**DECREE ON THE CHECKING OF THE RADIOACTIVITY OF CONSIGNMENTS THAT COULD CONTAIN ORPHAN SOURCES**

**(UV11)**

**UNOFFICIAL TRANSLATION**

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*Prepared by the Slovenian Nuclear Safety Administration in May 2019.*

*The official text of the Act is located on the pages of* [***the Legal Information System***](http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED7675)***.***

 ***WARNING****: The unofficial text of this Act is just an informative work tool, for which the Slovenian Nuclear Safety Administration does not guarantee*

Based on the eighth paragraph of Article 26 of the Ionising Radiation Protection and Nuclear Safety Act (Official Gazette of the Republic of Slovenia, No. 76/17) the Government of the Republic of Slovenia hereby issues the

# Decree on the checking of the radioactivity of consignments that could contain orphan sources

## GENERAL PROVISIONS

**Article 1** **(Purpose)**

This Decree transposes into the legal order of the Republic of Slovenia the provisions of Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ L 13, 17. 1. 2014, p. 1), last amended by the Correction (OJ L 72, 17. 3. 2016, p. 69), and regulates:

* the requirements and rules of conduct regarding radiation protection measures to be respected by the consignor, recipient and transport organiser in the import, export, input or output of the consignments of scrap metal in the Republic of Slovenia, in the transit of scrap metal consignments with higher radiation levels, and in internal trade with the consignments of scrap metal;
* the requirements and rules of conduct regarding radiation protection measures to be respected by the operators of large postal centres, airports, ports;
* the requirements and rules of conduct regarding radiation protection measures to be respected by operators of the waste management centres and scrap metal processing plants, namely waste collectors in centres, processors of scrap metal in facilities for waste processing, operators of waste electrical and electronic equipment processing in the facilities for the processing of such equipment and operators of the municipal waste management in these centres;
* the measures to avoid excessive exposure of workers and the general public and environmental contamination due to insufficient control of orphan sources and to avoid major material damage caused by the clean-up of contamination above the prescribed limit.

## Article 2 (Scope)

1. This Decree applies to scrap metal from within the territory of the Republic of Slovenia and outside the Republic of Slovenia that as a waste product is allocated for storage before further processing or for direct processing in the production of iron, steel, non-ferrous metals within the territory of the Republic of Slovenia or in the Member States of the European Union (hereinafter: the EU) or third countries and for the waste electrical and electronic equipment, immediately prior to its processing.
2. This Decree shall also apply to consignments of scrap metal that are in transit in the Republic of Slovenia and for import of goods and consignments that could be radioactively contaminated or contain orphan sources and would be encountered by operators of large postal centres, airports and ports.
3. For issues relating to the handling of shipments of scrap metals not specifically regulated by this Decree, the regulations governing shipments of waste shall apply.
4. For issues relating to the processing of scrap metal in installations containing iron, steel or non-ferrous metal, which are not specifically regulated by this Decree, the regulation governing a range of activities and installations which may cause pollution of the large scope, the regulation governing emissions of substances into the air, and the regulations governing the emission of substances and heat in the discharge of waste water shall apply.
5. For issues relating to waste electrical and electronic equipment the regulation on waste electrical and electronic equipment shall apply.
6. For issues relating to measuring the radioactivity of consignments of scrap metal, waste electrical and electronic equipment and other goods that are not specifically regulated by this Decree the regulation on the monitoring of radioactivity and the regulation on the use of radiation sources and radiation practices shall apply.

## Article 3 (Definitions)

For the purposes of this Decree, the following definitions shall be used:

* 1. dose rate is the rime derivation of the appropriate dose absorbed, equivalent, effective, predicted equivalent, predicted effective) or its equivalents (ambient, directional, personal) and means a dose change in a unit of time;
	2. exit of a shipment of scrap metal from the Republic of Slovenia is its exit to the EU Member States and the consignment has the customs status of the Union goods;
	3. provider of radioactive measurement of consignments (hereinafter: measurement provider) means a natural or legal person that has obtained authorisation to measure the radioactivity of consignments of scrap metal, waste, waste electrical and electronic equipment and imported goods based on the regulation on the monitoring of radioactivity;
	4. radioactivity measurements mean measurements of gamma dose rate;
	5. dangerous source of radiation is the radiation source specified in the decree regulating the radiation practice;
	6. internal trade of scrap metal consignments means a consignment of scrap metal being transferred from the consignor to the recipient within the territory of the Republic of Slovenia;
	7. waste electrical and electronic equipment (hereinafter: WEEE) is defined in the regulation on waste electrical and electronic equipment;
	8. scrap metal means scrap metals and alloys set out in the annex to the Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6. 9. 2000, p. 3; Decision 2000/532/EC), last amended by the Commission Decision of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council (OJ L 370, 30. 12. 2014, p. 44, Commission Decision 2014/955/EU) (hereinafter: Decision 200/532/EC), which are exhaustively defined by a six-digit waste code and the respective two-digit and four- digit codes of the following headings or chapters, where there is a greater probability that a waste consignment may include (unintentionally or otherwise) radioactive substances or have a high radiation level: 02 (02 01 10), 10, 12, 15 (15 01 04), 16 (16 02), 17 (17 04), 19 (19 10), 19 (19 12 02 in 19 12 03) in 20 (20 01 40);
	9. transport organiser means a natural or legal person that organises transport or other services relating to the transport of scrap metal consignments or other goods;
	10. report on measurements of consignment radioactivity (hereinafter: measurement report) means a report on the implementation of measurements of consignment radioactivity by a measurement provider in accordance with this Decree;
	11. consignor is a natural or legal person who sends a shipment of scrap metal or other goods;
	12. consignment is a shipment of scrap metal or other goods that the consignor should deliver to the recipient and may be in one or more transport units, for example in containers, in the case of postal centres, airports and ports, the consignment is any goods and objects that could be radioactive contaminated or contain orphan sources;
	13. processing scrap metal means the extraction of metals and their compounds during the recycling of scrap metal as a waste processing process under the regulation on waste;
	14. recipient means a natural or legal person that receives a consignment of scrap metal or other goods;
	15. transit of a consignment of scrap metal through the territory of the Republic of Slovenia means transport from EU Member States to other EU Member States or to third countries or from third countries to EU Member States;
	16. large postal centres are for the purpose of this Decree all those postal and logistic centres to which the consignments of non-Union goods enter and pass through them;
	17. the entry of a consignment of scrap metal entering the Republic of Slovenia is its entry from the EU Member States and the consignment has the customs status of the Union goods.

## OBLIGED PARTIES AND THEIR OBLIGATIONS

**Article 4**

**(obligations of recipient of scrap metal consignment at the import, entry and internal trade)**

1. A recipient shall ensure that the measurement provider, in accordance with [Article 8](#_bookmark0) of this Decree and in accordance with its measurement programme, measures the radioactivity of each consignment of scrap metal that is imported or enter into the Republic of Slovenia from another EU Member State or third countries. The recipient shall obtain a report of these measurements from the measurement provider.
2. Where the cases referred to in the preceding paragraph relate to the import of scrap metal consignments, the recipient or its representative shall, before release of them in the free circulation, submit a measurement report to the competent financial (customs) authority.
3. The recipient shall ensure, for each scrap metal consignment in internal trade, that the measurement provider, in accordance with its measurement programme, measures the radioactivity of the scrap metal consignment before the recipient commences the processing of scrap metal from such consignments. The recipient shall obtain the measurements report from the measurement provider, if the measured radioactive values of a scrap metal consignment exceeds the values set out in Article 8 of this Decree.
4. The recipient shall bear all the costs of measurements of the radioactivity of the scrap metal consignment carried out on a scrap metal consignment, including all potential costs of radiation protection measures ordered by an inspector of the authority responsible for nuclear safety in relation to the management with scrap metal consignment.
5. The recipient must keep measurement reports for at least three years from their date of issue.

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## Article 5

## (obligations of the consignor of the scrap metal consignment in export and outtake)

## The provisions of the first, fourth and fifth paragraph of the preceding Article shall apply *mutatis mutandis* also in case of the export or exit of the scrap metal from the Republic of Slovenia to another EU Member State or to a third country, whereby all the obligations of the recipient referred to in that Article are assumed by the consignor of the scrap metal consignment.

## Article 6

**(obligations of transport organiser for scrap metal consignment or other goods in transit)**

1. If the transport organiser of a scrap metal consignment or other goods who has organised its transit through the Republic of Slovenia has been informed that the competent authorities of a Member State or third country have refused onward transport or entry or import of that consignment due to a high level of radioactivity, it shall, as soon as possible, notify the authority responsible for nuclear safety of the refusal of the consignment and of the eventual measures imposed relating to the rejection.
2. The transport organiser of the consignment referred to in the preceding paragraph shall ensure the implementation of, and cover all the costs of, radiation protection or security measures ordered by an inspector of the authority responsible for nuclear safety in relation to managing the refused scrap metal consignment.
3. Issues relating to the management of scrap metal consignments refused in transit shall, in addition to the measures referred to in the first and second paragraph of this Article, also be subject *mutatis mutandis* to [Article 8](#_bookmark0) of this Decree.

