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Regulations on Safety Control of Radioactive Waste

(Adopted at the 183rd Executive Meeting of the State Council on November 30, 2011,
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December 20, 2011, and effective as of March 1, 2012)

Chapter I General Provisions

Article 1 These Regulations are formulated in accordance with the Law of the People's Republic of China on Prevention and Control of Radioactive Pollution, for the purpose of strengthening the safety control of radioactive waste, protecting the environment and safeguarding human health.

Article 2 The term "radioactive waste" in these Regulations means the waste which contains, or is contaminated with, radionuclides, the concentration or specific activity of which requires a clearance level higher than that set as established by the State and no further use of which is expected.

Article 3 These Regulations are applicable to the treatment, storage and disposal of radioactive waste and to supervision and administration of such treatment, storage and disposal.

The term "treatment" in these Regulations means the activities changing the properties, form and volume of radioactive waste by means of such as purification, concentration, solidification, compression, packaging for the purpose of safe and economical transport, storage and disposal of such waste.

The term "storage" in these Regulations means the activities temporarily placing the disused radioactive sources and other solid radioactive waste in a specially built facility for storage.

The term "disposal" in these Regulations means the activities ultimately placing the disused radioactive sources and other solid radioactive waste in a specially built facility without the intention of retrieval.

Article 4 The principle of minimization, innocent treatment, appropriate disposal and permanent safety shall be followed in the safety control of radioactive waste.

Article 5 The competent environmental protection department of the State Council shall be responsible for unified safety supervision and administration of the radioactive waste throughout the country.

The competent nuclear industry department of the State Council and the relevant departments shall, in accordance with the provisions of these Regulations and their respective functions and duties, be responsible for the relevant administration of radioactive waste.

The competent environmental protection departments of the local people's governments at or above the county level and the relevant departments shall, in accordance with the provisions of these Regulations and their respective functions and duties, be responsible for the relevant administration of radioactive waste within their respective administrative areas.

Article 6 The State applies a categorization system to the administration of radioactive waste.

Based on its properties and the degree of its potential hazards to human health and the environment, radioactive waste is categorized into high-level, intermediate-level and low-level radioactive waste.

Article 7 Radioactive waste shall be treated, stored and disposed of in conformity with the national standards for prevention and control of radioactive pollution and the provisions of the competent environmental protection department of the State Council.

Article 8 The competent environmental protection department of the State Council shall, together with the competent nuclear industry department of the State Council and the relevant departments, establish a national information system for administration of radioactive waste to share information.

The State encourages and supports the scientific research, development and application of technologies for safety control of radioactive waste and promotes the wide use of advanced technologies in this field.

Article 9 All units and individuals have the right to report violations of these Regulations to the competent environmental protection department of the people's government at or above the county level and the relevant departments. The department that receives such report shall investigate and handle the case in a timely manner, and maintain the confidentiality of the reporting person, and shall reward him if the reported violation is ascertained through investigation.

Chapter II Treatment and Storage of Radioactive Waste

Article 10 The unit operating nuclear facilities shall send its disused radioactive sources that can not be recycled or returned to the original producer or exporter (hereinafter referred to as "disused radioactive sources") to a unit that has obtained the necessary license to store solid radioactive waste for centralized storage, or directly to a unit that has obtained the necessary license to dispose of solid radioactive waste for disposal.

The unit operating nuclear facilities shall treat the solid radioactive waste it generates, with the exception of disused radioactive sources, and the liquid radioactive waste that can not be purified for discharge, in order to turn them into stabilized and standardized solid waste before storing them by itself, and shall, in a timely manner, send them to a unit that has obtained the necessary license to dispose of solid radioactive waste for disposal.

Article 11 The unit utilizing nuclear technologies shall treat the liquid radioactive waste which it generates but can not be purified for discharge, in order to turn it into the solid radioactive waste.

The unit utilizing nuclear technologies shall, in a timely manner, send the disused radioactive sources and other solid radioactive waste it generates to a unit that has obtained the necessary license to store solid radioactive waste for centralized storage, or directly to a unit that has obtained the necessary license to dispose of solid radioactive waste for disposal.

