Pursuant to Articles 18 and 20 of the Services of General Economic Interest (Official Gazette of the Republic of Slovenia, No. 32/93, 30/98 – ZZLPPO, 127/06 – ZJZP, 38/10 – ZUKN and [57/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-2638) – ORZGJS40) and paragraph eleven of Article 122 of the Ionising Radiation Protection and Nuclear Safety Act (Official Gazette of the Republic of Slovenia, No 76/17, 26/19 and 172/21), the Government of the Republic of Slovenia hereby issues the following

**ORDINANCE**

**establishing ARAO Public Utility Institute (Javni gospodarski zavod ARAO) – Agency for Radwaste Management**

**GENERAL PROVISIONS**

**Article 1**
**(Subject)**

This Ordinance regulates the organisation, activities, bodies and their competences, and other matters relating to the provision of the mandatory national service of general economic interest regarding radioactive waste management (hereinafter: public service of radioactive waste management).

**Article 2**
**(Founder)**

1. The Republic of Slovenia is the founder of the public utility institute for radioactive waste management (hereinafter: the Institute).
2. The rights and obligations of the founder shall be exercised by the Government of the Republic of Slovenia (hereinafter: the Founder).
3. The Institute shall be established for an indefinite period of time.

**NAME, REGISTERED OFFICE AND ACTIVITIES OF THE INSTITUTE**

**Article 3**
**(Name and registered office)**

1. The Institute's name: ARAO — Agency for Radwaste Management
2. The Institute's abbreviated name: ARAO.
3. The registered office of the Institute: Vrbina 17, 8270 Krško.
4. The Institute may have branches in the areas in which it operates. The number and places of operation of the branches shall be determined by the Director with the consent of the Management Board of the Institute.

**Article 4**
**(Activities of the Institute)**

1. Within the scope of its registered activity, the Institute shall provide the public service of radioactive waste management in accordance with the Act governing protection against ionising radiation and nuclear safety and the Decree on the method and conditions for the provision of the mandatory national service of general economic interest regarding the management of radioactive waste, comprising in particular:
2. the takeover, collection, transport, processing and storage prior to disposal, preparations for repository construction , the construction of a repository and disposal of radioactive waste not originating from power-generating nuclear facilities;
3. the processing of radioactive waste material and spent fuel prior to disposal, preparations for repository construction, the construction of a repository and disposal of radioactive waste originating from power-generating nuclear facilities;
4. the operation of radioactive waste repositories;
5. the management, long-term control and maintenance of radioactive waste repositories;
6. the management, long-term control and maintenance of closed disposal facilities of mining and hydro-metallurgical tailings originating from the extraction and exploitation of nuclear minerals;
7. concern for the development of expertise in radioactive waste and spent fuel management and transfer of knowledge from the international environment to the Republic of Slovenia;
8. other technical and development tasks under the Act governing protection against ionising radiation and nuclear safety, or based on decisions of the Government directly related to the provision of the public service of the radioactive waste management.
9. Pursuant to the Decree on standard classification of activities (Official Gazette of the Republic of Slovenia, No. 69/07 and 17/08), the Institute shall perform the following activities:
* 02.100 – Silviculture and other forestry activities;
* 38.120 – Collection and disposal of hazardous waste;
* 38.220 – Treatment and disposal of hazardous waste;
* 42.990 – Construction of other civil engineering projects n.e.c.;
* 49.410 – Freight transport by road;
* 58.190 – Other publishing activities;
* 63.990 – Other information service activities n.e.c.;
* 68.320 – Management of real estate on a fee or contract basis;
* 70.210 – Public relation and communication activities;
* 71.129 – Other engineering activities and related technical consultancy;
* 71.200 – Technical testing and analysis;
* 74.900 – Other professional, scientific and technical activities n.e.c.;
* 81.100 – Combined facilities support activities;
* 82.300 – Organisation of conventions and trade shows.
1. The Institute may perform other activities provided that these are for the purpose of carrying out the activity for which the institute has been established and that it obtains the consent of the Founder for this purpose.

**RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE INSTITUTE IN LEGAL TRANSACTIONS**

**Article 5**
**(Operation of the Institute)**

1. The Institute is a legal person and shall perform legal transactions in its own name and for its own account.
2. The Institute shall be liable for its obligations with all its available assets.
3. The Founder shall only be liable for the Institute's obligations arising in connection with the provision of the public service of radioactive waste management.

**Article 6**
**(Stamp of the Institute)**

1. In legal transactions, the Institute shall use a round-shaped stamp with a diameter of 35 mm and a stamp with a diameter of 20 mm. The stamp shall have the coat of arms of the Republic of Slovenia at its centre and its outer circumference shall bear the inscription "ARAO - Agency for Radwaste Management, Vrbina 17, Krško".
2. The number of individual stamps, their use, the method of protection and destruction shall be determined by the Director of the Institute.

**SOURCES OF FUNDING AND OPERATION OF THE INSTITUTE**

**Article 7**
**(****Sources of funding for the public service of radioactive waste management)**

The Institute receives funding for its activities in the form of payments for services rendered from:

* the state budget, which is provided in the financial plan of the ministry responsible for waste (hereinafter: state budget funds);
* payments made by holders or generators of radioactive waste for the provision of the public service of managing radioactive waste not originating from power generating nuclear facilities;
* the fund established under the Act governing the method of financing the decommissioning of the Krško Nuclear Power Plant (hereinafter: Krško NPP) and disposal of radioactive waste from the Krško NPP (hereinafter: Public Fund);
* other sources.

**Article 8**
**(Long-term work programme of the provider of public service of radioactive waste management)**

1. The long term work programme of the Institute shall be drawn up every three years for a period of five years and shall serve as a basis for determining the time-deferred financial resources and for funding activities; it shall take into account the strategies and objectives set out in the national programme for radioactive waste and spent fuel management and shall include, in particular, the following:
* a description of the situation to date;
* the scope of the planned activities and public services of radioactive waste management, an estimate of the financial resources needed for the envisaged activities and for the provision of the public service of radioactive waste management;
* an investment plan;
* a plan of activities for the provision of the public service of radioactive waste management with a more detailed timing of investment in the repository for low- and intermediate-level waste, based on the approved investment programme;
* an estimate of the costs necessary for the operation of the provider of the public service of radioactive waste management;
* the envisaged objectives and results for the next five-year period, with criteria for their achievement;
* a staffing plan.
1. In its long-term work programme, the Institute shall envisage revenue and other receipts, expenditures and other disbursements for a period of five years in such a way that an estimate of the financial resources required is shown separately for:
* the provision of the public service of radioactive waste management;
* the implementation of the investment in the repository for low- and intermediate-level waste, based on the approved investment programme;
* the tasks for which funds are provided from the Public Fund in accordance with the Act governing the method of financing the decommissioning of the Krško NPP and disposal of radioactive waste from the Krško NPP.
1. The Institute's long-term work programme for the following three-year period shall be drawn up and submitted to the Management Board by the Director of the Institute for consideration and the drawing up of a reasoned opinion for the minister responsible for waste at least three months before the expiry of the current three-year period referred to in paragraph one of this Article.

**Article 9**
**(Business plan)**

1. On the basis of the long-term work programme referred to in the preceding Article, the Institute shall each year draw up a business plan for a period of two years, which shall:
* in a transparent and precise manner, set out the planned activities of the public service of radioactive waste management for the current and the following year;
* set out the amount of financial resources necessary for the implementation of the activities, the provision of public service of radioactive waste management, and the operation of the public service provider;
* and provide an explanation of all the planned activities and services according to the underlying purpose, the expected results, the method of implementation, the duration, the necessary means, and the sources of funding.
1. The Director of the Institute shall submit the proposal for a business plan to the Management Board for adoption and then to the founder for approval.
2. As regards the funding of the Institute's activities that are financed from the budget, the Institute and the ministry responsible for waste (hereinafter: Ministry) shall conclude a contract regulating the relationship between the Ministry and the Institute.
3. Based on the business plan, the Institute and the Ministry shall conclude each financial year an annex to the contract referred to in the preceding paragraph for the current year, setting out the amount of funds required for the provision of the public service of radioactive waste management, which are financed from the budget.
4. In order to ensure the smooth financing of the activities referred to in paragraph one of Article 4 of this Ordinance, the Institute shall propose to the Ministry commitment appropriations in the adopted budgets so as to enable in each current financial year the projects and measures included in the applicable plan of development programmes to award public contracts for the full value of the project or measure.

