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State Council for the Peaceful Uses of Nuclear Energy. Statutory position, scope of action, competences and tasks

Introduction

Nuclear power, once merely a theoretical element of Poland's energy strategy, is starting to materialize. Amidst the growing need to diversify energy sources and curb carbon emissions, nuclear power is gaining traction in many countries, including Poland.

While Poland's nuclear ambitions have historically remained on paper, concrete steps towards implementation are now underway. This shift is driven primarily by economic and environmental factors. Faced with rising energy prices and international pressure to reduce greenhouse gas emissions, Poland is seeking alternative sources of energy that are both efficient and reliable.

Despite its numerous and undeniable benefits, the use of nuclear power, like any energy source, carries risks. This is why strict legal regulations have governed it since its inception. Particular importance in the nuclear energy law system falls on nuclear regulators, who guard the safe operation of nuclear facilities and materials. This issue is quite well developed in the literature, both in Poland¹ and abroad.²

Researchers have shown less interest in the advisory bodies of nuclear regulatory authorities, despite their crucial role in assisting decision-making on nuclear safety and radiological protection. While the current legal framework regarding these bodies has been explored in Polish nuclear law literature,³ a gap remains concerning their historical

¹ See T.R. Nowacki, *Organy dozoru jądrowego w strukturze administracji rządowej w Polsce*, „Zeszyty prawnicze Biura Analiz Sejmowych” 2021, no. 1(69), pp. 9-38, DOI: <https://doi.org/10.31268/ZPBAS.2021.02>.

² See i.a. A. Bredimas, W.J. Nuttal, *A Comparison of International Regulatory Organizations and Licensing Procedures for New Nuclear Power Plants*, „Energy Policy” 2008, no. 4, DOI: <https://doi.org/10.1016/j.enpol.2007.10.035>.

³ See T.R. Nowacki, *Ograniczenie autonomii prezesa Państwowej Agencji Atomistyki*, „Przegląd Sejmowy” 2018, no. 4, pp. 59-60, 66-70, DOI: <https://doi.org/10.31268/ps.2018.05>; idem, *O potrzebie przywrócenia właściwego*

development and evolution in the country. This article aims to fill this gap and provide an initial exploration of the research area of Polish nuclear energy law history.⁴ Specifically, it outlines the constitutional position, scope of activities, competences, and tasks of the State Council for the Peaceful Uses of Nuclear Energy, which served as an advisory body to the Government Plenipotentiary for the Peaceful Uses of Nuclear Energy from 1956 to 1982. This article aims to provide an analysis of the State Council's role and impact on Poland's nuclear development during a critical period. The research methodology employed includes a thorough examination of primary sources, such as legal acts, archival documents, and official reports, as well as secondary sources, including academic literature and historical analyses.

The establishment of the Council in 1956 occurred during a pivotal period in nuclear history, marked by both the promise of peaceful nuclear applications and the escalating tensions of the Cold War arms race. The international community was grappling with the need to regulate nuclear energy and technology to ensure both safety and security. The decision to develop nuclear energy in Poland was driven by several factors, including a desire for energy independence, technological advancement, and potential economic benefits. The communist authorities envisioned nuclear power as a means to modernize the country's energy sector and reduce dependence on fossil fuels. However, the development of nuclear energy in Poland faced numerous challenges, including limited resources, technological constraints, and safety concerns.

Current legal status

Historically, during the Council's existence, there was no distinction between authorities overseeing nuclear safety and those promoting nuclear technology. The Government Plenipotentiary for the Use of Nuclear Energy held responsibility for both. Today, in line with international and European law, a clear division exists between these functions,

statusu Radzie do spraw Bezpieczeństwa Jądrowego i Ochrony Radiologicznej, „Krytyka Prawa” 2021, no. 3, pp. 255-275.

