

Implementation of the CPPNM and its Amendment into Czech Legislation

The Czech Republic has a long-standing tradition in peaceful utilization of nuclear energy and ionizing radiation. Like other countries, the Czech Republic is also facing new modern ways of threat, especially due to increase of international terrorism, cyber threats, or new affordable technologies that can be misused to steal nuclear material or to sabotage nuclear facilities. Especially insiders pose a significant threat to nuclear security and becoming an important topic within the national and also international community. The Czech Republic is aware of the necessity of international cooperation in this area and ratified the Convention on Physical Protection of Nuclear Materials (CPPNM) and its 2005 Amendment and recently significantly strengthened its legal framework in the field of nuclear security and also nuclear safety.

In the Czech Republic, the new Act No. 263/2016 Coll., The Atomic Act, entered into force on 1 January 2017. This act became a comprehensive codex of public nuclear law. Atomic Act is a piece of legislation that encompasses nuclear safety, radiation protection, radioactive waste management, shipments of nuclear materials and other radioactive sources, security of nuclear materials and nuclear facilities, radiation emergency management, radiation monitoring and non-proliferation of nuclear weapons. The Atomic Act replaced the old Act No. 18/1997 Coll. in which only provisions dealing with civil liability for nuclear damage are still in force. This paper aims to describe new legislation in the area of security of nuclear material and nuclear facilities in the Czech national law which is an integral part of this recodification.

Amendment to CPPNM (which entered into force on 8 May 2016,) meant significant change to the scope of CPPNM. During preparatory drafting work on the aforementioned Czech atomic act, this amendment of CPPNM (apart from other international binding and non-binding documents) was earnestly taken into consideration. Main objective of this paper is to describe how were the particular provisions of CPPNM and its Amendment implemented into the Czech legislation –mainly into the Atomic Act. In addition to that, the Atomic Act was complemented with its detailed implementing Decree of the State Office for Nuclear Safety No. 361/2016 Coll., On Security of Nuclear Material and Nuclear Facility.

Furthermore, there are even more relevant legislative documents in the Czech national law. Respective criminal offences from CPPNM and its Amendment were implemented into the Act No. 40/2009 Coll., Criminal Code, or principle of confidentiality was implemented into the Act No. 412/2005 Coll., On the Protection of Classified Information and Security Eligibility.

But what were the most significant changes in the area of nuclear security in Czech national law? The Czech new Atomic Act, in contrast with the previous one, changed the institute of design basis threat (when the Atomic Act now explicitly states that the method of ensuring physical protection of nuclear installations and nuclear material shall correspond to the hazards arising from the design basis threat which is legally binding resolution of the State Office for Nuclear Safety), performance of sensitive activities and also newly regulates the security of nuclear material not classified in the categories. Significant change in legal obligation of operators of nuclear installations is represented by the new restricted and controlled area –the vital area. There also new provisions that introduce two-person rule or prevent landing of any means of air transport on the roof of nuclear facilities. Interim provisions of the Atomic Act gave recipients of these obligations two years to adapt their facilities and respective documentation to this Act.

All of these changes were based on the CPPNM and its Amendment and relevant IAEA recommendations and this paper tries to describe if and how were the certain provisions of international documents implemented.

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