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Radiation Protection Act (1988:220)

Introductory provisions

Section 1 The aim of this Act is to protect people, animals and the environment against harmful effects of radiation.

Section 2 The Act applies to both ionising and non-ionising radiation.

Ionising radiation refers to the radiation of gamma rays and X-rays, corpuscular radiation and other radiation with similar biological effects.

Non-ionising radiation refers to optical radiation, radio frequency radiation, low-frequency electric and magnetic fields, ultrasound and other radiation with similar biological effects.

Section 3 The Government or the public authority appointed by the Government may, as far as possible without circumventing the aim of this Act, prescribe exemptions from the Act or certain provisions of the Act concerning radioactive substances or technical devices capable of generating radiation.

Section 4 The Government may, to the extent necessary to strengthen defence preparedness in view of special prevailing circumstances, issue regulations concerning the total defence system in derogation of the provisions of this Act.

Section 5 In this Act, activities involving radiation refer to:

1. the manufacture, import, export, transport, sale, transfer, lease, acquisition, possession or use of, or any comparable dealings with, radioactive substances,
2. the use of, or any comparable dealings with, technical devices capable of generating radiation.

Section 5a As far as concerns goods and services intended for consumers or which may be assumed to be used by consumers, the provisions of the Product Safety Act (2004:451) shall also apply.

General obligations

Section 6 A party conducting activities involving radiation shall, while taking into account the nature of the activity and the conditions under which it is conducted:

1. take the measures and precautions necessary to prevent or counteract injury to people and animals and damage to the environment,
2. supervise and maintain the radiation protection at the site, on the premises and in other areas where radiation occurs,
3. properly maintain technical devices and monitoring and radiation protection equipment used in the activity.

Section 7 A party conducting activities involving radiation shall ensure that those who are engaged in the operation are thoroughly aware of the circumstances, conditions and regulations under which the activity is conducted and are informed of the risks that may be associated with the activity. A party conducting such activities shall ensure that those who are engaged in the operation have the requisite training and are aware of the measures that need to be taken to ensure sound radiation protection.

Section 7a The obligations under Sections 6 and 7 also encompass those who, without conducting activities involving radiation, engage a person to perform work where such activity is being conducted. These obligations apply to the extent necessary to ensure protection of persons performing such work against harmful effects of radiation.

Section 8 Persons engaged in activities involving radiation, or performing work where such activity is being conducted, shall use the necessary safety equipment and take other measures that are required to ensure sound radiation protection.

Section 9 A party that manufactures, imports, transfers or leases a radioactive substance shall, by means of labelling or other appropriate procedure, provide information of relevance for radiation protection purposes.

Section 10 A party that manufactures, imports, transfers or leases a technical device capable of generating radiation or which contains a radioactive substance shall ensure that such device, when delivered to be put into operation or demonstrated for marketing purposes, is equipped with the requisite radiation protection equipment and in other respects provides adequate protection to prevent injury to people and animals and damage to the environment. Information that is relevant for radiation protection purposes shall be provided by means of labelling or other appropriate procedure.

Section 11 Persons who install a device or perform maintenance work on a device of the kind referred to in Section 10 shall ensure that the radiation protection equipment belonging to the device is placed in position and any other measures required for radiation protection purposes and necessitated by the work are taken.

Section 12 The Government or the public authority appointed by the Government may issue any further regulations required for protection against or control of radiation in the respects stipulated in Sections 6 to 11.

As far as concerns radioactive substances, applicable provisions are also contained in the Pharmaceuticals Act (1992:859) and the Act on Transport of Dangerous Goods (2006:263).

Radioactive waste, etc.

Section 13 A party that presently conducts or formerly has conducted activities involving radiation shall ensure that the radioactive waste present in the operation:

1. is handled or, when necessary, is disposed of in a manner that is satisfactory from a radiation protection point of view, or
2. is delivered to a producer that, under provisions issued in pursuance of Chapter 15, Section 6 of the Environmental Code, is obliged to manage such waste.

The Government or the public authority appointed by the Government may issue regulations concerning obligations described in the first paragraph, item 1.

