**RULES ON THE SPECIALIST COUNCIL ON RADIATION AND NUCLEAR SAFETY**

**(JV1)**

**UNOFFICIAL TRANSLATION**

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Pursuant to the Ionising Radiation Protection and Nuclear Safety Act (Official Gazette of the Republic of Slovenia, No. 67/02) Article 6, paragraph 5, the Minister of the Environment, Spatial Planning and Energy issues the following

**RULES**

**on the specialist council on radiation and nuclear safety**

**I. GENERAL PROVISIONS Article 1**

These Rules lay down the manner of functioning of the specialist council on radiation and nuclear safety, the manner and form in which the council provides expert opinions and proposals, the manner and form in which the council reports and the procedures for ensuring the exclusion of interests and the protection of confidential data in the council’s work.

**Article 2**

The Council on Radiation and Nuclear Safety (hereinafter: the Council) shall perform tasks laid down in the regulations governing protection against ionising radiation and nuclear safety.

The Council referred to in the previous paragraph shall also perform tasks relating to other matters involved in protection against ionising radiation and nuclear safety, where so provided by regulations governing other fields.

**Article 3**

The Council on Radiation and Nuclear Safety shall function and make decisions in meetings.

Meetings of the Council shall not be public. The public nature of the Council’s work shall be ensured in a manner laid down in the regulations governing protection against ionising radiation and nuclear safety.

Meetings of the Council on Radiation and Nuclear Safety may be attended by a representative of the administrative authority competent for radiation and nuclear safety (hereinafter: SNSA).

**Article 4**

The registered office of the Council on Radiation and Nuclear Safety shall be at the SNSA.

The Council shall have a secretary who performs expert and administrative work for the Council. The secretary shall be appointed from among the professional staff of the SNSA by its director.

The secretary shall perform current operations for the Council, including the preparation and holding of Council meetings, and shall work to ensure that within the relevant deadlines the Council provides the expert opinions and proposals laid down by law.

**Article 5**

The minister competent for the environment shall appoint five members of the Council in accordance with the law and a chair of the council from among them.

The initial term of the chair of the Council shall be four years. A shorter initial term for two members of the

Council shall be decided by drawing lots.

Following the expiry of their term, members of the Council may be reappointed. The office of Council member shall be honorary.

In compensation for their participation in meetings, Council members shall be entitled to attendance fees in an amount determined by the minister competent for the environment. In connection with their participation in meetings, Council members shall have the right to reimbursement of travel expenses in accordance with regulations.

**Article 6**

Council members may not be managerial personnel working in nuclear or radiation facilities.

The Council must be composed in such a way as to have a maximum of two members employed at the same nuclear or radiation facility.

**Article 7**

A Council member’s term of office shall cease if so requested by the member. Council members shall be relieved of their office prematurely:

− if for no good reason they do not participate in the Council’s work,

− if it is established that they do not protect data identified as confidential, in accordance with these

Rules, or

− if it is established that they are associated with a legal or natural person regarding the affairs of which the Council is providing an expert opinion regarding a request, and are not acting in accordance with these Rules.

In cases referred to in paragraph 1 of this article, the Council member shall give written notification of his request to the chair of the Council and the minister competent for the environment. The minister competent for the environment shall accommodate the request and appoint a new member.

In cases referred to in paragraph 2 of this article, the chair of the Council may propose the early termination of a Council member’s office on behalf of the Council to the minister competent for the environment. The reasons for early termination of office must be explained in the proposal. If the proposal is well-founded, the minister competent for the environment shall relieve the proposed member of his office and appoint a new member.

The term of office of a Council member appointed pursuant to the third and fourth paragraphs of this article shall run until the expiry of the term of the relieved Council member.

**II. MANNER OF FUNCTIONING OF THE COUNCIL**

**Article 8**

In the first Council meeting, convened by the director of the SNSA no later than 60 days after the entry into force of these Rules, the members of the Council shall settle the Council’s rules of procedure and shall elect a deputy chair of the Council from among their number.

In its first meeting, the Council members shall draw up rules of procedure regulating in detail the work of the chair of the Council, the convening and conducting of meetings and other issues relating to the Council’s manner of functioning. The Council shall adopt the rules of procedure in its next meeting.

**Article 9**

The Council shall convene in principle each time it is required, in accordance with the law, to draft an expert opinion or proposal and to submit it within the prescribed deadline to the competent authority, and in any event at least twice a year.

