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Law No. 211 of 2017
**Amending Some Provisions of the Law Regulating Nuclear and
Radiological Activities**
Promulgated by Law No. 7 of 2010

In the name of the People,

President of the Arab Republic of Egypt,

The People's Assembly has enacted the following Law and we have promulgated it:

ARTICLE ONE

Provisions of Articles 3 (Nuclear Security), 9 (first paragraph), 13, 15, 16,17(Items 8 & 13), 18, 32, 33 (second paragraph), 77 (last paragraph), 78 (Definition of person), 85 (second paragraph), 88 (Item B) of the Law Regulating Nuclear and Radiological Activities Promulgated by Law No. 7 of 2010 shall be replaced with the following provisions:

Article 3

Nuclear security: Preventing, detecting, combatting theft, loss, acts of sabotage, unauthorized entry, illegal transport, and other illegal acts related to nuclear materials or other radiological materials or their facilities , breaches of the security of documents, information systems and computers related thereto.

Article 9 (first paragraph)

Ministries of Defense, Interior and Foreign Affairs as well as other ministries in charge of civil aviation, transport, Suez Canal Authority, the General Intelligence Authority, Atomic Energy Authority and other related entities, each according to the scope of its competence, shall be responsible for taking the necessary measures to ensure safe handling and protection of radioactive substances within the international transport framework according to the provisions set out under international treaties regulating that and which are enforceable in the Arab Republic of Egypt.

Article 13

The resources of the Authority shall consist of the following:

1. Financial appropriations allocated in the State's general budget.
2. Proceeds of fees for permits and licenses issued by the Authority.

3. Payments in return for works and services delivered by the Authority to third parties whether locally or abroad provided that such third parties are not subject to the monitoring of the Authority.
4. Grants, subsidies, gifts and donations granted by entities that are not subject to the monitoring of the Authority and subject to the approval of the Board of Directors, to the extent they are not in contradiction with the Authority's regulatory and monitoring tasks and in accordance with relevant regulatory laws.
5. Investment yield of the Authority's surplus funds.
6. Loans received by the Authority according to the law.
7. Administrative expenses as proposed by the Board of Directors in consideration for conducting inspections, tests and studies necessary for the process of getting permits and licenses. Such expenses shall be determined by a decree from the Prime Minister and shall not exceed 15% of the value of prescribed fee; or any other resources as approved by the Authority's Board of Directors and not inconsistent with the regulatory and monitoring tasks of the Authority or requirements of the national security.

Article 15

The Chairman of the Authority and his deputies shall be appointed by a decree issued by the President of the Arab Republic of Egypt based on a proposal by Prime Minister for a period of four years to be renewable for another similar period. The remuneration of the said Chairman and his deputies shall be determined by a decree issued by the President of Arab Republic of Egypt.

Article 16

Management of the Authority shall be undertaken by a board of directors to be formed by a decree issued by the President of the Arab Republic of Egypt based on a proposal by the Prime Minister for four years renewable for a similar period as follows:

- Chairman of the Authority (Board Chairman).
- The membership of the following:
 - o The most senior deputy-chairman who will replace the Chairman of the Board if he is absent or if he is unable to assume this duty for any reason whatsoever.
 - o The Authority's legal counsel.
 - o Five members representing the competent ministries and public entities to be nominated by ministers and heads of these entities. They should include a representative from the Ministry of Defense, the Ministry of Interior, the Ministry of Foreign Affairs and the Ministry of Environment.
 - o Head of the competent Fatwa department at the State Council.
 - o Five persons having experience in relevant fields to be nominated by the Prime Minister.

In all cases, any person who works for or has a connection to the entities concerned with ownership, operation, development or promotion of any of the various fields of utilization of nuclear and radiological activities shall not be a member of the Board.

The Board shall continue to perform its works until issuance of a decree for its renewal or formation of a new board of directors.

Article 17 (Items 8 & 13)

8. Proposing modifications to the fees structure of the different kinds of licenses and permits to the extent that they do not exceed double the value of fees provided for herein.
13. Approving the organizational structure of the Authority and ratifying the bylaws related to technical, administrative and financial affairs as well as other regulations related to the activities of the Authority without being restricted by the rules or systems in force in the Government or State's administrative apparatus or without submitting a proposal to the Central Agency for Organization and Administration. These regulations shall be promulgated by a decree issued by the Prime Minister.

Article 18

The Prime Minister shall promulgate the regulations for the Authority's staff in order to organize all their personnel affairs in a manner consistent with the special nature of the work of the Authority and taking into account the national security considerations, and in pursuit of realization of care and ensuring enhancement of performance. The above shall be valid without being restricted by the wage levels and the rules or systems in force in the Government and in the State administrative apparatus, without the need for submitting a proposal to the Central Agency for Organization and Administration and without being restricted by the Law on Maximum wages of paid staff at the State entities.