Section 14 A party that presently conducts or formerly has conducted activities involving a technical device capable of generating radiation shall, to the extent prescribed by the Government or the public authority appointed by the Government, ensure that the device is rendered harmless when it is no longer to be used in the activity.

Prohibitions, testing, etc.

Section 15 If required from a radiation protection point of view, the Government or the public authority appointed by the Government may issue prohibitions against:

1. the manufacture, import, transport, sale, transfer, lease, acquisition, possession or use of, or other comparable dealings with, materials containing radioactive substances,
2. the manufacture, import, sale, transfer, lease, acquisition, possession, use, installation or maintenance of, or other comparable dealings with, a technical device which is capable of generating radiation, and which is not subject to licensing under this Act.

Section 16 Persons below the age of 18 must not be engaged in an operation involving ionising radiation. Exemptions may only be made for those whose training requires handling of radioactive substances or use of technical devices capable of generating ionising radiation.

The Government or the public authority appointed by the Government may issue special regulations concerning persons below the age of 18 engaged in activities involving radiation.

Section 17 For work which from a radiation protection point of view involves a particular risk for certain employees working in activities involving radiation or in other activities, the Government or the public authority appointed by the Government may issue regulations concerning:

1. an obligation for the party carrying out the activity to report information of importance for an assessment of the risk of occupational radiation exposure,
2. special conditions to apply to the planning and performance of such work, and
3. a prohibition against the work being performed by this category of employees.

Section 18 Persons who presently are or who will be engaged in work involving ionising radiation are obliged to undergo the medical examination required for an assessment of whether they run a particular risk of injury in the event of exposure to ionising radiation. The Government or the public authority appointed by the Government may limit this obligation and in other respects issue detailed regulations concerning such medical examination.

Only persons who have undergone medical examinations under the first paragraph may be engaged in work involving ionising radiation. Those who are found upon medical examination to run a particular risk of injury from exposure to ionising radiation may not, without the permission of the Government or the public authority appointed by the Government, be engaged in work involving ionising radiation.

If anyone engaged in work involving ionising radiation or who, owing to their employment may have been exposed to ionising radiation, shows signs of injury that may be suspected to be caused by such radiation, they shall be given an opportunity through their employer to undergo a medical examination without delay.

Section 19 The Government or the public authority appointed by the Government may issue regulations concerning monitoring and protective equipment and also concerning testing, supervision and inspection that are of relevance for radiation protection purposes.

Licence obligation, etc.

Section 20 A licence is required for:

1. the manufacture, import, transport, sale, transfer, lease, acquisition, possession or use of, and for depositing, recycling or reusing a radioactive substance or a material containing radioactive substances,
2. the manufacture, import, sale, transfer, lease, acquisition, possession, use, installation or maintenance of a technical device capable of and intended for emitting ionising radiation, or a part of such device that is of essential importance in terms of radiation,
3. the manufacture, import, sale, transfer, lease, acquisition, possession, use, installation or maintenance of technical devices, other than those referred to in item 2 and which are capable of generating ionising radiation and for which the Government or the public authority appointed by the Government has prescribed a licence obligation,
4. the export of a radioactive substance unless a licence has been granted under the Act on the Control of Dual-use Items and Technical Assistance (2000:1064).

Section 20a A licence in accordance with Section 20 shall not be granted for transport of radioactive waste to:

1. a destination south of latitude 60 degrees south,
2. a country outside the European Union if the country has acceded to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000 (SÖ 2002:42), or
3. a country where imports of radioactive waste are prohibited or where it may be assumed that there is a lack of capacity for safe management of this kind of waste.

Section 21 The Government or the public authority appointed by the Government may issue regulations concerning licences required for the manufacture, import, sale, transfer, lease, acquisition, possession, use, installation or maintenance of a technical device which is capable of generating non-ionising radiation or a part of such device that is of essential importance in terms of radiation.

Section 22 Matters concerning licences under this Act shall be considered by the Government or the public authority appointed by the Government.

The Government or the public authority appointed by the Government may, by issuing regulations, grant authorisation under this Act to hospital authorities, certain occupational groups and certain healthcare institutions, departments and undertakings.

