our Minister concerned, cooperate in the implementation or enforcement of the rules and measures referred to in Article 46, paragraph 1.
- 2 Our Minister concerned shall immediately notify the King's Commissioner, the mayor, the chairman of the safety region and, where necessary, the executive board of the water board and other public bodies of the rules and measures referred to in Article 46, paragraph 1.

Article 49a

- 1 Our Minister concerned shall, as soon as circumstances permit, withdraw the rules and terminate the measures taken.
- 2 If the rules or measures laid down pursuant to Article 46, paragraph 1, are required to enter into force or come into effect with immediate effect, publication to that effect may be made through local, regional or national broadcasting.

Article 49b

- 1 Following an accident involving a Category A object, the chairperson of the safety region may issue regulations by ordinance or, if necessary, with the assistance of law enforcement, implement measures to minimize or reverse the consequences of the accident. These regulations and measures may, among other things, relate to the subjects referred to in Article 46, paragraph 2.
- 2 The chairman of the safety region shall immediately communicate the regulations or measures that he has established or taken pursuant to the first paragraph to Our Minister, Our Minister concerned, the King's Commissioner and the Authority.
- 3 The chairperson of the safety region shall revoke the regulations they have established and terminate the measures they have taken as soon as Our Minister concerned establishes corresponding rules or takes corresponding measures pursuant to Article 46, paragraph 1, or informs the chairperson of the safety region that the regulations they have established must be revoked or the measures they have taken must be terminated. Our Minister concerned shall, to the extent possible, act in consultation with the chairperson of the safety region in this regard.
- 4 Article 49a applies accordingly.

Article 49c

The Mayor shall immediately communicate the orders and generally binding regulations that he has issued pursuant to Articles 175 and 176 of the Municipal Act in the event of an accident involving a Category B object to Our Minister, Our Minister concerned, the King's Commissioner, and the Authority.

Article 49d

- 1 If an accident occurs involving a Category B object, the surface water manager will take measures, if necessary with the assistance of law enforcement, that it deems necessary to minimize or eliminate the consequences for the surface water.
- 2 The measures referred to in the first paragraph may in any case relate to:
 - a. accelerating the discharge or flushing of contaminated surface water,
 - b. protecting surface water and drinking water supplies, and

- c. the removal of primary sludge from the sludge treatment process, or the prohibition or restriction of the use of surface water.

3 Articles 49a , 49b , third paragraph , and 49c shall apply mutatis mutandis .

Section 5. Compensation

Article 49e

- 1** The administrative body designated in the third paragraph may establish rules stipulating that compensation may be awarded if the prior determination of whether damage occurs or not from the application of Article 46 , 49b or 49d or from the application of Article 175 or 176 of the Municipal Act in the event of an accident involving a Category B object would lead to unreasonable delay in the processing of the application for compensation pursuant to Article 4:126 of the General Administrative Law Act or to costs which the interested party cannot reasonably be expected to bear.
- 2** Compensation under the first paragraph may only be awarded to the interested party on the condition that he transfers, for the amount awarded, the rights he has against third parties in respect of the damage he has suffered to the administrative body that awards the compensation.
- 3** Rules as referred to in the first paragraph are laid down by:
 - a. Our Minister concerned, if it concerns damage resulting from the application of Article 46 ;
 - b. the municipal council, if it concerns damage resulting from the application of Article 49b or the application of Article 175 or 176 of the Municipal Act in the event of an accident involving a Category B object;
 - c. the surface water manager if it concerns damage resulting from the application of Article 49d .