**Article 10**
**(Annual report and audit)**

1. Within three months of the end of each financial year, the Institute shall draw up an annual report on the operation of the Institute, which shall include its business report and the financial report for the financial year, which shall be the same as the calendar year.
2. The scope of the audit, the manner in which it is carried out and the content of the auditor’s reports shall comply with the requirements of the Act governing auditing.
3. The annual report, together with the audit report, shall be adopted by the Management Board and sent to the founder for final approval.

**MANAGEMENT OF THE INSTITUTE**

**Article 11**
**(Bodies of the Institute)**

The bodies of the Institute are the Management Board and the Director.

**Article 12**
**(Management Board)**

1. The Institute shall have a Management Board consisting of five members.
2. The Founder shall appoint four members on the proposal of the minister responsible for waste, while one member representing the interests of the employees shall be elected and recalled by the employees of the Institute. Members of the Management Board shall be appointed or elected for a term of four years and shall be eligible for reappointment after the expiry of their term of office.
3. The Management Board shall elect a Chairperson and a Deputy Chairperson from among its members appointed by the Founder. The Management Board shall determine the detailed manner of its work in the Rules of Procedure.
4. The office of a member of the Management Board shall terminate on the basis of a decision on a recall or a statement of resignation, or upon the expiry of their term of office if they are not reappointed.
5. The members of the Management Board who are relieved from office due to no-fault reasons shall remain in office until new members are appointed.
6. In the event of the early termination of the term of office of a member of the Management Board, a new member of the Management Board shall be appointed for the remainder of the term of office of the resigned member.

**Article 13**
**(Powers of the Management Board)**

1. The Management Board shall, within the scope of its powers:
* adopt the Institute's Statute and other general acts on the proposal of the Director, and submit them to the Founder for approval;
* decide on the salary of the Director, while the Chairperson of the Management Board shall conclude an individual contract with the Director in accordance with the regulations of the Founder;
* adopt the Rules of Procedure of the Management Board;
* adopt the business plan and submit it to the founder for approval;
* approves the annual report and submit it to the founder for adoption;
* give its opinion on the proposal for the use of surplus revenue or deficit coverage and submit the proposal to the Founder for adoption;
* consider the proposal for the long-term work programme of the provider of the public service of radioactive waste management, and shall submit it, together with a reasoned opinion, to the minister responsible for waste;
* be authorised to request from the Director to submit a report on any issue related to the operation of the Institute;
* give its consent to conclude a loan contract if the principal of the loan exceeds EUR 500,000 and to conclude transactions with a value of more than EUR 500,000, excluding VAT, or to enter into another legal transaction or to implement a legal act having equivalent effect, on a case-by-case basis;
* give its consent to consultancy contracts with a value of more than EUR 20,000, excluding VAT;
* give its consent to the branches of the Institute;
* carry out a call for tenders, or a direct invitation for the selection of the Director and propose the appointment of a Director to the Founder;
* propose a person to perform an audit of the Institute, following an open invitation to tender or a call for tenders;
* consider and decide on all other matters for which it is empowered by law, other regulations, the Founder and this Ordinance.
1. Any member of the Management Board may request from the Director to provide information which he or she is required to provide to the Management Board as a body.
2. The Management Board shall report at least once a year on its work to the Ministry. The report on the work of the Management Board during the previous financial year, drawn up by the Chairperson of the Management Board, shall be enclosed with the annual report of the Institute.

