

Pursuant to Article 8(1) points b) and d), Article 16 and Article 21(2) of the Law on Radiation and Nuclear Safety in Bosnia and Herzegovina (Official Gazette of BiH 88/07) and Article 61(2) of the Law on Administration (Official Gazette of BiH 32/02 and 102/09), the director of the State Regulatory Agency for Radiation and Nuclear Safety issues the

**REGULATION  
ON INSPECTION MONITORING IN THE FIELD OF  
RADIATION AND NUCLEAR SAFETY**

**PART ONE - BASIC PROVISIONS**

**Article 1  
(Subject matter)**

This regulation provides for the way and procedure of inspection monitoring conducted by the State Regulatory Agency for Radiation and Nuclear Safety (hereinafter: Agency), the responsibility, powers, rights and duties of state inspectors for radiation and nuclear safety (hereinafter: inspectors), the way of conducting inspection monitoring, making inspection record and record keeping, and also all other important matters relating to inspection monitoring.

**Article 2  
(Purpose and role of inspection monitoring)**

- (1) The purpose of inspection monitoring is to gain a direct insight into the legality of work and actions of persons carrying out a practice involving radiation sources, and the implementation of enforcement measures in order to prevent and eliminate illegalities in the implementation of radiation and nuclear safety legislation.
- (2) Inspection monitoring can have a preventive role in order to achieve discipline in the implementation of the legislation referred to in paragraph (1) of this Article.

**Article 3  
(Methods of conducting inspection monitoring)**

Inspection monitoring shall be conducted through:

- a) carrying out inspection actions to establish the situation regarding the implementation of radiation and nuclear safety legislation by the persons required to comply with the legislation while carrying out their practices;
- b) imposing enforcement measures in order to prevent and eliminate illegalities in the implementation of the legislation referred to in point a) of this paragraph; and also
- c) taking other measures and actions laid down in this regulation.

**Article 4  
(Definitions)**

- (1) The terms used in this regulation have the following meanings:
  - a) **Chief inspector** is a person with special powers who conducts inspection monitoring of the implementation of radiation and nuclear safety legislation and

coordinates and supervises work of all state inspectors for radiation and nuclear safety in the Agency headquarters and regional offices.

- b) **Inspector** is a person with special powers who conducts inspection monitoring of the implementation of radiation and nuclear safety legislation.
- c) **Inspection** is a procedure carried out to gain a direct insight into the legality of work of the persons subject to inspection monitoring in the field of radiation and nuclear safety.
- d) **Controlled entity** is any legal person within the meaning of the Law on Radiation and Nuclear Safety that possesses radioactive sources or carries out a practice involving radiation sources and in which the inspection is conducted.
- e) **Designated responsible person in the legal person** is a person entrusted under the law or in practice to perform certain duties in the legal person;
- f) **Authorised person** is a person that can be considered as authorised to act on behalf of the legal person;
- g) **Inspector's accreditation** is an official document for proving the inspector's identity and powers.
- h) **Inspection work plan** is a document indicating the schedule and frequency of inspections.

(2) Other terms used in this regulation have the same meaning as in the Law on Radiation and Nuclear Safety.

## **PART TWO - POWERS, AUTHORITY AND PERFORMANCE OF INSPECTORS**

### **Article 5 (Authority)**

- (1) The tasks of inspection monitoring of all activities relating to the use of radiation sources shall be conducted by the Agency inspectors.
- (2) The inspectors are civil servants with special powers, independence in work and who conduct continuous inspection monitoring.
- (3) All persons possessing radiation sources or carrying out a practice involving radiation sources shall be subject to inspection monitoring.
- (4) All technical services authorised by the Agency shall be subject to inspection monitoring in order to ensure that they maintain authorisation requirements and proper work.

### **Article 6 (Inspector's action in the event of lack of jurisdiction)**

If a violation of regulations within the scope of another inspection or administrative authority, is established during an inspection, the inspector shall promptly notify the competent inspection or administrative authority thereof.

### **Article 7 (Independence)**

- (1) The inspectors are independent in the performance of inspection monitoring within the powers laid down in the law and this regulation.

- (2) In the performance of inspection monitoring, the inspector shall independently handle the case, issue procedural decisions and take steps within the rights, duties and powers laid down in the law and this regulation.
- (3) No one shall influence the inspector's actions in the performance of inspection monitoring or prevent the inspector to conduct inspection and impose enforcement and other measures as authorised under the law and regulations.