Chapter VII. Appeal

Article 50

[Expired as of January 1, 2013]

Article 51

[Expired as of February 23, 1994]

Article 52

[Expired as of January 1, 1994]

Article 53

[Expired as of January 1, 1994]

Article 54

[Expired as of September 1, 1980]

Article 55

[Expired as of September 1, 1980]

Article 56

[Expired as of September 1, 1980]

Article 57

[Expired as of September 1, 1980]

Chapter VIII. Official powers

Article 58

- 1** The following are responsible for monitoring compliance with the provisions of or pursuant to this Act:
 - a. the officials designated by decision of the Authority who are part of the staff referred to in Article 10 ;
 - b. the officials designated by decision of Our Ministers whom it may concern.
- 2** Our Ministers of Infrastructure and the Environment and of Social Affairs and Employment, in consultation with Our Ministers whom it may also concern, shall appoint officials responsible for measuring doses of ionizing radiation and determining radioactive contamination, as well as for the registration thereof referred to in Article 37 .
- 3** The officials designated for that purpose by Our Minister of Health, Welfare and Sport, as referred to in Article 25, paragraph 1, under a, of the Commodities Act, shall also be responsible for carrying out the tasks referred to in the first paragraph , part b , and the second paragraph .
- 4** Our relevant Ministers shall establish regulations concerning the performance of duties by the officials designated pursuant to the first paragraph, part b, and the second and third paragraphs.
- 5** A decision as referred to in the first, second or third paragraph shall be notified by publication in the *Staatscourant* .

Article 59

- 1** Articles 5:13 and 5:15 to 5:20, first and second paragraphs, of the General Administrative Law Act shall apply mutatis mutandis to the officials referred to in Article 58, second and third paragraphs , when carrying out the tasks referred to in Article 58, second paragraph .

- 2 The officials referred to in Article 58, first, second and third paragraphs , are authorised to enter a dwelling without the resident's permission, taking with them the necessary equipment.

Article 60

[Expired as of January 1, 1998]

Article 61

[Expired as of October 1, 1994]

Article 62

[Expired as of January 1, 1998]

Article 63

[Expired as of January 1, 1998]

Article 64

[Expired as of January 1, 1998]

Article 65

- 1 The Authority may authorize persons designated to monitor compliance with international agreements and decisions taken by international organizations relating in whole or in part to the field of nuclear energy or ionizing radiation to perform this task.
- 2 Articles 5:13 and 5:15 to 5:20, first and second paragraphs, of the General Administrative Law Act apply mutatis mutandis to the persons referred to in the first paragraph.
- 3 The persons referred to in the first paragraph are authorised to enter a dwelling without the permission of the resident, taking with them the necessary equipment, provided that the persons concerned are accompanied by an official as referred to in Article 58 .
- 4 A decision as referred to in the first paragraph shall be notified by publication in the *Staatscourant* .

Article 66

The competent authority is authorised to apply Article 5:20, third paragraph, of the General Administrative Law Act accordingly for the enforcement of Articles 59, first paragraph , and 65, second paragraph , insofar as it concerns the obligation to cooperate with an official designated pursuant to Article 58, second and third paragraphs , or a person authorised pursuant to Article 65.

Chapter IX. General Provisions

Article 67

- 1 By general administrative order, regulations may be established for the implementation of international agreements and decisions taken by international organisations, relating in whole or in part to the field of nuclear energy or ionising radiation.
- 2 These may include:
 - a. regulations which prohibit the possession or import into or export from Dutch territory, without a permit, of auxiliary materials or auxiliary equipment which may be useful for the release of nuclear energy or for the storage, manufacture, processing or treatment of fissionable materials;
 - b. regulations which include the obligation to communicate data designated therein.
- 3 In the event of application of the second paragraph, under (a), Article 16 shall apply accordingly.
- 4 Conditions may be attached to a permit as referred to in the second paragraph, under a .
- 5 Such regulations may, unless otherwise provided in the measure, include the obligation to comply with additional requirements set by administrative bodies designated by the regulation. When such a requirement is set, the date at which the obligation takes effect with respect to that requirement is also determined.
- 6 A permit as referred to in paragraph 2(a) may be revoked at any time for compelling reasons of public interest. The conditions attached to a permit may be amended, supplemented, or revoked at any time.