**Article 14**
**(Director)**

1. The Director shall manage the business and work of the Institute, represent the Institute and shall be responsible for the legality of its operations.
2. The Director shall be appointed and recalled by the Founder. The appointment shall be made on the basis of an open call for tenders by the Management Board or following a direct invitation by the Management Board for a period of four years. The same person may be reappointed at the end of their term of office.
3. A person may be reappointed as a Director if he or she has achieved an university education of level VII (specialisation under a higher education programme, a university or master's study programme – Bologna 2nd cycle), has at least eight years of professional experience, of which five years in managerial positions of similar complexity, is proficient in English and has not been convicted by a final judgment of intentionally committing a criminal offence for which he or she is prosecuted ex officio, and no final indictment has been filed against him or her for an intentionally committed criminal offence prosecuted ex officio.
4. The Management Board shall publish a call for applications in the media at least three months before the end of the term of office.
5. The candidate for Director must draw up a work programme for the term of office.

**Article 15**
**(Recall of the Director)**

1. A Director may be recalled early:
* if he or she submits a written resignation;
* if any of the reasons for the termination of employment arise by law;
* in other cases provided by law;
* – if, by failing to perform his or her work with due care or by performing it incorrectly, the Director causes substantial damage to the Institute, or if he or she neglects his or her duties or performs them negligently, which causes or might cause a major disruption to the Institute's operation;
* – if he or she has failed to fulfil the obligations imposed on him or her by regulations or an employment contract, or has failed to meet the objective(s) set out in the long-term work programme of the provider of the public service of radioactive waste management and in the business plan of the Institute.
1. If the Director dies, becomes incapacitated or is recalled on fault-based grounds, his or her office shall be held by the Chairperson of the Management Board or by a member of the Management Board authorised by the Founder to do so until the appointment of a new Director, but for no longer than 90 days. During the time he or she holds office as Director, his or her membership of the Management Board shall be suspended.

**Article 16**
**(Powers and duties of the Director)**

1. The powers and tasks of the Director shall be to:
* draw up the Institute's business plan and submit it to the Management Board for adoption;
* draw up the long-term work programme of the provider of the public service of radioactive waste management, and submit it for consideration to the Management Board for its reasoned opinion;
* draw up and submit the annual report to the Management Board for adoption and the proposal for the use of the surplus revenue or deficit coverage for its opinion;
* propose the Institute's Statute and other general acts to the Management Board for adoption;
* ensure the implementation of the decisions of the Founder and the Management Board;
* decide, within the limits of his or her powers, on the disposal of the Institute's property;
* enter into employment contracts for the employer;
* decide on salaries and the incentive part of salaries;
* decide on the individual rights and obligations of employees regarding employment relationships in accordance with the Employment Relationship Act and the collective agreement;
* perform tasks important for the defence and protection and self-defence of the employees for whom he or she is responsible;
* appoint project and working groups to carry out each task;
* perform other tasks in accordance with the law, this Ordinance and other general acts.
1. The Director must obtain prior approval of the Management Board for the conclusion of loan contracts with a principal amount exceeding EUR 500,000 and for transactions with a value exceeding EUR 500,000 excluding VAT, and for the conclusion of consultancy contracts with an amount exceeding EUR 20,000, excluding VAT.
2. The Management Board may, by means of a decision, determine that his or her approval is required for transactions with a value lower than that laid down in the preceding paragraph. The Management Board may determine specific individual transactions for which his or her approval is required, irrespective of the value of the transaction.