Section 22a Chapter 5, Section 3 of the Environmental Code shall be applied when considering matters under this Act or when issuing conditions under Section 27. A licence or exemption that contributes to non-compliance with an environmental quality standard as referred to in Chapter 5, Section 2, first paragraph, item 1 of the Environmental Code shall only be granted if such licence is combined with the necessary requirements for compliance with the standard, or if there is a necessary precondition for a licence as referred to in Chapter 2, Section 7, third paragraph of the Environmental Code.

The Government or the public authority appointed by the Government may prescribe that, in licensing matters under this Act, an environmental impact assessment is to be conducted under Chapter 6 of the Environmental Code enabling an overall assessment of the effects of a planned facility, activity or measure on human health, the environment and management of land and water in addition to other resources.

Section 23 A licence under this Act is not required for activities covered by the Act on Nuclear Activities (1984:3) unless otherwise prescribed in licences issued under that Act.

Provisions concerning licences for the manufacture, import or sale of radioactive pharmaceuticals are also contained in the Pharmaceuticals Act (1992:859).

Section 24 The validity of a licence may be limited to a particular period. If the licence applies to the transport of radioactive waste into or from Sweden, such licence must not be valid for a period exceeding three years.

Section 25 Parties lacking a licence when a licence is required under Sections 20 or 21 may only, following permission granted by the Government or the public authority appointed by the Government, take charge of a radioactive substance or technical device not cleared by customs in the manner referred to in Chapter 4, Section 2 of the Customs Act (2000:1281). In other respects, the Act on the transportation, storage and destruction of imported goods (1973:980), etc. applies.

Licensing conditions, etc.

Section 26 In conjunction with the granting of a licence or during the period of validity of the licence, the licensing authority may issue conditions relating to the licence as are required with respect to radiation protection.

Section 27 If a licence has been granted pursuant to the Act on Nuclear Activities (1984:3) or during the period of validity of the licence, the Government or the public authority appointed by the Government may issue the additional conditions required with reference to radiation protection. If the licence relates to a nuclear facility, however, conditions that may significantly affect the design or operation of the facility shall always be submitted to the Government for examination.

The Government or the public authority appointed by the Government may prescribe that, in matters concerning conditions subject to examination by the Government as stated in the first paragraph, an environmental impact assessment in accordance with Chapter 6 of the Environmental Code shall be conducted.

Revocation of licences

Section 28 A licence under this Act may be revoked if:

1. regulations or conditions imposed pursuant to Section 12, Section 13, second paragraph, Section 14, Section 15, Section 16, second paragraph, Section 17, Section 19, first paragraph, or Section 26 have been violated in a significant respect,
2. there are otherwise particular grounds for revocation.

Supervision, etc.

Section 29 Supervision of compliance with this Act and with regulations or conditions issued pursuant to this Act is exercised by the public authority or authorities appointed by the Government.

Section 30 The Government may issue regulations stipulating that the municipal executive committee(s) performing environmental and health

protection tasks shall supervise compliance in terms of solarium operations run in the municipality.

Following the assumption of responsibility by a municipal authority, the Government or the public authority appointed by the Government may also in terms of other operations empower such committee with the task of exercising supervision in a particular respect.

The provisions of the second paragraph do not apply to operations conducted by the Swedish Armed Forces, the Swedish Defence Materiel Administration, the Swedish Fortifications Agency nor the National Defence Radio Establishment. Following the assumption of responsibility by the Surgeon General, the Government or the public authority appointed by the Government may in terms of such activities transfer to the Surgeon General the task of exercising supervision in a particular respect.

If such transfer of supervision responsibility takes place in accordance with this section, that which is stated in the Act concerning the supervisory authority shall also apply to the kind of committee referred to in the first paragraph or to the Surgeon General.

Section 31 Any party that conducts activities under this Act shall, at the request of the supervisory authority:

1. submit to the authority the information and provide the documents required for its supervision,
2. give the authority access to the facility or site where the activity is being conducted for investigations and sampling to the extent required for such supervision. Compensation is not payable for samples taken.

The police authority shall provide the assistance necessary for supervision.