Article 32

Licenses and permits provided for herein shall be awarded against payment of fees set out as follows:

First: Nuclear power plants for generation of electricity or water desalination

Fees per one permit shall be three million Egyptian pounds. Fees per an operator license shall be one thousandth of the total price of electricity produced annually or the total price of annually desalinated water.

Second: Research and test reactors

The fees per one permit shall be one hundred thousand Egyptian pounds. Fees per an operation license shall be twenty thousand Egyptian pounds annually.

Third: Other nuclear facilities

Fees per one permit shall be two hundred thousand Egyptian pounds and fees for operation license shall be one hundred thousand Egyptian pounds annually.

Fourth: Radiological facilities

Except for licenses for use of X-ray instruments and radioactive isotopes that are ready for use in the medical field and are subject to the supervision of the Ministry of Health, fees for an operation license shall be one hundred thousand Egyptian pounds for the awarded license duration and fees for an operation license for different radiological medical applications shall be five thousand Egyptian pounds per license.

Fifth: Personal licenses for individuals

Fees per one license for an individual shall be ten thousand Egyptian pounds for the awarded license duration and fees for one license for an individual in respect of different medical radiological applications shall be one thousand Egyptian pounds for the awarded license duration.

The Prime Minister shall promulgate a decree determining therein the types of licenses and permits and the fees prescribed for each and provided that the fees are to be paid in cash or by a check payable along with the license/ permit application.

Article 33 (second paragraph)

Inspectors of the Authority shall have the status of law enforcement officers in order to prove the violation of the provisions of this Law, its Executive Regulation and the relevant implementing decrees.

Article 77 (last paragraph)

In enforcing the provisions of this Article, there shall be coordination with the Ministry of Defense, Ministry of Interior, Ministry of Foreign Affairs, the ministries concerned with both transport, civil aviation and environment, authorities concerned with importation and exportation, the General Intelligence Authority, Suez Canal Authority, the Atomic Energy Authority, the Nuclear Power Plants Authority for Generating Electricity, Nuclear Substances Authority and other related ministries and entities, each according to the scope of its competence.

Article 78

Person: This includes any natural person and is intended to mean an individual, any company, any private or public authority whether having a judicial personality or not, any international institution or organization having a legal personality under the law of the country of origin, and any state or a constituent unit of a state.

Article 85 (second paragraph)

The court may exempt the operator from the responsibility for payment of compensation for all or some damages that a person sustains as a result of a nuclear incident if such an operator proves that the nuclear damages have occurred, in whole or in part, as a result of gross negligence on the part of the injured person or as a result of an act or omission on the part of the injured person with the intention of causing damage.

Article 88 (Item b)

- (b) If a nuclear incident has occurred due to an act or omission with the intention of causing damage, recourse shall be allowed against the individual whose act or omission has caused such a result.

ARTICLE TWO

Two new items numbered 14 and 15 shall be added to the text of Article 17 of the Law Regulating Nuclear and Radiological Activities referred to. A second new paragraph shall also be added to Article 20 under the same Law, with their texts reading as follows:

Article 17

14. Setting out the rules for the investment of the Authority's funds and for dealing with them.
15. Defining the procedures for grievances filed by entities under the supervision of the Authority and formation of an ad-hoc committee for their review and determination of necessary periods to decide on such grievances.

Article 20 (second paragraph)

The General Intelligence Authority and the Administrative Control Authority shall be entitled to nominate a representative for each of them. These two representatives must be invited to attend meetings of the Board of Directors without having a counted vote.

ARTICLE THREE

The Nuclear and Radiological Safety Research Center (formerly the National Center for Nuclear Safety and Radiological Control) shall operate under the auspices of the Atomic Energy Authority as an affiliated research center. All assets and financial appropriations already transferred to the Authority shall be transferred to the Center.

Within three years from the date of the effectiveness of the provisions of this Law and in coordination between both chairpersons of the two authorities and Ministry of Finance and in a manner that does not disturb the smooth and continuous flow of work at the Authority, all staff in administrative positions or members of the research faculty and their assistants, whether those

who have been transferred from the former National Center for Nuclear Safety and Radiological Control or those who have been appointed in the Authority, shall be transferred to the Center with the same positions, salaries and all financial and in-kind privileges as a minimum and shall be subject to the provisions of laws, regulations and decrees that apply to their peers in the Atomic Energy Authority.

ARTICLE FOUR

Item (18) under Article 12 as well as Article 19 shall be canceled from the Law Regulating Nuclear and Radiological Activities referred to.

ARTICLE FIVE

This Law shall be published at the Official Gazette and shall be effective from the date following the date of its publication.

This Law shall be stamped with the Seal of the State and shall be enforced as one of its laws.

Issued at the Presidency of Arab Republic of Egypt on Rabee' First 10th, 1439H (November 29th, 2017G).

Abd El-Fattah El-Sisi