### **Article 8 (Inspector's accreditation)**

- (1) During the inspection, the inspector shall have an accreditation proving own official capacity, identity and powers.
- (2) The inspector shall identify themselves before beginning the inspection, that is, produce the accreditation and introduce themselves.
- (3) The form, design and content of the inspector's accreditation, the procedure for issuing the accreditation, the period of its validity, the procedure in case of lost or considerably damaged accreditation, the way of returning the accreditation and other accreditation related procedures are defined in the 'Regulation on the form and content of the accreditation of the inspector of administrative authorities of Bosnia and Herzegovina and the content and way of keeping records on conducted inspections' (Official Gazette of BiH 34/05).
- (4) The form and content of the inspector's accreditation are shown in Annex 2, which is an integral part of this regulation.

### **Article 9 (Initiation of inspection)**

- (1) Inspection procedure is conducted by inspectors *ex officio*.
- (2) An inspection is initiated on the basis of an inspection work plan, a legal person's request or an order issued by the chief inspector or the Agency director.
- (3) The inspection based on the inspection work plan shall be initiated by an inspector in accordance with the approved work plan.
- (4) The inspection based on a legal person's request shall be initiated upon a request submitted by the legal person.
- (5) When the inspection is initiated upon the request referred to in paragraph (4) of this Article, the inspector shall take necessary steps and inform the requesting party thereof within eight days from the date of receiving the request.

### **Article 10 (Types of inspection)**

- (1) The inspection can be scheduled, unscheduled or follow-up.
- (2) Scheduled inspection shall be conducted in accordance with Agency's annual and monthly plans.

- (3) Unscheduled inspection shall be conducted in the event referred to in Article 9(4) of this regulation.
- (4) Follow-up inspection shall be conducted after a scheduled or unscheduled inspection in order to verify enforcement of the imposed measures.
- (5) The inspection referred to in paragraph (4) of this Article shall be conducted after the deadline indicated in the procedural decision on nonconformities has expired.
- (6) The way of conducting unscheduled inspection shall be the same as in regular inspection.

### **Article 11 (Planning)**

- (1) The annual inspection work plan for the following year shall be made on the basis of a risk assessment and the recommendations by the International Agency for Atomic Energy defining recommended time periods for at least one inspection and given in Annex 3 of this regulation.
- (2) The annual inspection work plan shall contain an overview of all practices that will be covered by the scheduled inspection monitoring in a calendar year.
- (3) The chief inspector shall make a proposal of the annual inspection work plan for the following year at the latest by the end of November of the current year, subject to approval of the Agency director.

### **Article 12 (Inspection schedule)**

- (1) Inspection shall be conducted in accordance with the annual and monthly inspection work plans.
- (2) On the basis of the annual work plan, the chief inspector shall schedule the number of inspections per inspector and also make the monthly work plan.
- (3) The monthly work plan shall contain an overview of all individual inspections for the given month.

### **Article 13 (Inspection order)**

- (1) When an inspection is initiated, an inspection order shall be issued in writing and it shall contain:
  - a) Name of the person who issued the order, reference number and date;
  - b) Name of the legal person that will be inspected;
  - c) Subject matter of the inspection;
  - d) Legal basis for conducting the inspection;
  - e) Name of the inspector who will conduct the inspection;
  - f) Inspection starting date;
  - g) Signature of the person who issued the order.

- (2) The Agency director or the chief inspector may issue an inspection order outside the scope of the annual work plan.

**Article 14  
(Verbal order)**

In exceptional cases and in the event of immediate danger to human life and health, the Agency director or the chief inspector may give a verbal inspection order to an inspector followed by the mandatory written order within three days.

**Article 15  
(Inspector's rights and duties)**

- (1) In the performance of inspection monitoring of implementation of the law and other regulations, the inspector has the right to:
  - a) inspect business premises, facilities, plants and devices incorporating radioactive sources;
  - b) review general and specific legal documents, records and other legally prescribed documentation;
  - c) gain insight into the way of carrying out practices involving radiation sources (insight into the work process);
  - d) establish identity of individuals and also other facts and circumstances relevant for inspection monitoring;
  - e) take statements from the designated responsible person and other persons;
  - f) give directions and instructions to the controlled entity;
  - g) take other actions and measures as authorised under the law and other regulations.
- (2) If deemed necessary, the inspector may announce inspection to the controlled entity in writing or by phone.
- (3) The inspector who has established deficiencies and deviations in radiation and nuclear safety shall inform thereof the designated responsible person referred to in paragraph (2) of this Article.
- (4) While conducting inspection, the inspector shall allow the designated responsible person or the authorised person employed with the legal person to be present during all inspection actions and to explain the facts and circumstances relevant for establishing the factual condition and protecting rights and legal interests of the controlled entity.
- (5) Only in exceptional cases, when there is immediate danger to human life and health, the inspector may conduct inspection in the absence of the designated responsible person or the authorised person employed with the legal person.