**POWERS OF THE FOUNDER**

**Article 17**
**(Founder)**

The Founder shall have the following powers:

* to adopt the founding act and amendments thereto;
* to give its consent to the Statute of the Institute and amendments thereto;
* to adopt annual report together with the audit report;
* to give its consent to the business plan of the Institute;
* to decide on the dissolution of the Institute and on changes to its status;
* to give its consent to the internal organisation and the number and type of posts;
* to adopt the price list for the payment of the public services of radioactive waste management;
* to appoint and recall the Director of the Institute;
* to adopt the long-term work programme of the public service of the radioactive waste management on the basis of a reasoned opinion of the Management Board and on the proposal of the minister responsible for waste;
* to decide on the use of surplus revenue or deficit coverage on the basis of the opinion of the Management Board,
* to decide, on the proposal from the Institute's Management Board, on the method and amount of compensation for deficit that cannot be covered by other available resources of the Institution;
* to decide on changes in share capital;
* to give its consent to transactions relating to the encumbrance of immovable property;
* to give its consent to other activities;
* to appoint and dismiss the members of the Management Board;
* to decide on the level of remuneration of the members of the Management Board;
* decide on other important matters not left to the discretion of the Director or the Management Board.

**STATUTE OF AN INSTITUTE**

**Article 18**
**(Statute)**

The Institute shall have a Statute which shall provide for:

* the relationship of the Institute to the users of its services;
* the procedure for the election or appointment of the members of the Management Board, the composition of the Management Board, the appointment of the Chairperson and other matters relating to the Management Board of the Institute;
* other responsibilities of the Management Board, the definition of the manner of its decision-making, the convening and conduct of meetings and other matters relevant to the functioning of the Management Board;
* the conditions and procedure for the appointment of the Director of the Institute;
* the rights, obligations and powers of the Director of the Institute;
* the handling of data relating to the exceptions provided for in the Act governing access to public information;
* the method of selecting the auditor and the manner and scope of the audit;
* other mutual rights and obligations of the Founder and the Institute.

**TRANSITIONAL AND FINAL PROVISIONS**

**Article 19**
**(Continuation of the work of the Institute)**

The Agency for Radwaste Management, which was established by means of the Ordinance of the Executive Council of the Assembly of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, No. 5/91) as a Public Company Agencija za radioaktivne odpadke p.o., Hajdrihova 2, Ljubljana, and entered in the court register of the Ljubljana Basic Court, the Unit in Ljubljana, by Decision No. Srg 6920/91 of 13 December 1991, and was transformed into a public utility institute in 1996 by the Ordinance on transformation of the public company Agencija za radioaktivne odpadke p.o., Hajdrihova 2, Ljubljana into public utility institute (Official Gazette of the Republic of Slovenia, No. 45/96) and was entered in the court register by Decision No. Srg 94/18264 of 9 December 2009, shall continue its work on the basis of this Ordinance.

**Article 20**
**(Harmonisation of general acts)**

1. The general acts of the Institute shall be brought into line with this Ordinance no later than 90 days after the entry into force of this Ordinance.
2. The general acts of the Institute applicable until the entry into force of this Ordinance shall continue to apply until the adoption of new ones. Should individual provisions of existing acts conflict with the provisions of this Ordinance, the provisions of this Ordinance shall apply directly until they are brought into line.

**Article 21**
**(Harmonisation of operation)**

The long-term work programme of the provider of the public service of radioactive waste management referred to in Article 8 of this Ordinance shall be drawn up by the Institute within three months of the entry into force of this Ordinance and adopted by the Founder within six months of the entry into force of this Ordinance.

**Article 22**
**(Continuation of the work of the Management Board)**

The Management Board of the public utility institute shall continue its work in accordance with this Ordinance until the end of term of office.

**Article 23**
**(Continuation of the work of the Director)**

The Director of the public utility institute shall continue its work in accordance with this Ordinance until the end of term of office.

**Article 24**
**(End of validity)**

On the day this Ordinance enters into force, the Ordinance on transformation of the public company Agencija za radioaktivne odpadke p.o., Hajdrihova 2, Ljubljana into public utility institute (Official Gazette of the Republic of Slovenia, No. 45/96, 32/99, 38/01, 41/04 – ZVO-1 and 113/09) shall cease to be in force.

**Article 25**
**(Entry into force)**

This Ordinance shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.

No. 00719-62/2021

Ljubljana, 13 January 2022

EVA 2018-2550-0026

 The Government of the Republic of Slovenia

 Janez Janša

 PRESIDENT