Article 12 The unit specialized in storing solid radioactive waste shall meet the following conditions and apply for the license for storage of solid radioactive waste in accordance with the provisions of these Regulations:

(1) being a legal person;

(2) having the organizational structure to ensure the safe operation of storage facilities, and having three or more technicians who are respectively specialized in radioactive waste control, radiation protection and environmental monitoring, including at least one certified nuclear safety engineer;

(3) having the facilities and places for receiving and storing solid radioactive waste, as well as the radioactive measurement, radiation protection and environmental monitoring equipment which conform with the national standards for prevention and control of radioactive pollution and the provisions of the competent environmental protection department of the State Council; and

(4) having a sound management system and a quality assurance system that meets the requirements for nuclear safety supervisions and control, including the quality assurance program, the program for monitoring the operation of the storage facilities, the radiation environmental monitoring program, the emergency response plan, etc.

The unit operating nuclear facilities that intends to store solid radioactive waste it generates in the storage facilities in support of the nuclear facilities is not required to apply for the storage license; if it intends to store the solid radioactive waste generated by other units, it shall apply for such a license in accordance with the provisions of these Regulations.

Article 13 A unit that applies for the license for storage of solid radioactive waste shall submit a written application to the competent environmental protection department of the State Council, together with proof material which conforms with the conditions specified in Article 12 of these Regulations.

The competent environmental protection department of the State Council shall, within 20 working days from the date of acceptance of an application, complete the examination of the application, and it shall issue a license and make the matter known

to the public if the conditions are met, or notify the applicant and give the reasons thereof in writing if the conditions are not met.

In the process of examination, the competent environmental protection department of the State Council shall organize experts to conduct technical review and shall solicit opinions from the relevant departments of the State Council. It shall notify the applicant in writing of the period of time needed for technical review.

Article 14 The license for storage of solid radioactive waste shall include the following contents:

- (1) the name, address and legal representative of the unit;
- (2) the type, scope and scale of the activities permitted to engage in;
- (3) the term of validity; and
- (4) the authority issuing the license, the date of issue and the serial number of the license.

Article 15 Where a unit storing solid radioactive waste alters its name, address, or legal representative, it shall, within 20 days from the date of alteration registration, submit a written application for alterations of its license to the competent environmental protection department of the State Council.

Where a unit storing solid radioactive waste needs to alter the type, scope or scale of the activities specified in the license, it shall, in accordance with the original application procedures, apply to the competent environmental protection department of the State Council for a new license.

Article 16 A license for storage of solid radioactive waste shall be valid for 10 years.

Upon the expiration of the period of the license, the unit storing solid radioactive waste that needs to continue the storing activity shall, 90 days prior to the expiration date, apply for extension of the period of validity to the competent environmental protection department of the State Council.

The competent environmental protection department of the State Council shall, prior to the expiration of a license, complete examination of the application, and it shall approve the extension if the conditions are met, or notify the applicant and give the reasons thereof in writing if the conditions are not met.

Article 17 The unit storing solid radioactive waste shall, in accordance with the national standards for prevention and control of radioactive pollution and the provisions of the competent environmental protection department of the State Council, have the disused radioactive sources and other solid radioactive waste it has received categorized for storing and sorting out and, in a timely manner, have them cleared or sent to a unit that has obtained the necessary license to dispose of solid radioactive waste for disposal.

The unit storing solid radioactive waste shall keep records on the storage of solid radioactive waste, including complete and accurate records of the items that involve in storing of the waste, such as the sources, amount, properties, location of storage, clearance and delivery of such waste for disposal.

The unit storing solid radioactive waste shall, based on the natural environment of the storage facilities and the properties of the waste, take the necessary protection measures to ensure that the storage facilities and containers are in good conditions and the waste is safe within the prescribed period of time for storage and that the waste can be retrieved safely.

Article 18 The unit storing solid radioactive waste shall, in accordance with both the monitoring program for operation of the storage facilities and the radiation environmental monitoring program, examine the safety of such facilities and conduct monitoring of the radioactivity in groundwater, surface water, soils and air in the vicinity of the facilities.

The unit storing solid radioactive waste shall faithfully record monitoring data. When it discovers any hidden safety hazard or any radionuclide content in the ambient environment that exceeds the national standards, it shall immediately set about finding out the cause and take the necessary precautionary measures, while reporting the matter to the competent environmental protection department of the province, autonomous region or municipality directly under the Central Government. In the event of a radiation accident, it shall immediately launch its emergency response plan and shall, in accordance with the provisions of the Law of the People's Republic of China on Prevention and Control of Radioactive Pollution and the Regulations on Safety and Protection of Radioisotopes and Radiation-emitting Devices, submit a

report and conduct emergency response to the accident.