The secretary of the Council shall be bound, immediately the Council receives from the ministry competent for the environment or the SNSA (hereinafter: proposer) a request for the issuing of an expert opinion or proposal by the Council, to notify the chair of the Council and his deputy, so a meeting of the Council can be convened at the earliest opportunity.

Meetings of the Council shall be convened by the chair, who shall also make up the agenda for the meeting on the proposal of the secretary. If the chair of the Council is absent, his deputy may convene a meeting. In the event of the absence of both, a meeting may be convened by the secretary on the proposal of the other three Council members.

**Article 10**

The preparation of material for meetings of the council and the organisation and technical execution of meetings are the responsibility of the secretary of the Council.

A written invitation with the agenda and material that will be discussed in the meeting shall be sent to Council members at least ten days prior to the meeting, and fifteen days prior to the meeting to the Council member who will report at the meeting on the matter being debated and decided upon by the Council and who will draft the expert opinion (hereinafter: rapporteur).

An invitation with the agenda referred to in the previous paragraph shall also be sent to the proposer.

Any Council member that is unable to attend the convened meeting must notify the Council secretary of this as soon as possible.

**Article 11**

If the subject of the Council’s work in the meeting is the drafting of an expert opinion, the rapporteur shall be appointed by the chair of the Council prior to the meeting being convened.

The rapporteur shall be appointed depending on the content of the matter subject to the expert opinion.

In preparing the draft of the expert opinion, the rapporteur may be assisted by the secretary of the Council.

**Article 12**

Council meetings shall also be attended by the secretary of the Council, who shall ensure the organisational flow of the meeting and take the minutes of the meeting.

Experts invited by the Council as specialists in individual issues may also be present in meetings for specific items on the agenda.

**Article 13**

Council meetings shall be chaired by the chair of the Council, and in the event of his absence by his deputy. If both are unable to attend, the members shall select from their own number a member to chair that meeting.

Council meetings shall have a quorum if at least three Council members are present.

In the event of lack of a quorum, the chair shall cut short the meeting and specify when it will continue.

**Article 14**

If the formulation of an expert opinion is on the agenda of a meeting, the rapporteur shall first present the matter under discussion and a draft of the expert opinion.

The draft expert opinion shall be prepared in writing and in the manner laid down in these Rules, and shall be distributed to those invited to the meeting at least three days before the meeting.

The presentation given by the rapporteur shall be followed by a discussion.

The discussion shall involve the Council members, and may also involve those present at the meeting.

**Article 15**

After the discussion is concluded, a decision shall be made on the expert opinion by a vote. Only Council members have the right to vote on the expert opinion.

The Council shall adopt decisions on expert opinions by a majority vote of all members. Voting in meetings shall be open.

**Article 16**

If the discussion and voting indicate that the draft expert opinion will serve, without any major revision, as a good basis for drawing up the final wording of the expert opinion, the Council shall entrust the rapporteur, with the help of the secretary of the Council, with drafting the proposed final wording of the expert opinion.

If the discussion indicates that the draft expert opinion or its explanation require substantive amendment, the Council shall appoint one or more members who, with the help of the secretary of the Council, shall draft the proposed final wording of the expert opinion in fifteen days.

**Article 17**

If on the basis of the rapporteur’s presentation and the discussion, the Council is of the opinion that the data relating to the matter being discussed and decided are not sufficient or that additional data are required for the formulation of an expert opinion, the chair of the Council shall suspend the meeting until further notice and shall postpone the decision on the expert opinion.

In cases referred to in the previous paragraph the chair of the council shall immediately call upon the proposer in writing to supplement the request for an expert opinion. The proposal should set out precisely the type and scope of the required additional data.

Upon receipt of a supplemented request from the proposer, the suspended meeting shall be continued.

**Article 18**

The formulated proposed final wording of the expert opinion referred to in paragraphs 1 and 2 of Article 16 of these Rules shall be delivered to all Council members within the envisaged deadline.

A member of the Council who voted in a meeting for the majority decision may, within eight days of receipt of the proposed final wording of the expert opinion, state in writing that he does not agree with the wording of the expert opinion. In such case the final wording of the expert opinion shall be submitted in a Council meeting for renewed deliberation and decision-making.

If in the deadline given in the previous paragraph no Council member referred to in the previous paragraph presents any opposition in writing, the proposed expert opinion shall be deemed to be finally confirmed.