⁴ Several legal-historical works on nuclear energy law in Poland should be noted here. For a historical outline of Polish atomic science including institutional and legal aspects see P. Dąbrowski, *Rozwój polskiej atomistyki i nadzoru nad nią w latach 1945-1982*, [in:] *40 lat Państwowej Agencji Atomistyki 1982-2022. Kronika*, ed. idem, Warszawa 2023; Strcite with regard to the organisational evolution of the nuclear supervision bodies see. T.R. Nowacki, *Ewolucja prawnego statusu organów nadzorujących bezpieczeństwo wykorzystania energii jądrowej w Polsce*, „Zeszyty Prawnicze UKSW”, no. 18.3/2018, pp. 115-149. See also the work of T. Musiałowicz, *Jak powstawały w Polsce przepisy i normy ochrony radiologicznej*, „Normalizacja” 1996, no. 11, pp. 19-29; idem, *Początki przepisów z zakresu ochrony przed promieniowaniem w Polsce*, „Postępy Techniki Jądrowej” 2010, no. 4, pp. 35-38. It is also necessary to note the items from the epoch: J. Rotnicki, *Zagadnienia organizacyjno-prawne ochrony przed promieniowaniem*, [in:] *Energia jądrowa w Polsce w latach 1961-1963*, red. S. Andrzejewski et al., Warszawa 1966, pp. 315-323; J. Roman, *Organizacja ochrony radiologicznej w Polsce*, „Biuletyn Informacyjny Biura Pełnomocnika Rządu do spraw Wykorzystania Energii Jądrowej” 2.13-14/1958, pp. 2-10.

emphasizing the independence of nuclear supervisory bodies.⁵ In Poland, the Minister of Industry, responsible for mineral deposits management, oversees the promotion of energy, including nuclear energy.

The President of the National Atomic Energy Agency (PAA) is the central authority responsible for nuclear safety and radiological protection in Poland, as mandated by Article 109, paragraph 1 of the Atomic Law Act of 29 November 2000.⁶ As the chief nuclear supervision authority (Article 64, paragraph 1, point 1), the President's responsibilities include overseeing the physical protection of nuclear materials and facilities, as well as safeguarding nuclear materials. This approach aligns with international recommendations and practice, consolidating nuclear safety oversight under a single authority. Nuclear supervision inspectors, appointed and dismissed by the PAA President, are also nuclear supervision authorities. The President of the PAA is a higher instance authority to the nuclear supervision inspectors. Both the PAA President and the inspectors are responsible for rationing, controlling, and supervising nuclear energy and ionizing radiation applications. Their tasks include conducting inspections, issuing licenses, and enacting administrative decisions, such as orders and prohibitions, to mitigate immediate threats to nuclear safety or radiological protection. The PAA President, supported by the PAA office, currently supervises 7,761 activities across 4,895 organizational units utilizing over 29,000 radioactive sources, four nuclear facilities, and a radioactive waste repository. In 2022, the PAA President issued 1,701 administrative decisions, including 706 licenses, and conducted 615 inspections.⁷

The President of the PAA, as the deciding authority, receives permanent consultative and advisory support from the Council for Nuclear Safety and Radiological Protection. Established in 2011 under Article 112, paragraph 2 of the Atomic Law, this Council succeeded the State Council for the Peaceful Uses of Nuclear Energy (1956-1982) and the Atomic Affairs Council (1982-2011). Article 112, paragraph 8 of the Atomic Law outlines the Council's tasks, which include providing opinions on: (1) draft permits for the construction, commissioning, operation, and decommissioning of nuclear facilities; (2) draft legal acts prepared by the President of the PAA; (3) draft organizational and technical recommendations issued by the President of the PAA. The Council's existence aligns with international recommendations and

⁵ See C. Stoiber, A. Baehr, N. Pelzer, W. Tonhauser, *Handbook on Nuclear Law*, Vienna 2003, pp. 9, 26-28.

⁶ Ustawa z dnia 29 listopada 2000 r. Prawo atomowe. Consolidated text: Journal of Laws of 2023, item 1173 as amended.