Article 19 When disused radioactive sources and other solid radioactive waste are sent to a storage or disposal unit for storage or disposal, the sender shall, at the same time, provide data on the type, amount, and activity of the waste, and the original files of the disused radioactive sources, and shall pay the expenses for such storage or disposal in accordance with provisions.

Chapter III Disposal of Radioactive Waste

Article 20 The competent nuclear industry department of the State Council shall, together with the competent environmental protection department of the State Council and in light of the geological, environmental and socioeconomic conditions and the demand for disposal of solid radioactive waste, develop a plan for selecting sites for disposing of solid radioactive waste, based on the views solicited from the relevant departments of the State Council and the environmental impact assessment. The plan shall be implemented upon approval by the State Council.

The local people's government concerned shall, in accordance with the plan for selecting sites for disposing of solid radioactive waste, provide the land for construction of such sites and take effective measures in support of such disposal.

Article 21 The facilities for the disposal of solid radioactive waste shall be constructed in compliance with the requirements laid down in the technical guidelines and the standards for selecting sites for disposing of solid radioactive waste, a safe distance shall be strictly kept for protection of the residential areas, water source protection zones, trunk roads, factories, enterprises and other places, and sufficient investigation and demonstration shall be carried out with regard to the natural conditions of the site, such as the geological formation and hydrogeology, as well as the socioeconomic conditions.

Article 22 The facilities for the disposal of solid radioactive waste shall be constructed in accordance with the plan for selecting sites for disposing of solid radioactive waste, and procedures shall be gone through to obtain approval for site selection and get the construction license. No approval shall be granted to site

selection or construction where the plan or the technical guidelines and standards for such site selection are not complied with.

The competent nuclear industry department of the State Council shall make arrangements for technical research in engineering and safety, underground experiment, site selection and construction of deep geological disposal repository of high-level solid radioactive waste and solid alpha-radioactive waste.

Article 23 The unit specialized in disposing of solid radioactive waste shall meet the following conditions and shall, in accordance with the provisions of these Regulations, apply for a license for disposal of solid radioactive waste:

(1) being a State-owned or State-owned-holding enterprise legal person;

(2) having the organizational structure to ensure safe operation of the disposal facilities and specialized technicians; in the case of the unit for disposal of low- and intermediate-level solid radioactive waste, having 10 or more specialized technicians respectively in the fields of radioactive waste control, radiation protection and environmental monitoring, including at least three certified nuclear safety engineers; in the case of the unit for disposal of high-level solid radioactive waste and solid alpha-radioactive waste, having 20 or more specialized technicians respectively in the fields of radioactive waste control, radiation protection and environmental monitoring, including at least five certified nuclear safety engineers;

(3) having the facilities and premises for receipt and disposal of solid radioactive waste, as well as the radioactive measurement, radiation protection and environmental monitoring equipment which conform with the national standards for prevention and control of radioactive pollution and the provisions of the competent environmental protection department of the State Council; the facilities for disposal of low- and intermediate-level solid radioactive waste shall meet the requirements for safe isolation over 300 years after they are closed; and the deep geological disposal repository of high-level solid radioactive waste and solid alpha-radioactive waste shall meet the requirements for safe isolation over 10,000 years after they are closed;

(4) having the necessary amount of registered funds; the registered funds of the unit for disposal of low- and intermediate-level solid radioactive waste shall be 30 million yuan at least; and those of the unit for disposal of high-level solid radioactive

waste and solid alpha-radioactive waste shall be 100 million yuan at least;

(5) having financial guarantee for ensuring sustained disposal until the expiration of the safety control period; and

(6) having a sound management system and a quality assurance system that meets the requirements for nuclear safety supervision and control, including the quality assurance program, the program for monitoring the operation of the disposal facilities, the radiation environmental monitoring program, and the emergency response plan.

Article 24 The examination and approval power and procedure for the application, alteration and extension of a license for disposal of solid radioactive waste, as well as the items in and the term of validity of the license, shall accord with the provisions of Articles 13 to 16 of these Regulations.