**Article 19**

A member of the Council who disagrees with the majority decision may request in the Council meeting that his separate opinion be entered into the expert opinion. A separate opinion may relate to the findings of the expert opinion or to its explanation.

A separate opinion referred to in the previous paragraph shall be intended for the presentation of arguments that the member gave in the discussion of the expert opinion and that determined his decision.

A Council member referred to in paragraph 1 must communicate a separate opinion in writing to the secretary of the Council no later than in five days from the Council meeting. The separate opinion shall be added to the final wording of the expert opinion.

**Article 20**

The expert opinion must contain:

− basic information on the Council meeting in which the expert opinion was adopted (date and place of meeting, composition of Council that adopted the decision, outcome of voting),

− basic information on the matter subject to the expert opinion,

− the findings of the expert opinion and

− an explanation of the reasons for the decision.

The expert opinion may not contain data protected by law as confidential.

**Article 21**

The final wording of the expert opinion shall be signed by the chair of the Council, and its timely delivery to the proposer is the responsibility of the secretary of the Council.

A copy of the expert opinion shall also be sent to all members of the Council.

**Article 22**

If the agenda of a Council meeting involves the preparation of a proposal in the drafting of regulations or in other matters relating to the field covered by the Council, a representative of the proposer may first present the purpose and content of the matter on which a proposal is being prepared.

Following the discussion, the chair of the Council shall summarise the views expressed and shall formulate the content of the proposal that is the subject of the agenda.

If the Council decides on the proposal by voting, the proposal shall be adopted if a majority of Council members vote for it.

**Article 23**

A proposal referred to in paragraph 1 of the previous article may be decided upon by the Council on the proposal of the chair in a correspondence meeting without actually convening.

In the event of a correspondence meeting the material shall be distributed to all Council members with an indication of to whom and by when comments, views and opinions should be communicated, and whether the member is voting for or against the proposal.

In order for a proposal referred to in paragraph 1 of the previous article to be drawn up on the basis of a correspondence meeting, the majority of Council members must communicate their comments and views within eight days. If the Council decides on the proposal in the correspondence meeting by voting, the proposal shall be adopted if a majority of Council members vote for it.

**Article 24**

The final wording of the proposal, formulated in accordance with Articles 22 or 23 of these Rules, shall be drawn up by the secretary of the Council, and once it is signed by the chair of the Council, it shall be sent to the proposer.

A copy of the proposal referred to in the previous paragraph shall also be sent to all members of the Council.

**Article 25**

Minutes shall be kept of Council meetings, and these shall be sent to Council members within eight working days of the meeting.

If an individual item on the agenda involved the invitation to a meeting of experts, the minutes shall also be sent to them.

The minutes shall contain information on the place and date of the meeting, the quorum or presence of Council members and other persons present, matters subject to discussion and decision, the main points of discussion, decisions adopted and the outcome of voting. The minutes shall also give advance indication of separate opinions. The minutes shall enclose a list of those present in the meeting.

The minutes shall be signed by the chair of the Council or by the deputy or by the Council member that chaired the meeting.

The provisions of this article shall also apply by analogy to the minutes of a correspondence meeting.

**Article 26**

To facilitate easier preparation of the minutes, meetings may be recorded by audio-visual devices. Recordings of meetings must be erased immediately after the minutes are adopted.

Recordings of meetings and minutes of meetings are confidential.

Minutes of Council meetings shall be kept permanently in the Council’s archives.

**III. REPORTING ON THE COUNCIL’S WORK Article 27**

The Council shall prepare and adopt its annual report in the first quarter of the current year.

The annual report shall be a summary report on the work of the Council in the past calendar year, containing in particular information on:

− the number of Council meetings and participation in meetings,

− matters that the Council, on the request of the competent ministries, addressed and provided with expert opinions,

− proposals from the Council in the drafting of regulations, if they were addressed,

− Council proposals regarding other matters relating to the fields covered,

− the form and substance of cooperation with related institutions.

The annual report shall be produced in a form suitable for publication for the public.

**Article 28**

A draft of the annual report shall be prepared by one or more members of the Council appointed by the

Council in one of its meetings.

The draft annual report shall be adopted in a Council meeting, together with any proposals for its amendment. If the Council decides on the report or proposed amendments thereto by voting, the report or proposal shall be adopted if a majority of Council members vote for it.

**Article 29**

The final wording of the annual report shall be prepared by the secretary of the Council, and signed by the chair of the Council.