⁷ See Państwowa Agencja Atomistyki, *Raport roczny. Działalność Prezesa Państwowej Agencji Atomistyki oraz ocena stanu bezpieczeństwa jądrowego i ochrony radiologicznej w Polsce w 2022 roku*, Warszawa 2023, pp. 12, 31-37.

practices, providing valuable expertise to the nuclear safety supervision system. It offers the PAA President additional expertise when making critical decisions, enhancing the overall performance of nuclear regulatory authorities. Council members are required to demonstrate knowledge and competence in relevant fields, including nuclear safety, radiological protection, physical protection, and nuclear material safeguards (Article 112, paragraph 3 of the Atomic Law).⁸ The Council's operational procedures and practices are defined by a regulation issued by the Minister of the Environment.⁹

The Government Plenipotentiary for the Use of Nuclear Energy as the decision-making body on nuclear energy matters

In the 1950s, Poland recognized the need to centralize the management of peaceful nuclear energy applications. This led to the establishment of a specialized body, the Government Plenipotentiary for the Use of Nuclear Energy, by a resolution of the Presidium of the Government on July 11, 1956.¹⁰ The resolution establishing the Plenipotentiary did not detail its scope of activities or specific powers. These could only be inferred from the preamble, which mentioned coordinating work in the field of peaceful nuclear energy, and the office's name itself. Initially, the Plenipotentiary was tasked with only two episodic tasks: drafting an activity statute (§ 2) and, in collaboration with other entities, a perspective plan for the use of nuclear energy in Poland (§ 3). This situation changed in 1961 with the adoption of Council of Ministers Resolution No. 169/61,¹¹ which defined the Plenipotentiary's statute.

The Plenipotentiary's responsibilities, as outlined in its statute, encompassed both the promotion and safety supervision of nuclear energy. This dual role contrasts with the current legal framework, which mandates the independence of nuclear supervisory authorities. The Plenipotentiary was tasked with coordinating all aspects of nuclear energy utilization, including developing and evaluating plans, and supporting other ministries in nuclear energy development. This involved organizing activities at various levels, including scientific, technical, and research into radioactive raw materials. The Plenipotentiary also oversaw the

⁸ See T.R. Nowacki, *Ograniczenie autonomii prezesa...*, pp. 59-60.

⁹ Rozporządzenie Ministra Środowiska z dnia 18 listopada 2011 r. w sprawie Rady do spraw Bezpieczeństwa Jądrowego i Ochrony Radiologicznej (Dz. U. Nr 279, poz. 1643).

¹⁰ Uchwała nr 444/56 Prezydium Rządu z dnia 11 lipca 1956 roku w sprawie usprawnienia zarządzania problemami związanymi z pokojowym wykorzystaniem energii jądrowej (niepubl.).

¹¹ Uchwała nr 169/61 Rady Ministrów z dnia 9 maja 1961 r. o zmianie uchwały nr 444 Prezydium Rządu z dnia 11 lipca 1956 r. w sprawie usprawnienia zarządzania problemami związanymi z pokojowym wykorzystaniem energii jądrowej (niepubl.).

production and distribution of radioactive substances and related equipment, ensuring the safe storage, transport, and use of these materials and nuclear technology equipment such as reactors, accelerators, and neutron generators. Additionally, the Plenipotentiary managed radioactive waste disposal and containment, coordinated contamination measurements, and participated in international organizations to fulfill international obligations and negotiate agreements within its purview. The Plenipotentiary also kept the Council of Ministers informed about domestic and international developments in nuclear research and applications.

The statute also outlined the organizational structure of the Plenipotentiary's executive apparatus, comprising seven units: the Plenipotentiary's office and six teams focused on Technology, Isotope Applications, Planning and Economic Research, Radiation Protection, International Cooperation, and Finance and Administration. The Plenipotentiary himself approved regulations that defined the detailed internal organization and scope of activities for each unit¹². Additionally, institutes, laboratories, and other organizational units were directly subordinate to the Plenipotentiary.