**Article 16  
(Obligations of the legal person)**

- (1) The legal person carrying out a practice involving radiation sources shall allow and make arrangements for the inspector with respect to:
  - a) access to the areas deemed necessary by the inspectors to perform their tasks;
  - b) installation of equipment or instruments required to conduct testing and necessary verifications;

- c) information, documentation, equipment and any existing elements necessary to conduct inspection;
  - d) collection of samples for conducting relevant analyses and verifications, in which the samples must be sealed.
- (2) The inspector who is prevented to conduct inspection or meets physical resistance or reasonably expects such resistance may request police assistance.

**Article 17**  
**(Presence of the designated responsible person)**

- (1) The inspector who does not find the designated responsible person in the controlled entity shall conduct inspection in the presence of an authorised person from the controlled entity personnel and note it in the inspection record.
- (2) If it is not possible to conduct inspection in accordance with paragraph (1) of this Article, the inspector shall send a written invitation to the designated responsible person and as an exception also by phone to ensure their presence for the purpose of inspection.
- (3) The inspector may invite the designated responsible person in the controlled entity and any other individual to the Agency or to the inspection location to take statements or obtain necessary information in order to properly establish factual condition relevant for the inspection.
- (4) If the invited individual has failed to respond to the call without justifying it within 24 hours, the inspector may fine the person in accordance with applicable legislation.
- (5) The inspector shall issue a written conclusion on the fine, against which a complaint is not permitted.

**Article 18**  
**(Inspector's powers)**

In the performance of inspection monitoring of implementation of the law and regulations, the inspector is authorised to:

- a) propose preventive measures in order to prevent violation of the law and other regulations;
- b) order appropriate measures and actions in order to correct nonconformities with respect to radiation sources in a specified timeframe;
- c) order the provision of necessary documentation and data in a specified timeframe;
- d) order fulfilment of prescribed requirements and correction of other nonconformities identified as possibly harmful for human health or the environment;
- e) order the immediate termination of the activities carried out contrary to the laws and regulations and evidently harmful to people and the environment;
- f) prohibit a practice involving radiation sources until the prescribed requirements are met;
- g) prohibit work to the individuals who do not meet prescribed requirements for work with radiation sources;
- h) prohibit improper handling of radioactive waste and order its storage, that is, proper disposal;
- i) take samples of goods and other items, and take other actions and measures in

- order to secure evidence;
- j) invite to the Agency premises the individuals whose presence is required for the purpose of inspection in accordance with the Law on Administrative Procedure;
- k) issue an order to pay a fine to the designated responsible person in the legal person or initiate a minor offence proceeding against them in the competent court;
- l) take other measures and actions as authorised under the law and regulations.

### **PART THREE – INSPECTION RECORD AND IMPOSING ENFORCEMENT MEASURES**

#### **Article 19 (Inspection record)**

- (1) The inspector shall make a record on the conducted inspection indicating the factual condition established during the inspection.
- (2) The inspector shall make a record on the spot and in the presence of the designated responsible person or another person employed with the legal person. As an exception, the record may be made in the Agency premises within three days from the date of the inspection.
- (3) The record shall be made in three copies, one for the legal person at which premises the inspection was conducted, and two for the inspector.
- (4) The following facts shall be indicated in the record:
  - a) Reference number;
  - b) Place and date;
  - c) Legal person's name, address, place and registration ID number;
  - d) Designated responsible person's name, residence address and personal data;
  - e) Starting and ending times of the inspection;
  - f) Description of the factual condition;
  - g) Comments on the record;
  - h) Signatures of the present personnel member and the inspector.
- (5) The form and content of the inspection record are shown in Annex 1, which is an integral part of this regulation.