## Article 7

**(other obliged parties for the measurements)**

1. Besides the obliged parties referred to in Articles 4, 5 and 6 of this Decree the persons liable for carrying out the measurements of consignments under this Decree are also:
2. operators of the large postal centres, airports and ports through which import of goods and consignments which could be radioactively contaminated or contain orphan sources are carried out. These operators are as follows:
	* Jože Pučnik Airport, Ljubljana (operator: Fraport Slovenija, d.o.o., Zgornji Brnik 130A, 4210 Brnik - Aerodrom);
	* Edvard Rusjan Airport, Maribor (operator: AERODROM MARIBOR d. o. o., Letališka cesta 10, 2312 Orehova vas);
	* Portorož Airport (operator: AERODOROM PORTOROŽ, d. o. o., Sečovlje 19, 6333 Sečovlje);
	* Port of International Traffic in Koper (controlling operator: concessionaire LUKA KOPER, d. d., Vojkovo nabrežje 38, 6000 Koper),
	* operators of all major postal centres as defined in the point 16 of Article 3 of this Decree;
3. scrap metal contractors involved in the production and processing of metals listed in Annex 1, points 2.2 to 2.5 of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control, recasting) (OJ L 334, 17. 12. 2010, p. 17), last amended by Corrigendum (OJ L 158, 19. 6. 2012, p. 25);
4. WEEE treatment providers from the regulation governing the management of WEEE;
5. operators of centres for the treatment of mixed municipal waste for which an environmental permit is required for the recovery or disposal of waste in accordance with the regulation governing environmental protection.
6. Operators referred to in the previous paragraph shall ensure that the radioactivity of consignments is measured in accordance with [Article 8](#_bookmark0) of this Decree and that the report is made in accordance with [Article 10](#_bookmark1) of this Decree.

## CONSIGNMENT MANAGEMENT-RELATED RULES

## Article 8

**(Measurements, notifications, measures and monitoring)**

1. Measurements of consignment radioactivity may only be carried out by a provider authorised based on the regulation on the monitoring of radioactivity.
2. The measuring equipment for the measurements referred to in the preceding paragraph shall meet the criteria laid down in the Annex to this Decree.
3. If, based on radioactivity measurements, the measurement provider finds that the dose rate on the surface of a consignment exceeds the natural background dose rate by more than 50 %, it must notify the authority responsible for nuclear safety as soon as possible. The notice must contain comprehensive information as defined in Article 9 of this Decree.
4. In addition to the requirement referred to in the preceding paragraph, the measurement provider must also notify the authority responsible for nuclear safety in other specific cases in which the measuring equipment detects a lower exceeding of the natural background dose, but where it has a reasonable suspicion that a consignment contains a radioactive source, where its equipment detects other types of radiation (e.g. beta radiation or neutron radiation) or surface contamination or identifies, on the basis of measurements, the presence of radionuclides that are inconsistent with the consignment.
5. If the measurement report indicates that the maximum radiation value on the surface of a consignment exceeds 5 μSv/h (or 50 times the natural background dose rate) or that the dose rate in the driver or accompanying crew’s seat exceeds 0.5 μSv/h (or 5 times the natural background dose rate), the recipient shall at its own cost provide radiation protection measures without delay at the place in which the consignment is located, if so ordered by an inspector of the authority responsible for nuclear safety.
6. The recipient must in the cases referred to in third and fourth paragraph of this article, at his own expense, provide measures if ordered by the inspector of the authority responsible for nuclear safety.
7. If the cases referred to in the third, fourth and fifth paragraph of this Article relate to import of the consignment, the financial (customs) authority shall not release the consignment into free circulation, and the recipient shall ensure its return to the consignor; in such cases, the authority responsible for nuclear safety shall notify the competent administrative authority of the state from which the consignment originally came and, additionally, the competent administrative authority of the state to which it is to be returned, if that is not the same as the state of origin.
8. If the cases referred to in the third, fourth and fifth paragraph of this Article relate to introduction, the recipient must ensure the return of the consignment to the country from which it came, and the authority responsible for nuclear safety shall notify the competent administrative authority of the state from which the scrap consignment originally came of the refusal of the scrap metal consignment and, additionally, the competent administrative authority of the state to which it is to be returned, if that is not the same as the country of origin.
9. If the place of dispatch of a consignment referred to in the seventh and eighth paragraph of this Article is the Republic of Slovenia, the authority responsible for nuclear safety shall order radiation protection measures on the person who dispatched the consignment.
10. In addition to ensuring implementation of the radiation protection measures referred to in the fifth and sixth paragraph of this Article, inspectors of the authority responsible for nuclear safety may also order security measures if they assess, based on the specific characteristics of the case, that it involves dangerous radioactive sources or nuclear material.