State Council for the Peaceful Uses of Nuclear Energy

Purpose of the Council

In July 1956, the Presidium of the Government appointed a Government Plenipotentiary for the Use of Nuclear Energy. A month later, on August 18, 1956, the State Council for the Peaceful Uses of Nuclear Energy was established through Resolution No. 525/56 of the Presidium of the Government on the granting of statutes to the State Council for the Peaceful Uses of Nuclear Energy. This resolution referenced an earlier Resolution No. 444/56 concerning the improvement of management regarding the peaceful use of nuclear energy, although it mistakenly referred to it as the resolution appointing the Plenipotentiary. Despite this error, the preamble of Resolution No. 525/56 and the context suggest a close relationship between the Council and the Plenipotentiary, as intended by the legislator.

The Council's objectives, specified in § 1 of its statute, were to ensure coordination in nuclear research and utilization, and to provide assistance to the Plenipotentiary, ministries, and institutions involved in this field. This indicates the Council's role in coordinating and

¹² Confer Zarządzenie nr 14/64 Pełnomocnika Rządu do Spraw Wykorzystania Energii Jądrowej z dnia 13 kwietnia 1964 r. w sprawie organizacji wewnętrznej i zakresu działania komórek Aparatu Wykonawczego Pełnomocnika Rządu (niepubl., ze zm.). Confer also previous zarządzenia Pełnomocnika 9/61, 29/62, 7/63 (wszystkie niepubl.).

advising relevant entities. The Council replaced the previously established Government Commission for the Peaceful Uses of Nuclear Energy, established by Resolution No. 419/53 (§ 11 of the Statutes).

Composition of the Council

The State Council for the Peaceful Uses of Nuclear Energy had a broad composition, primarily outlined in its statutes, with additional provisions regarding members' roles and functions detailed in the Rules of Procedure. The Council's statutes established that it consisted *ex officio* of the Government Plenipotentiary for the Use of Nuclear Energy as its Chairman. Other members included representatives from the Presidium of the Polish Academy of Sciences, the Committee for the Peaceful Uses of Nuclear Energy, and key ministries and institutions such as the Ministries of Energy, Machine Industry, Chemistry, Metallurgy, Higher Education, Health, and Foreign Affairs. Leading scientists and experts in the field of nuclear energy were also included, along with specialists from other fields when necessary.¹³

The Council's membership drew from an open list of ministries and institutions, with the selection criteria being relevance to the field and expertise as a leading scientist or specialist in nuclear energy utilization, or in another relevant field if necessary.

Council members were appointed by the Prime Minister based on proposals from the Plenipotentiary, after consultation with the heads of relevant entities (§ 3 of the statute). This process likely involved the Plenipotentiary identifying potential candidates from the eligible institutions, consulting with their superiors, and then submitting the approved nominations to the Prime Minister for formal appointment. Notably, the statute specifies the Plenipotentiary, not the Chairman of the Council, as the individual responsible for making these proposals.

In addition to voting members, the Council's statutes and rules of procedure allowed for non-voting participants to attend meetings. The statutes granted the Chairman the right to invite experts to these meetings (§ 2, point 2), while the bylaws empowered the Chairman to appoint them (§ 7). Though lacking voting rights, these experts could potentially influence decisions by presenting their views, opinions, and analyses, and by offering suggestions, comments, and proposals that could shape the Council's deliberations and voting process.

The Council's bylaws also outlined functionaries that the Chairman could appoint from among the Council members. These included a deputy chairman, whose duties were

¹³ § 2 of Uchwała nr 525/56 Prezydium Rządu z dnia 18 sierpnia 1956 roku w sprawie nadania statutu Państwowej Radzie do Spraw Pokojowego Wykorzystania Energii Jądrowej (niepubl.).

determined by the Chairman (§ 5 of the Rules of Procedure), and, optionally, a speaker and a secretary to manage discussions and record proceedings (§ 8 of the Rules of Procedure). Although not mandatory, it is likely that the Chairman appointed these functionaries to ensure the Council's efficient operation. The Council's term of office was two years (§ 8 of the statutes).