Article 25 The unit disposing of solid radioactive waste shall, in accordance with the national standards for prevention and control of radioactive pollution and the provisions of the competent environmental protection department of the State Council, dispose of the solid radioactive waste it has received.

The unit disposing of solid radioactive waste shall keep records on disposal of solid radioactive waste, including the accurate records of the items that involve disposing of the waste, such as the source, amount, characteristics, and location of storage. The said records shall be kept permanently.

Article 26 The unit disposing of solid radioactive waste shall, in accordance with the program for monitoring the operation of the disposal facilities and the radiation environment monitoring program, examine the safety of such facilities and conduct monitoring of the radioactivity in groundwater, surface water, soils and air in the vicinity of the facilities.

The unit disposing of solid radioactive waste shall faithfully record the monitoring data. When it discovers any hidden safety hazard or any radionuclide content in the ambient environment that exceeds the national standards, it shall immediately set about finding out the cause and take the necessary precautionary measures, while reporting the matter to the competent environmental protection department of the State Council and the competent nuclear industry department of the

State Council. In the event of a radiation accident, it shall immediately launch its emergency response plan and shall, in accordance with the provisions of the Law of the People's Republic of China on Prevention and Control of Radioactive Pollution and the Regulations on Safety and Protection of Radioisotopes and Radiation-emitting Devices, submit a report and make emergency response to the accident.

Article 27 Where the service period designed for the facilities for disposal of solid radioactive waste has expired, or the amount of solid radioactive waste disposed by such facilities has reached the designed capacity, or the geological formation or hydrological conditions in the locality have substantially changed so that the facilities become unsuited for disposal of such waste, the unit concerned shall, in accordance with law, go through the formalities for having the facilities closed, and put up a permanent sign within a designated area.

To close the facilities for disposal of solid radioactive waste, the disposal unit shall develop a safety control program for the facilities and submit it to the competent environmental protection department of the State Council for approval.

Upon closure of the facilities for disposal of solid radioactive waste in accordance with law, the disposal unit shall keep such facilities under safety control as required by the approved safety control program. Where such unit has terminated operation because it has gone bankrupt or its license has been revoked, the expenses for closure and safety control of the disposal facilities shall be borne by the unit providing financial guarantee.

Chapter IV Supervision and Administration

Article 28 The competent environmental protection department of the people's government at or above the county level and the relevant departments shall, in accordance with the provisions of the Law of the People's Republic of China on Prevention and Control of Radioactive Pollution and these Regulations, carry out

safety supervision and inspection of the treatment, storage and disposal of radioactive waste.

Article 29 When conducting supervision and inspection, the competent environmental protection department of the people's government at or above the county level and the relevant departments have the power to take the following measures:

- (1) carrying out investigation among the legal representative and the related persons of the unit under inspection in order to ascertain the facts;
- (2) carrying out on-site monitoring, inspection or verification;
- (3) consulting and duplicating the relevant documents, records and other relevant materials; and
- (4) requiring the unit under inspection to provide explanations of the relevant facts or its report on subsequent handling.

The unit under inspection shall render cooperation, give truthful information and provide the necessary materials, and it shall not refuse to receive or obstruct the inspection.

When carrying out supervision and inspection in accordance with law, the inspectors from the competent environmental protection department of the people's government at or above the county level and the relevant departments shall show their papers, and they shall keep confidential the technological and business secrets of the unit under inspection.

Article 30 The unit operating nuclear facilities, the unit utilizing nuclear technologies, or the unit storing or disposing of solid radioactive waste shall, in light of the magnitude of the hazards created by radioactive waste, establish a sound security system at a level that is consistent with such magnitude, take the necessary technical protective measures and measures for personal protection, and conduct, at appropriate intervals, emergency drills against accidents caused by radioactive waste pollution.

Article 31 The unit operating nuclear facilities, the unit utilizing nuclear technologies, or the unit storing or disposing of solid radioactive waste shall provide its employees who are directly involved in the treatment, storage or disposal of

radioactive waste with training on knowledge and professional operation skills in the fields of nuclear and radiation safety and conduct examination among them; and only those who pass the examination are eligible for such work.