The Government or the public authority appointed by the Government may prescribe an obligation to reimburse a supervisory authority for its expenses in connection with sampling and the examination of samples.

Section 32 The supervisory authority may issue the injunctions and prohibitions required in individual cases in order for this Act, or regulations or conditions issued pursuant to this Act, to be complied with.

If a party fails to take a measure incumbent upon it under this Act, under regulations or conditions issued pursuant to this Act, or under the supervisory authority's injunction, the authority may arrange for the measure to be taken at such party's expense.

Section 33 Pending the taking of a prescribed radiation protection measure or to ensure compliance with a prohibition issued, the supervisory authority may take charge of radioactive substances and technical devices which are capable of generating radiation or which contain a radioactive substance.

The supervisory authority may also seal a technical device or facility in order to prevent its unlawful use.

The police authority shall provide the assistance necessary for measures under the first and second paragraphs.

Section 34 Injunctions and prohibitions under this Act may be accompanied by conditional fines.

Provisions on liability, etc.

Section 35 Any person who intentionally or through gross negligence commits a breach of Section 6, Section 7, Sections 9 to 11 or Section 13, first paragraph, item 1, shall be fined or sentenced to a maximum of two years' imprisonment.

Section 36 Any person who intentionally or through negligence commits a breach against an item stated below shall be fined or sentenced to a maximum of two years' imprisonment:

1. a breach against Section 16, first paragraph, or Section 20, items 1, 2 or 4,
2. a breach against a regulation issued pursuant to Section 12, first paragraph, Section 14, Section 15, Section 16, second paragraph, Section 17, Section 19, first paragraph, Section 20, item 3 or Section 21,
3. a breach against a condition issued pursuant to Sections 26 or 27,
4. a breach against an injunction or a prohibition issued pursuant to Section 32, first paragraph.

Section 37 A fine will be imposed on any person who intentionally or through negligence:

1. commits a breach of the provisions of Section 18, second and third paragraphs,
2. fails to comply with the request of the supervisory authority under Section 31, first paragraph,
3. submits incorrect information on circumstances of importance in an application or any other document provided under this Act or regulation issued pursuant to the Act.

Section 38 Liability under this Act will not be imposed for minor offences.

Liability under this Act shall not be imposed if liability for the offence may be imposed under the Penal Code or the Smuggling Penalties Act (2000:1242).

Section 39 Any party failing to comply with an imposition of a conditional fine or prohibition under penalty of a fine shall not be convicted under this Act for an offence to which the imposition or prohibition refers.

Section 40 Radioactive substances and technical devices which have been subject to an offence under this Act, or the value thereof, and also the proceeds of such offences, shall be declared forfeited unless manifestly oppressive.

The first paragraph shall also apply to containers or other radiation protection devices associated with radioactive substances or technical devices.

In addition to the provisions of the first and second paragraphs, items of property that have been used as an aid to commit an offence under this Act may be declared forfeited if needed to prevent an offence or if there are other special grounds. The same applies to items of property that were intended to be used as an aid to commit an offence under this Act if the offence was committed. Instead of the item of property, its value may be declared forfeited.

Section 41 No one who has received information under the provisions of this Act or regulations issued pursuant to the Act may, without authorisation, disclose or exploit such information received concerning:

1. business matters or operating conditions,
2. circumstances of importance for national defence, or
3. safety and security measures relating to the transport or storage of the kind of radioactive substances stated in Council Directive 2003/122/Euratom of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources.

With respect to public sector work, the provisions of the Public Access to Information and Secrecy Act (2009:400) shall apply instead.

Section 42 Appeals in specific cases under this Act may be lodged with an administrative court. Decisions on matters referred to in Section 27 or Section 30, third paragraph, are, however, contested by appeal to the Government.

Recourse to an administrative court of appeal is subject to leave to appeal.

Regulations on appeal against a decision under this Act made by an authority exercising powers conferred by this Act are issued by the Government.

Decisions issued under this Act shall have immediate effect unless otherwise determined.

Charges

Section 43 The Government or the public authority appointed by the Government may issue regulations concerning charges for an authority's activities under this Act. The Government may empower municipal authorities to issue such regulations applying to the activities of a municipal authority.