Scope of the Council's activities

The State Council for the Peaceful Uses of Nuclear Energy's tasks were defined in the 1956 statute and Order No. 2 of the Government Plenipotentiary for the Utilization of Nuclear Energy, dated November 15, 1956, which granted the Council its bylaws.¹⁴

The Council's primary responsibilities included analyzing multi-year and current plans for the application of nuclear energy in the economy. It provided opinions on various aspects of nuclear energy utilization, focusing on plans for nuclear power development, geological exploration, equipment and raw material production planning, major investments, and the education and training of specialists in the field. The Council also offered its opinion on plans for international scientific and technological cooperation, as well as key legislation. Additionally, the Council addressed other issues submitted by the Plenipotentiary or its members. It could also initiate and propose specific nuclear energy activities and research to ministries and other organizations. These powers were outlined in § 1 of the Rules of Procedure and § 4 of the Statutes.

The Council's scope also included reviewing reports from ministries and institutions on the implementation of nuclear energy plans, along with other relevant materials (§ 5 of the statutes). Additionally, the Rules of Procedure tasked the Council with considering draft work plans, meeting dates and topics, and reports on the implementation of those plans. This suggests the Council had a supervisory role in monitoring the progress of ministries and institutions in executing nuclear energy plans.

Another notable task outlined in the statute was the Council's responsibility to propose the allocation of funds for unplanned needs related to the development of nuclear energy use, at the Plenipotentiary's request. While the statute doesn't specify the authority receiving this proposal, § 10, paragraph 4 of the Council's Statutes indicates that expenses related to the

¹⁴ Confer Uchwała nr 525/56 Prezydium Rządu z dnia 18 sierpnia 1956 roku w sprawie nadania statutu Państwowej Radzie do Spraw Pokojowego Wykorzystania Energii Jądrowej (niepubl.). Confer also Zarządzenie nr 2 Pełnomocnika Rządu dla Spraw Wykorzystania Energii Jądrowej z dnia 15 listopada 1956 r. w sprawie nadania regulaminu Państwowej Radzie do Spraw Pokojowego Wykorzystania Energii Jądrowej (niepubl.).

Council's work were covered by the Plenipotentiary's budget, implying that the allocation proposals were likely directed to the Plenipotentiary.

An additional task of the Council, as outlined in Section 1 of the Plenipotentiary's Statute, was to establish guidelines for the Government Plenipotentiary for the Peaceful Uses of Nuclear Energy. These guidelines directed the Plenipotentiary's activities as Chair of the Council.¹⁵

Functioning of the Council

Council meetings were convened by the Chairman at least once a month, although, as O. Biskupski notes, the Presidium of the Council met more frequently, every 2-3 weeks. The right to convene meetings was also vested in one-third of the Council members.¹⁶ Meetings were typically public, but the Chairman could designate a meeting, or portions of it, as secret (§ 12 of the Rules of Procedure). The Chairman had specific responsibilities regarding the Council's work, including managing operations, representing the Council externally, and convening and chairing meetings. Additionally, the Chairman submitted draft work plans, implementation reports, and budget estimates to the Council for approval.

The Council's rules of procedure also outlined specific responsibilities for its members. These included actively participating in working teams and committees, as well as "elaborating on special issues not falling within their normal duties". While the reference to § 6 in this provision seems erroneous (as § 6 pertains to convening meetings, not member duties), it is likely intended to refer to the broader responsibilities outlined elsewhere in the Rules of Procedure. Resolutions were adopted by a simple majority, requiring the presence of at least half the members. In the event of a tie, the Chairman's vote was decisive, reinforcing their authority within the Council. The voting procedure was described in both the Council's Rules of Procedure (§ 3) and Statutes (§ 9).

The Council utilized committees and commissions as its working bodies.¹⁷ These bodies were financed by the Council itself, while the remuneration of committee members was determined by the Government Plenipotentiary in agreement with the Minister of Finance. Committees were established through resolutions of the Council. As noted by O. Biskupski,

¹⁵ See załącznik do Uchwały nr 169/61 Rady Ministrów... – Statut Pełnomocnika Rządu do Spraw Wykorzystania Energii jądrowej (niepubl.).

¹⁶ See O. Biskupski, *Działalność Państwowej Rady do Spraw Pokojowego Wykorzystania Energii Jądrowej*, [w:] *Energia jądrowa w Polsce w latach 1961-1963*, red. S. Andrzejewski et al., Warszawa 1966, pp. 7-11.