#### **Article 20 (Procedural decision)**

- (1) The inspector shall issue a procedural decision on the measures referred to in Article 18 of this regulation.
- (2) A complaint against the procedural decision may be filed with the Agency director within eight days from the date of receiving the procedural decision.
- (3) The Agency director shall issue a procedural decision on the complaint at the latest within 15 days from the date of receiving the complaint.
- (4) Complaint is not permitted against the procedural decision referred to in paragraph (3) of this Article but an administrative proceeding may be initiated in the Court of Bosnia and Herzegovina.

**Article 21**  
**(Procedural decision on temporary measures)**

- (1) In the event of immediate danger to human life and health, the inspector shall issue a procedural decision imposing temporary measures.
- (2) The inspector may verbally impose the measures referred to in paragraph (1) of this Article, which shall be entered in the inspection record and followed by a written procedural decision at the latest within three days from the date of issuing verbally imposed measures.
- (3) A complaint against the procedural decision on temporary measures shall not postpone its enforcement.

**Article 22**  
**(Signature and certification of the procedural decisions)**

The procedural decisions referred to in Article 20(1) and Article 21 of this regulation shall be signed by the inspector and certified with the Agency stamp.

**Article 23**  
**(Enforcement of imposed measures)**

- (1) When a measure imposed by an inspector consists of the actions that must be taken within a specified timeframe, the person ordered to take actions shall inform the inspector in writing about enforcement of the measures within three days from the expiry of the deadline for enforcing the procedural decision.
- (2) The inspector shall *ex officio* monitor and verify enforcement of the imposed measures.
- (3) The inspector shall establish whether the imposed measure is taken by verifying enforcement of the procedural decision and make a separate record or a note for the file thereof.
- (4) The provisions of the Law on Administrative procedure shall apply to the enforcement of the inspector' procedural decisions.

**Article 24**  
**(Assistance of and cooperation with expert institutions)**

- (1) During inspection, the inspector may request assistance and cooperation of expert institutions, that is, technical services, if it is necessary to properly establish factual condition.
- (2) The inspector may request some expert and technical examinations (expertise, laboratory testing, expert examination, etc.) from specialised organisations, individuals, and if it is legally prescribed, also from accredited and other organisations authorised under a particular regulation.
- (3) Upon inspector's request, the Agency director may approve engagement of the expert institutions and individuals referred to in paragraphs (1) and (2) of this Article.



- (4) The costs resulting from the engagement of the expert institutions and individuals referred to in paragraphs (1) and (2) of this Article shall be borne by the Agency.
- (5) If the results of tests, expert examinations or other findings of the expert institutions and individuals referred to in paragraphs (1) and (2) of this Article indicate non-compliance with applicable laws and regulations, the costs arising from the engagement shall be born by the controlled entity.

**Article 25  
(Records)**

Records on conducted inspections shall be kept by using the form prescribed in the 'Regulation on the form and content of the accreditation of the inspector of administrative authorities of Bosnia and Herzegovina and the content and way of keeping records on conducted inspections' (Official Gazette of BiH 34/05).

**PART FOUR - FINAL PROVISIONS**

**Article 26  
(Amendments to the regulation)**

This regulation shall be amended in the same way and under the same procedure prescribed for its adoption.

**Article 27  
(Entry into force)**

This regulation shall enter into force on the eighth day following that of its publication in the *Official Gazette of BiH*.

No: 01-02-2-559-1/10  
23 July 2010  
Sarajevo

Director  
Enes Čengiđ, MSc

**Annex 1. Record**

**BOSNIA AND HERZEGOVINA**  
**State Regulatory Agency for Radiation and Nuclear Safety**

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Ref. no: \_\_\_\_\_

Date: \_\_\_\_\_

**Inspection record**

Starting date \_\_\_\_\_ at \_\_\_\_\_ (hrs) in the legal person (name, address, ID registration no) \_\_\_\_\_

\_\_\_\_\_

Subject of inspection: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In the presence of the designated responsible (authorised) person: \_\_\_\_\_

\_\_\_\_\_ personal identification number \_\_\_\_\_ date of birth \_\_\_\_\_

place of birth \_\_\_\_\_ place of residence \_\_\_\_\_

address \_\_\_\_\_ tel. no \_\_\_\_\_ job title \_\_\_\_\_

\_\_\_\_\_

Inspection attended by: \_\_\_\_\_

Inspection conducted by: \_\_\_\_\_

**FINDINGS**

The following factual condition has been established during the inspection:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

After reading the record, the present personnel member states:

\_\_\_\_\_

\_\_\_\_\_

The inspection ended on \_\_\_\_\_ at \_\_\_\_\_ (hrs).