The secretary shall send the final wording of the annual report to all Council members, to the ministry competent for the environment and to the SNSA.

**IV. PROCEDURES FOR ENSURING EXCLUSION OF INTERESTS Article 30**

In discussing and deciding on matters for which the Council must provide its expert opinion, and in deciding on such expert opinion, the Council may exclude any member of the Council that is associated by family relation, commercially or financially with the legal or natural person regarding whose matter the Council is adopting an expert opinion.

A member referred to in the previous paragraph may not be involved in the discussion and decision-making if he:

− is a direct blood relative of or related by marriage to the natural person, or, if it involves a legal person, of or to the owner or employee of such legal person,

− is himself employed by the person, or holds an ownership stake in the person, if it involves a legal person, or

− performs for the natural or legal person work associated with the field in which an expert opinion is being prepared.

**Article 31**

If a Council member establishes that the Council will discuss and decide upon an expert opinion in a matter that will be grounds for his exclusion in accordance with the provisions of the previous article, he must notify as soon as possible the chair of the Council.

The exclusion of a Council member for reasons given in the previous article may also be proposed by other Council members up until the beginning of the Council meeting in which the expert opinion on the matter is being addressed. Any proposed exclusion must be explained in writing.

If he learns of reasons given in the previous article, up until the beginning of the Council meeting in which the expert opinion on the matter is being addressed, exclusion of a Council member may also be proposed by the proposer.

**Article 32**

The Council shall decide on the exclusion of a Council member at the beginning of the meeting in which the matter that is the subject of exclusion is being discussed and decided.

The Council shall decide on exclusion by voting. The Council member whose exclusion is being decided does not have the right to vote.

A decision on exclusion shall be adopted if a majority of Council members vote for it.

Any decision to exclude Council members shall be entered into the minutes of the Council meeting.

**V. PROCEDURES FOR ENSURING CONFIDENTIAL DATA PROTECTION Article 33**

In all procedures performed by the Council relating to the preparation and providing of expert opinions, it must be ensured that access to data deemed confidential (hereinafter: confidential data) is only possible for Council members, the secretary of the Council, a representative of the proposer and experts who have been invited to the discussion of the expert opinion.

**Article 34**

If the material for a Council meeting contains confidential data, the secretary of the Council must ensure that the material is delivered to Council members and those invited to the meeting in such a way that it is only received by persons entitled to it. Such material may not be sent by insecure means of communication.

**Article 35**

A person referred to in Article 33 of these Rules must, upon receipt of material containing confidential data, carefully store and ensure the protection of all documents with confidential data and any data support media or media on which confidential data are recorded, such that the accessing, processing, use, destruction, modification or communication of such data by any unauthorised persons is prevented.

A person referred to in Article 33 of these Rules may not communicate material with confidential data to other persons, and equally, he must also keep to himself everything he has been apprised of in relation to confidential data, and protect their secrecy from unauthorised persons and the public.

A person referred to in Article 33 of these Rules who has been apprised of confidential data may not use such data for purposes other than performing the tasks of the Council.

**Article 36**

If a person referred to in Article 33 of these Rules establishes that there has been a disclosure of confidential data, he must immediately notify the chair of the Council, who in turn notifies the proposer, in order to prevent any unauthorised disclosure and communication of such data and possible damaging consequences.

**Article 37**

After final discussion of the registration and formulation of an expert opinion by the Council, persons referred to in Article 33 of these Rules who have received material with confidential data must return such material to the secretary of the Council.

The secretary of the Council must ensure that all returned surplus material is destroyed in such a way as to prevent the reading of any confidential data.

Persons referred to in Article 33 of these Rules shall be bound to erase or destroy all records and writing they have produced in relation to their work in the Council and containing confidential data, in such a way as to prevent any recovery of all or any part of the erased confidential data.

**Article 38**

Council members and those invited to a Council meeting may not communicate to the public information on the matter subject to deliberation and the preparation of an expert opinion, until the Council concludes the matter and delivers its expert opinion to the proposer.

Persons referred to in the previous paragraph may not communicate confidential data to the public even after the Council has given its expert opinion to the proposer.

**VI. FINAL PROVISION Article 39**

These Rules shall enter into force on the fifteenth day after their publication in the Official Gazette of the

Republic of Slovenia.

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Ljubljana, 12 March 2003. EVA 2003-2511-0041

Minister

of the Environment, Spatial Planning and Energy

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