¹⁷ See Uchwała Państwowej Rady dla Spraw Pokojowego Wykorzystania Energii Jądrowej z dnia 18 marca 1968 r. w sprawie powołania Krajowego Komitetu Ochrony Radiologicznej (niepubl.).

between 1962 and 1963, there were eleven teams, two of which were jointly established by the Council and the Committee for the Peaceful Uses of Nuclear Energy at the Presidium of the Polish Academy of Sciences. Council members participated in these teams and also addressed specialized issues outside their standard duties. The Council typically had around 40 members.¹⁸ The Council's secretariat was operated by the Office of the Government Plenipotentiary, with a secretary appointed by the Plenipotentiary from within the Office's staff.¹⁹

The Secretary, an employee of the Government Plenipotentiary's Office, was responsible for the technical operation of the Council. This included preparing draft work plans and implementation reports, managing the Council's schedule, maintaining records, and preparing materials for meetings. The Secretary also informed meeting participants of upcoming dates, agendas, and required reading materials at least five days in advance. During meetings, the Secretary took minutes and was responsible for reimbursing travel expenses and ensuring salary payments for those attending (§ 11 of the regulations).

The Council's statutes directly addressed the financing of its activities, while the rules of procedure detailed remuneration matters. According to the rules, Council members were eligible for remuneration based on applicable regulations (§ 10, point 2). As the Secretary was tasked with ensuring payment, it can be inferred that remuneration also extended to non-members invited to participate in meetings by the Chairman.

The Council's statutes detailed its funding. All attendees of Council meetings were entitled to remuneration, determined in agreement with the Minister of Finance. Additionally, members of appointed teams received compensation based on the rules for commissioned work. The Council's budget was sourced from the Government Plenipotentiary for the Peaceful Uses of Nuclear Energy, with expenditure estimates requiring approval from the Minister of Finance, upon the Plenipotentiary's request. Importantly, the activities of the Government Plenipotentiary for the Peaceful Uses of Nuclear Energy were themselves financed through the State budget.²⁰

¹⁸ See O. Biskupski, *Działalność Państwowej Rady...*, pp. 7-11.

¹⁹ See Uchwała nr 525/56 Prezydium Rządu..., § 7 (niepubl.).

²⁰ See załącznik do Uchwały nr 169/61 Rady Ministrów... – Statut Pełnomocnika Rządu do Spraw Wykorzystania Energii Jądrowej, § 8 (niepubl.).

Recapitulation

Globally and in Poland, there is currently a clear division of responsibilities in the field of nuclear energy. In Poland, the Minister of Industry promotes nuclear energy, while the President of the National Atomic Energy Agency (PAA) exercises central oversight of nuclear safety and radiation protection as the chief nuclear supervision authority, responsible for areas such as nuclear material protection. The PAA President is supported by the Council for Nuclear Safety and Radiological Protection, which provides advisory and opinion-making functions on matters such as nuclear facility licensing and legislation. The Council's existence aligns with international recommendations and enriches Poland's nuclear safety supervision system. In contrast, the initial development of nuclear energy in Poland saw no division between promotional and supervisory authorities. The Government Plenipotentiary for Nuclear Energy held both roles, coordinating nuclear-related activities, collaborating with other ministries, overseeing production and distribution of radioactive substances, managing radiation protection, and fostering international cooperation. The State Council for the Peaceful Use of Nuclear Energy served as an advisory body during this period.

The Council analysed and provided opinions on nuclear energy development, international cooperation plans, and relevant regulations. It also initiated and suggested actions in the nuclear sector, based on the analysis of plans and reports from various ministries and institutions. The Council combined coordination and advisory functions, primarily in relation to the Plenipotentiary, effectively acting as the main advisory body supporting the Plenipotentiary in making decisions about nuclear power in Poland.