Article 68

By general administrative measure, regulations may be established to ensure the confidentiality of:

- a. data, tools and materials for:
 - 1st. the liberation of nuclear energy,
 - 2°. the storage, production, processing or treatment of nuclear fuels and
 - 3°. the protection of categories of fissile materials, ores, radioactive materials and installations designated by that measure as referred to in Article 15(b) ,

to the extent that these have been obtained either directly from the government or with the consent of the competent authority, subject to an obligation of confidentiality, or have been designated by Our Ministers

whom it may concern;

- b. research carried out and working methods applied using such data, resources and materials, insofar as such research and working methods have been designated by Our Ministers concerned.

Article 69

- 1 By or pursuant to general administrative order, it is determined which tasks are to be performed by an expert and rules are established regarding the skills and competencies that experts must possess.
- 2 The measure may provide that tasks designated therein may only be performed by a person registered for the purpose of performing those tasks in a register maintained by the Authority.
- 3 The Authority shall decide on the application for registration in a register as referred to in the second paragraph. It shall have the power to cancel the registration.
- 4 An entry in a register is valid for a specific period. Conditions may be attached to an entry.
- 5 Rules are established by or pursuant to general administrative order concerning the requirements regarding skills and competencies that a person must meet in order to be registered as an expert in a register.
- 6 Rules may be established by or pursuant to general administrative order regarding registration in a register, which may in any case relate to:
 - a. the manner in which the application for registration in a register is made and the data and documents to be provided by the applicant;
 - b. the grounds on which and the cases in which registration may be refused, cancelled or suspended;
 - c. the fee payable in connection with registration in a register;
 - d. the management of a register.

Article 69a

[Expired as of August 1, 2017]

Article 69b

[Expired as of August 1, 2017]

[Amendment(s) without an effective date. See the [list of changes](#) .]

Article 69c

[Expired as of August 1, 2017]

Article 69d

[Expired as of August 1, 2017]

Article 70

- 1 A permit granted under this Act is personal.
- 2 After the death of a permit holder, the permit remains in force for four weeks for the benefit of their legal successors who continue the business, provided that they notify the Authority within one week of the death, stating the names of those who continue the business. If an application for a new permit is submitted within these four weeks, the first-mentioned permit remains in force until a final decision has been made on that application. While the permit remains in force, it may be amended or revoked in accordance with [Articles 19 through 20a](#) .
- 3 The permit holder may transfer the permit, in whole or in part, to another party if the Authority has given permission. Conditions may be attached to this permission.

Article 70a

[Article 252 of Book 6 of the Civil Code](#) applies mutatis mutandis to an agreement concluded by the owner of an installation as referred to in [Article 15\(b\)](#) , in which nuclear energy can be released, with the State of the Netherlands that relates to that installation, with the understanding that the legal consequences referred to in that article will also apply to obligations of the first-mentioned party to do something with regard to that installation.

Article 71

[Expired as of January 1, 2024]

Article 72

- 1 By general administrative measure, regulations established by or pursuant to other laws may be declared wholly or partially inapplicable, to the extent that the interests which those regulations aim to protect can, in Our opinion, be sufficiently protected by the application of this Act.
- 2 If, within twelve weeks after the entry into force of a general administrative measure whereby provisions of another law are declared wholly or partially inapplicable, We have not submitted to the States General a bill to amend that law or to deviate from it, or if such a bill is withdrawn or rejected, We shall revoke the measure without delay.

Article 73

If matters regulated in this Act require further regulation in the interest of proper implementation of the Act, this may be done by general administrative order.

Article 74

The persons involved in the application of this Act are obliged, in cases determined by general administrative order and in accordance with the rules laid down therein, to pay amounts determined by the order to the State as a contribution to the costs associated with the implementation of this Act.

Article 75

- 1 We may, for the benefit of scientific institutions or in the interests of national defence, prohibitions contained in Articles 15 and 29 :
 - a. grant an exemption by general administrative measure;
 - b. grant an exemption upon request.
- 2 An exemption or waiver shall be subject to such conditions as We deem necessary in view of the interests designated by or pursuant to Article 15 b .