## Article 9(Measurement reports)

1. The measurement report may only be produced by the measurement provider.
2. The measurement report shall include at least the following information:
	* place and date of the measurement;
	* the radioactivity measurement provider;
	* the type of scrap metal or other goods in the consignment;
	* the quantity of scrap metal or other goods in the consignment;
	* consignment’s consignor;
	* consignment’s carrier;
	* transport organiser of the consignment;
	* consignment’s recipient;
	* registration number of the vehicle or trailer in the case of road transport, or the freight document number of the railway wagon in the case of a rail consignment;
	* natural background dose rate at the location of the measurements;
	* description of the spatial distribution of any measured elevated dose rates across the consignment’s surface (uniform distribution, concentrated in a single spot, etc.);
	* highest measured dose rate on consignment’s surface;
	* dose rate measured in driver’s or accompanying crew’s seat;
	* radiation detection devices, being used;
	* proposed radiation protection measures.
3. A measurement report shall be produced for all cases in which radioactivity measurements find that the dose rate on the surface of a consignment exceeds the value defined in the third paragraph of [Article 8](#_bookmark0) and for the cases referred to in the fourth and fifth paragraph of [Article](#_bookmark0) of this Decree.
4. The measurement report is equivalent to the certificate of performance of the radioactivity test as defined in Council Regulation (EU) No. 333/2011 of 31 March 2011 laying down the criteria for determining when certain types of scrap metal cease to be waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council (OJ L 94, 8. 4. 2011, p. 2) and in Commission Regulation (EU) No. 715/2013 of 25 July 2013 on the criteria for determining when waste copper ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council (OJ L 201, 26. 7. 2013, p. 14).
5. The measurement provider shall keep measurement reports for at least three years from their date of issue.

## Article 10 (Annual measurement reports)

1. The measurement provider referred to in [Article 8](#_bookmark0) of this Decree shall, by 31 January of the current year, submit to the authority responsible for nuclear safety an annual report on measurements for the past year that provides information on at least:
	* the number and type of consignments on which radioactivity measurements were carried out;
	* the results of radioactivity measurements of consignments that were identified as having the excess values defined in the third, fourth or fifth paragraph of [Article 8 of this Decree](#_bookmark0) or that were subject to the measures referred to in the fifth, sixth, ninth or tenth paragraph of Article 8 of this Decree;
	* operators referred to in Article 7, for which they carried out radioactivity measurements (if measurement provider is not at the same time also the operator), and on the dates of radioactivity measurements from the previous indent.
2. Information on the quantities of goods and other information referred to in the first indent of the preceding paragraph may also be submitted as an assessment or in aggregated summary form (e.g. for airports or the port).
3. The annual report may also include a graphic annex, analyses, data and photographs of scrap metal consignments, WEEE or other goods referred to in the second indent of the first paragraph of this Article.

## INSPECTION

**Article 11**

**(Inspection)**

The implementation of this Decree in the field of radiation safety is controlled by the inspectors of the authority responsible for nuclear safety while the release of goods for free circulation is carried out by the customs authority.

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## FINAL PROVISIONS

**Article 12**

**(Expiry)**

On the day this Decree enters into force the Decree on radioactivity verification of scrap metal consignments (Official Gazette of the Republic of Slovenia, No. 84/07) shall expire.

**Article 13**

**(Entry into force)**

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

**Article 14
(Start of use)**

The provisions of Articles 7 and 10 of this Decree shall begin to be applied 12 months after the entry into force of this Decree, except for the operators referred to in the first paragraph of Article 7 of this Decree, who are also the recipients in accordance with Article 4 of this Decree.

No. 007-83/2018

Ljubljana, 14. 2. 2019

EVA 2018-2550-0024

Government of the Republic of Slovenia
Marjan Šarec

Prime Minister

## ANNEX: Requirements for detection of high-level radiation (sensitivity and parameters)

1. Requirements for stationary equipment (e.g. portal monitors) and hand-held portable equipment (in addition to those specified in the act regulating ionising radiation protection and nuclear safety):

The handheld equipment used shall be able to detect a gamma radiation dose rate on the surface of a consignment that is 20 % higher than the dose rate from natural background radiation. Against a background of 0.1 μSv/h, the instrument used shall have the sensitivity to detect at least 100 CPS (counts per second) over the energy range of 50 keV to 1.33 MeV.

1. Additional requirements for equipment to measure consignments at large postal centres or consignments (e.g. goods, luggage) at an airport (in addition to those referred to in A):

The speed of passage of the various objects (letters, parcels, bags, etc.) through the detector area shall generally not exceed 1.2 m/s, unless a higher passage speed has been defined in the technical documentation of the detection equipment.

1. Passage of vehicles through detector area:

The speed of passage of vehicles or means of transport through the detector area shall generally not exceed 8 km/h, unless a higher passage speed has been defined in the technical documentation of the detection equipment.

1. The passage of persons who may be carrying undeclared goods through detectors’ area:

The detectors shall be installed or used no more than 1.5 m from the persons moving with or without luggage.

The speed of persons through the detectors’ area shall generally not exceed 1.2 m/s, unless a higher passage speed has been defined in the technical documentation of the detection equipment.