The Council's tasks and modus operandi seemed appropriate for the then-prevailing stage of nuclear technology development and the limited use of nuclear energy in Poland. However, the presented model of nuclear power management lacked transparency. The complex interdependencies between bodies, the Council's broad composition, and the existence of numerous committees made the system difficult to understand and manage effectively. Additionally, inaccuracies in legal documents further obscured the functioning of this structure.

Analysing the tasks, functions, competences, and legal status of the Council and the Plenipotentiary reveals some similarities with Poland's current nuclear governance structures. The Plenipotentiary's role parallels that of the present-day President of the PAA, making key decisions, coordinating activities, and overseeing nuclear energy strategy. The Council resembles the current Council for Nuclear Safety and Radiological Protection in its advisory and coordination role. While not identical, these structures demonstrate a continuity in the

evolution of nuclear energy management in Poland. The Council can be seen as a precursor to the modern advisory body tasked with guiding the chief executive on nuclear energy matters.

In 1982, the State Council was dissolved, and its functions were transferred to the newly established National Atomic Energy Agency (PAA). The PAA, with its broader mandate and enhanced authority, marked a shift towards a more centralized and specialized approach to nuclear energy management in Poland. This transition was further solidified with the enactment of the Atomic Law in 1986, which established a comprehensive legal framework for nuclear safety, radiation protection, and the regulation of nuclear activities.

The State Council for the Peaceful Use of Nuclear Energy, despite its limitations, played a pivotal role in Poland's early nuclear development. By examining its history, functions, and impact, we gain valuable insights into the challenges and opportunities faced by a nation seeking to harness nuclear energy within a complex geopolitical and technological landscape. In conclusion, although the Plenipotentiary and the Council differ from current structures, they served as the original models that have evolved over time, adapting to the changing needs and challenges of nuclear energy development in Poland.

Bibliography

Printed sources

Państwowa Agencja Atomistyki, *Raport roczny. Działalność Prezesa Państwowej Agencji Atomistyki oraz ocena stanu bezpieczeństwa jądrowego i ochrony radiologicznej w Polsce w 2022 roku*, Warszawa 2023, pp. 12, 31-37.

Legal Acts

Ustawa z dnia 29 listopada 2000 r. Prawo atomowe. Consolidated text: Journal of Laws of 2023, item 1173 as amended.

Rozporządzenie Ministra Środowiska z dnia 18 listopada 2011 r. w sprawie Rady do spraw Bezpieczeństwa Jądrowego i Ochrony Radiologicznej (Dz. U. Nr 279, poz. 1643).

Uchwała nr 169/61 Rady Ministrów z dnia 9 maja 1961 r. o zmianie uchwały nr 444 Prezydium Rządu z dnia 11 lipca 1956 r. w sprawie usprawnienia zarządzania problemami związanymi z pokojowym wykorzystaniem energii jądrowej (niepubl.).

Uchwała nr 444/56 Prezydium Rządu z dnia 11 lipca 1956 roku w sprawie usprawnienia zarządzania problemami związanymi z pokojowym wykorzystaniem energii jądrowej (niepubl.).

Uchwała nr 525/56 Prezydium Rządu z dnia 18 sierpnia 1956 roku w sprawie nadania statutu Państwowej Radzie do Spraw Pokojowego Wykorzystania Energii Jądrowej (niepubl.).

Uchwała Państwowej Rady dla Spraw Pokojowego Wykorzystania Energii Jądrowej z dnia 18 marca 1968 r. w sprawie powołania Krajowego Komitetu Ochrony Radiologicznej (niepubl.).

Zarządzenie nr 2 Pełnomocnika Rządu dla Spraw Wykorzystania Energii Jądrowej z dnia 15 listopada 1956 r. w sprawie nadania regulaminu Państwowej Radzie do Spraw Pokojowego Wykorzystania Energii Jądrowej (niepubl.).

Zarządzenie nr 14/64 Pełnomocnika Rządu do Spraw Wykorzystania Energii Jądrowej z dnia 13 kwietnia 1964 r. w sprawie organizacji wewnętrznej i zakresu działania komórek Aparatu Wykonawczego Pełnomocnika Rządu (niepubl., ze zm.).