Article 76

- 1 The draft general administrative measure pursuant to Articles 4 , 14 , 15c , 15f , 16 , 17 , 17a , 18a , 21 , 29 , 32 , 34 , 37 , 38a , 67 , 68 , 73 , or 75 shall be submitted to both Houses of the States General and published in the Government Gazette. Everyone shall be given the opportunity, within a period of at least four weeks to be determined in that publication, to submit written comments on the draft to Our Ministers of Infrastructure and the Environment, of Social Affairs and Employment, and, except in the case of a measure pursuant to Article 21, of Health, Welfare and Sport.
- 2 A general administrative measure as referred to in the first paragraph shall, after its adoption, be sent to both chambers of the States General. It shall enter into force no earlier than four weeks after the date of issue of the *Government Gazette* in which it is published.
- 3 With regard to matters regulated by a general administrative measure established pursuant to Article 67 , Our relevant Ministers may establish additional rules.
- 4 Any provisions of this Act that may be regulated by order in council may, in deviation thereof, be regulated by ministerial regulation if the rules serve solely to implement a treaty binding on the Netherlands or a decision of an international organization binding on the Netherlands, unless proper implementation requires an amendment to an order in council or the law. Articles 26 and 35 apply mutatis mutandis to the adoption of a ministerial regulation.

Article 76a

Any conduct contrary to a provision attached to a permit granted under this Act is prohibited.

Chapter X. Enforcement

Article 77

[Expired as of April 1, 1994]

Article 78

[Expired as of January 1, 1995]

Article 79

The one who:

- a. transports, possesses, uses, brings or causes to be brought into or outside Dutch territory, makes available or obtains or disposes of fissile materials or ores,
- b. a facility in which nuclear energy can be released, fissile materials can be manufactured, processed or treated, or fissile materials are stored, constructed, put into operation, kept in operation or modified,
- c. any equipment capable of propelling a vessel or other means of transport by means of nuclear energy, or which is installed or maintained therein, or which is operated, operated or modified by any means of transport capable of propelling a vessel or other means of transport by means of nuclear energy,
- d. prepares, transports, possesses, uses, brings or causes to be brought into or outside Dutch territory, makes available, or obtains or disposes of radioactive substances,
- e. manufactures, transports, possesses, uses, brings or causes to be brought into or outside Dutch territory, makes available, or obtains or disposes of, equipment that emits ionizing radiation,

with a terrorist intent as referred to in Article 83a of the Criminal Code , or with the intent to prepare or facilitate a terrorist offence as referred to in Article 83 of that Code , shall be punishable by a prison sentence of not more than fifteen years or a fine of the fifth category.

Article 80

- 1 If there is a risk of serious bodily harm to another person or significant damage to property or the environment as a result of intentionally acting in violation of the provisions of Articles 15 , 21 , 26 or 76a , insofar as they relate to a permit as referred to in Article 15 , the guilty party shall be punished with a prison sentence of not more than twelve years or a fine of the fifth category.
- 2 If there is a risk of danger to the life of another person as a result of intentionally acting contrary to the provisions of or pursuant to Articles 15 , 21 , 26 or 76a , insofar as they relate to a permit as referred to in Article 15 , and the act results in the death of a person, the guilty party shall be punished with life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.
- 3 Conspiracy to commit the crimes described in the first and second paragraphs, committed with a terrorist intent as referred to in Article 83a of the Dutch Criminal Code , is punishable by a prison sentence of up to ten years or a category five fine. Article 96, paragraph 2, of the Dutch Criminal Code applies accordingly.