This record is made in three copies, one for the present personnel member and two for the inspector for the purpose of further procedure.

Designated responsible  
(authorised) person:

Others present:

Inspector

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_


\_\_\_\_\_

## Annex 2. The form and content of the inspector's accreditation

Accreditation format: 100 x 70 mm

Bosna i Hercegovina  
Босна и Херцеговина

Državna regulatorna/regulativna agencija za  
radijacijsku i nuklearnu sigurnost  
Државна регулаторна агенција за радијациону  
и нуклеарну безбедност



LEGITIMACIJA/ISKAZNICA INSPEKTORA  
ЛЕГИТИМАЦИЈА ИНСПЕКТОРА

Front



Broj: .....

Број: .....

FOTOGRAFIJA  
ФОТОГРАФИЈА

.....

Ime i prezime                      Potpis inspektora  
inspektora                          Потпис инспектора  
Име и презиме  
инспектора

JMBG/JMBГ .....

.....

(Mjesto i datum                  (Potpis ovlaštenog  
izdavanja)                          lica)  
(Мјесто и датум                  (Потпис овлашћеног  
издавања)                          лица)

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**Ovlaštenja:** Prema čl. 71. do 89. Zakona o upravi („Službeni glasnik BiH“, broj 32/02), čl. 20. do 25. Zakona o radijacijskoj i nuklearnoj sigurnosti u BiH („Službeni glasnik BiH“, broj 88/07) i Priloga o inspekcijском nadzoru u oblasti radijacijske i nuklearne sigurnosti („Službeni glasnik BiH“, broj: ), inspektor ima sljedeća prava i obaveze:

- da neposredno pregleda poslovne prostorije i druge objekte, proces rada, proizvode i druga roba, isprave i druge dokumente, kao i da obavlja druge radnje u skladu s ciljem inspekcijского nadzora (utvrđivanje identiteta lica, snimanje, uklanjanje slika radi analize i sl.);
- da zatraži od svakog čiji rad podliježe inspekcijском nadzoru da mu omogući nadzor, da mu da potrebna obavještenja i podatke, od značaja za obavljanje tog nadzora;
- da zatraži pomoć i zaštitu od nadležne policije, u slučaju onemogućavanja obavljanja pregleda ili pružanja fizičkog otpora ili ikoliko taj otpor ostane očigledan;
- da, kad utvrdi da je povrijeđen zakon ili drugi propisi čije izvršenje nadzire, naredi da se utvrdeni nedostaci i nepravilnosti otklone u određenom roku, naredi poduzimanje odgovarajućih upravnih radnji;
- da zabrani preduzimanje radnji za koje utvrdi da su u suprotnosti sa zakonom ili drugim propisom nad čijim provođenjem vrši nadzor;
- da izdane i naplati novčanu kaznu na licu mjesta, ako je za to zakonom ovlašten, preduzme i druge upravne mjere i radnje za koje je posebnim zakonom ovlašten;
- podnese zahtjev za utvrđivanje odgovornosti u slučaju povrede radne dužnosti ili učinjenog prekršaja, odnosno prijavu zbog prekršajnog postupka ili krivičnog djela;
- i druga prava i obaveze u skladu sa važećim zakonima i podzakonskim propisima.

Inside right page (must be printed in all three official languages in BiH)

### Annex 3. Table of inspection frequencies

Practice	Time period (Number of years/inspection)
<b>Medical practice:</b>	
Dental radiography	3
Diagnostic and interventional radiology	2
Radiotherapy	1
Nuclear medicine (diagnostics and therapy)	1
<b>Nonmedical practice:</b>	
Industrial radiography	1
Industrial irradiation for the purpose of sterilisation	1
Well logging	2
Portable gauge measurements, detection or analytical techniques (thickness, density, level, humidity, etc.)	2
Fixed gauge measurements, detection or analytical techniques (thickness, density, level, humidity, etc.)	3
Nonmedical applications of unsealed radionuclides	1
Manufacture of radioactive sources	1
Radioactive waste management	1
Manufacture of radiation generators and accessory equipment	1
<b>Other practices:</b>	
Sale / distribution of radioactive sources	3
Import or export of radioactive sources and accessory equipment	3
Transport of radioactive sources	3
Scientific and research practices	3