Article 32 The unit operating nuclear facilities, the unit utilizing nuclear technologies, or the unit storing solid radioactive waste shall, in accordance with the provisions of the competent environmental protection department of the State Council and at regular intervals, give a truthful report on the generation, discharge, treatment, storage or clearance of solid radioactive waste, or on sending of such waste for disposal.

The unit disposing of solid radioactive waste shall, before March 31 of each year, give a truthful report on its receipt and disposal of solid radioactive waste and on the operation of the facilities in the preceding year to the competent environmental protection department of the State Council and the competent nuclear industry department of the State Council.

Article 33 The disused radioactive sources or other solid radioactive waste shall not be sent to a unit that does not have the necessary license for storage or disposal, and shall not be disposed of without authorization.

Engaging in the storage or disposal of solid radioactive waste without a license or doing so at variance with the type, scope, scale and time limit as specified in the license is prohibited.

Article 34 No radioactive waste or radioactive-contaminated articles are permitted to be imported into, or transferred via, the territory of the People's Republic of China. The specific measures in this respect shall be formulated by the competent environmental protection department of the State Council, together with the competent commerce department, the general administration of customs, and the competent entry and exit inspection and quarantine department of the State.

Chapter V Legal Liability

Article 35 Where the department responsible for safety supervision and control

of radioactive waste or its staff member violates the provisions of these Regulations in one of the following acts, the person in charge with competent accountability and other persons with competent accountability shall each be given a sanction in accordance with law; where the violation constitutes a crime, criminal liability shall be investigated for in accordance with law:

(1) issuing a license for storage or disposal of solid radioactive waste in violation of these Regulations;

(2) giving an approval to a site for disposal facilities that is selected or constructed at variance with the plan, technical guidelines or standards for such selection, in violation of these Regulations;

(3) failing to investigate and handle the violations of these Regulations discovered;

(4) extorting or accepting money or things of value from another person or seeking other benefits when handling the procedures for granting license for storage or disposal of solid radioactive waste or when conducting supervision and inspection; or

(5) committing other illegalities for personal gain, abusing its or his power or neglecting its or his duty.

Article 36 Where the unit operating nuclear facilities or the unit utilizing nuclear technologies violates these Regulations in one of the following acts, the competent environmental protection department that has examined and approved the environmental impact assessment document concerning the project of the unit shall order it to stop the violation and make corrections within a time limit; if the unit fails to do so, the said department shall designate another unit that has the necessary license to do the storing or disposing instead, and the costs thus incurred shall be borne by the former, a fine of not more than 200,000 yuan may be imposed; if a crime is constituted, criminal liability shall be investigated for in accordance with law:

(1) the unit operating nuclear facilities fails to send, in accordance with the provisions, the disused radioactive sources it generates for storage or disposal, or other solid radioactive waste it generates for disposal; or

(2) the unit utilizing nuclear technologies fails to send, in accordance with the

provisions, the disused radioactive sources or other solid radioactive waste it generates for storage or disposal.

Article 37 Where a unit violates these Regulations in one of the following acts, the competent environmental protection department of the people's government at or above the county level shall order it to stop the violation and make corrections within a time limit, and impose on it a fine of not less than 100,000 yuan but not more than 200,000 yuan; if environmental pollution is caused, the said department shall order it to take control measures to eliminate the pollution within a time limit and, if it fails to do so within the time limit and even after receiving a reminder notice, the department may designate the unit capable of such control to do the job instead, and all the costs thus incurred shall be borne by the offender; if a crime is constituted, criminal liability shall be investigated for in accordance with law:

(1) the unit operating nuclear facilities sends disused radioactive sources to a unit that does not have the necessary license for storage or disposal, or sends other solid radioactive waste to such a unit for disposal, or disposes of the same itself without authorization;

(2) the unit utilizing nuclear technologies sends disused radioactive sources or other solid radioactive waste to a unit that does not have the necessary license for storage or disposal, or disposes of the same itself without authorization; or

(3) the unit storing solid radioactive waste sends disused radioactive sources or other solid radioactive waste to a unit that does not have the necessary license for storage or disposal, or disposes of the same itself without authorization.