Article 80a

In the event of prosecution for an offence falling within the definitions of Article 7, paragraph 1(a) and (d) of the Convention on the Physical Protection of Nuclear Material, concluded in Vienna/New York on 3 March 1980 (Trb. 1981, 7), as amended by the Amendment to that Convention, concluded in Vienna on 8 July 2005 (Trb. 2006, 81), on the basis of one of the jurisdiction rules referred to in Article 8, paragraph 1(b) or Article 8, paragraph 2 of that Convention, in the application of this Act:

- a. any act performed without a permit by the competent authority of a State Party to that Convention, or in violation of the regulations in force in such a State, shall be treated as equivalent to the same act performed without a permit under this Act or in violation of corresponding regulations established by or pursuant to this Act,
- b. bringing or causing to be brought into or out of the territory of a State Party to that Treaty is equated with bringing or causing to be brought into or out of Dutch territory, and
- c. the security of the State is equated with the security of a foreign State, a Party to that Convention.

Article 80b

In the event of conviction for one of the offences described in Articles 79 and 80, third paragraph , as well as for conviction for one of the offences described in Article 80, second paragraph, committed with a terrorist intent as referred to in Article 83a of the Criminal Code , deprivation of the right referred to in Article 28, first paragraph, under 3°, of the Criminal Code may be pronounced.

Article 81

The acts punishable under Articles 79 and 80 are criminal offences.

Article 82

If rules are established by or pursuant to this Act using safety standards established by the International Atomic Energy Agency, violation of those rules may also be considered a criminal offense or punishable by an administrative sanction if these rules are drawn up and published in English.

Article 83

- 1 Without prejudice to Article 141 of the Code of Criminal Procedure , the officials referred to in Article 58 shall be responsible for investigating the offences punishable by or pursuant to this Act, insofar as they have been designated by decision of Our Minister of Security and Justice. These officials shall also be responsible for investigating the offences punishable under Articles 179 through 182 and 184 of the Criminal Code , insofar as these offences relate to an order, requisition, or action made or undertaken by them.
- 2 A decision as referred to in the first paragraph shall be notified by publication in the *Staatscourant* .

Article 83a

With regard to the enforcement of the provisions of or pursuant to this Act, Articles 18.4, 18.4a , and 18.10 of the Environmental Act apply.

Article 83b

- 1 Articles 5:13 and 5:15 to 5:20, first and second paragraphs, of the General Administrative Law Act shall apply mutatis mutandis to the officials referred to in Article 83 when performing the tasks referred to in that Article.
- 2 The officials referred to in Article 83 are authorised, when carrying out the duties referred to in that Article, to enter a dwelling without the resident's permission, taking with them the necessary equipment.

Article 83c

The Authority is authorised to impose an administrative enforcement order to enforce the obligations imposed by or pursuant to this Act, insofar as it concerns the Authority's area of work and insofar as such authority does not already arise from other provisions of this Act.

Chapter XI. Final provisions

Article 84

[Editor's note: Includes changes to other regulations.]

Article 85

Permits granted under the Nuisance Act for establishments referred to in Article 15(*b*) are deemed to have been granted on the basis of this Act.

Article 86

[Editor's note: Includes changes to other regulations.]

Article 87

The X-ray Act (*Stb.* 1931, 299) is repealed.

Article 88

This Act may be cited as the Nuclear Energy Act.

Article 89

- 1 Chapter II of this Act shall enter into force on the day after the date of issue of the *Government Gazette* in which it is published.
- 2 Its various other provisions shall enter into force at times to be determined by Us. Proposals for this purpose shall be submitted to Us by Our Ministers, whom it may concern, after consultation with the Central Council.

Original closing form and signature

We command and order that this Act be published in the *Government Gazette* , and that all Ministerial Departments, Authorities, Boards, and Officials whom it may concern shall see to its strict implementation.

Given at Soestdijk Palace, February 21, 1963

JULIANA.

The Minister of Economic Affairs,

JW DE POUS.

The Minister of Education, Arts and Sciences,

J. CALS.

The Minister of Social Affairs and Public Health,

GMJ VELDKAMP.

The Minister of Justice,

ACW BEERMAN.

Issued on March 26, 1963.

The Minister of Justice,

ACW BEERMAN.