Literature

- Biskupski O., *Działalność Państwowej Rady do Spraw Pokojowego Wykorzystania Energii Jądrowej*, [w:] *Energia jądrowa w Polsce w latach 1961-1963*, red. S. Andrzejewski et al., Warszawa 1966, pp. 7-11.
- Bredimas A., Nuttal W.J., *A Comparison of International Regulatory Organizations and Licensing Procedures for New Nuclear Power Plants*, „Energy Policy” 2008, vol. 36, no. 4, pp. 1344-1354, DOI: <https://doi.org/10.1016/j.enpol.2007.10.035>.
- Dąbrowski P., *Rozwój polskiej atomistyki i nadzoru nad nią w latach 1945-1982*, [w:] *40 lat Państwowej Agencji Atomistyki 1982-2022. Kronika*, ed. idem, Warszawa.
- Musiałowicz T., *Jak powstawały w Polsce przepisy i normy ochrony radiologicznej*, „Normalizacja” 1996, no. 11, pp. 19-29.
- Musiałowicz T., *Początki przepisów z zakresu ochrony przed promieniowaniem w Polsce*, „Postępy Techniki Jądrowej” 2010, no. 4, pp. 35-38.
- Nowacki T.R., *Ewolucja prawnego statusu organów nadzorujących bezpieczeństwo wykorzystywania energii jądrowej w Polsce*, „Zeszyty Prawnicze UKSW”, no. 18.3/2018, pp. 115-149.
- Nowacki T.R., *Ograniczenie autonomii prezesa Państwowej Agencji Atomistyki*, „Przegląd Sejmowy” 2018, no. 4, pp. 53-73, DOI: <https://doi.org/10.31268/ps.2018.05>.
- Nowacki T.R., *O potrzebie przywrócenia właściwego statusu Radzie do spraw Bezpieczeństwa Jądrowego i Ochrony Radiologicznej*, „Krytyka Prawa” 2021, no. 3, pp. 255-275.

- Nowacki T.R., *Organy dozoru jądrowego w strukturze administracji rządowej w Polsce*, „Zeszyty prawnicze Biura Analiz Sejmowych” 2021, no. 1(69), pp. 9-38, DOI: <https://doi.org/10.31268/ZPBAS.2021.02>.
- Roman J., *Organizacja ochrony radiologicznej w Polsce*, „Biuletyn Informacyjny Biura Pełnomocnika Rządu do spraw Wykorzystania Energii Jądrowej” 2.13-14/1958, pp. 2-10.
- Rotnicki J., *Zagadnienia organizacyjno-prawne ochrony przed promieniowaniem*, [w:] *Energia jądrowa w Polsce w latach 1961-1963*, red. S. Andrzejewski et al., Warszawa 1966, pp. 315-323.
- Stoiber C., Baehr A., Pelzer N., Tonhauser W., *Handbook on Nuclear Law*, Vienna 2003.

Summary

State Council for the Peaceful Uses of Nuclear Energy.

Statutory position, scope of action, competences and tasks

Poland currently has a well-defined system for managing nuclear power. The Minister of Industry is responsible for promoting nuclear power, while the President of the National Atomic Energy Agency (PAA) oversees safety in this field. The PAA President is supported by the Council for Nuclear Safety and Radiological Protection, which advises on matters such as nuclear licensing and legislation. In the early 1950s, Poland lacked a dedicated body for nuclear power. This changed in 1956 with the establishment of the Government Plenipotentiary for the Use of Nuclear Energy, which assumed both promotional and supervisory roles. Additionally, the State Council for the Peaceful Uses of Nuclear Energy was created as an advisory and coordinating body, essentially subordinate to the Plenipotentiary. While the nuclear power management system at the time may have been complex and lacked transparency, it marked a significant step in the development of the Polish nuclear power industry. The current governance structures evolved from these early forms, adapting to the changing needs and challenges of Poland's nuclear power advancement.

Key words: Nuclear energy law, atomic law, history of nuclear regulation in Poland, nuclear supervision authorities, Government Plenipotentiary for the Peaceful Uses of Nuclear Energy, President of PAA