Article 38 Where a unit violates these Regulations in one of the following acts, the competent environmental protection department of the people's government at or above the provincial level shall order it to stop production and business or to revoke its license, and confiscate its illegal income, if any; if the illegal income exceeds 100,000 yuan, impose on it a fine of not less than one time but not more than five times the amount of the illegal income; if there is no illegal income or the illegal income is less than 100,000 yuan, impose on it a fine of not less than 50,000 yuan but not more than 100,000 yuan; if environmental pollution is caused, the said department shall order it to take control measures to eliminate the pollution within a time limit

and, if it fails to do so within the time limit and even after being urged to do the same, the department may designate the unit capable of such control to do the job instead, and all the costs thus incurred shall be borne by the offender; if a crime is constituted, criminal liability shall be investigated for in accordance with law:

(1) engaging in storing or disposing of disused radioactive sources or other solid radioactive waste without authorization;

(2) in the case of the unit storing or disposing of solid radioactive waste, failing to store or dispose of disused radioactive sources or solid radioactive waste in conformity with the type, scope, scale and period of time as specified in the license; or

(3) in the case of the unit storing or disposing of solid radioactive waste, failing to store or dispose of disused radioactive sources or other solid radioactive waste in accordance with the national standards for prevention and control of radioactive pollution and the provisions of the competent environmental protection department of the State Council.

Article 39 Where the unit storing or disposing of solid radioactive waste fails to keep records on the storage or disposal of the same in accordance with provisions, or to keep accurate records in accordance with provisions, the competent environmental protection department of the people's government at or above the provincial level shall order it to make corrections within a time limit, and impose on it a fine of not less than 10,000 yuan but not more than 50,000 yuan; if it fails to do so within the time limit, the said department shall impose on it a fine of not less than 50,000 yuan but not more than 100,000 yuan.

Article 40 Where the unit operating nuclear facilities, the unit utilizing nuclear technologies, or the unit storing or disposing of solid radioactive waste fails to truthfully report relevant situations in accordance with the provisions of Article 32 of these Regulation, the competent environmental protection department of the local people's government at or above the county level shall order it to make corrections within a time limit, and impose on it a fine of not less than 10,000 yuan but not more than 50,000 yuan; if it fails to do so within the time limit, the said department shall impose on it a fine of not less than 50,000 yuan but not more than 100,000 yuan.

Article 41 Where a unit, in violation of these Regulations, refuses to receive or obstructs supervision and inspection conducted by the competent environmental protection department or the relevant departments, or practices fraud when under supervision and inspection, the supervision and inspection department shall order it to make corrections and impose on it a fine of not more than 20,000 yuan; if such act constitutes a violation against public security administration, the public security organ shall impose on it a public security administration penalty in accordance with law; if a crime is constituted, criminal liability shall be investigated for in accordance with law.

Article 42 Where the unit operating nuclear facilities, the unit utilizing nuclear technologies, or the unit storing or disposing of solid radioactive waste fails to provide the staff concerned with training and make performance appraisal in accordance with provisions, the competent environmental protection department of the people's government at or above the county level shall order it to make corrections within a time limit, and impose on it a fine of not less than 10,000 yuan but not more than 50,000 yuan; if it fails to do so within the time limit, the said department shall impose on it a fine of not less than 50,000 yuan but not more than 100,000 yuan.

Article 43 Where an entity, in violation of these Regulations, imports radioactive waste or radiation-contaminated articles, or transfers the same via, the territory of the People's Republic of China, the Customs shall order it to ship back such waste or articles, and shall impose on it a fine of not less than 500,000 yuan but not more than 1,000,000 yuan; if a crime is constituted, criminal liability shall be investigated for in accordance with law.

Chapter VI Supplementary Provisions

Article 44 Safety control of the radioactive waste generated by military facilities and equipment shall be exercised in accordance with the provisions of Article 60 of the Law of the People's Republic of China on Prevention and Control of Radioactive Pollution.

Article 45 Safety control of the transportation of radioactive waste, emergency response to accidents caused by radioactive waste pollution, and prevention and control of occupational diseases caused by workers' exposure to radioactive waste during their work shall be conducted in accordance with the provisions of relevant laws and administrative regulations.

Article 46 These Regulations shall be effective as of March 1, 2012.

本译本仅供参考，若有歧义，请以中文版本为准。

The English version is for reference only. In case of any discrepancy or ambiguity of meaning between this English translation and the Chinese version, the latter shall prevail.